



MINUTES

Ordinary Council Meeting

Wednesday 28 February 2024

Date: Wednesday 28 February 2024

Time: 5:30pm

**Location: 13 McGregor Street, PORT HEDLAND WA
6721**

Distribution Date: 13/03/2024

A handwritten signature in dark ink, appearing to be the name of the Mayor, written over a horizontal line.

Mayor

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1 Opening of Meeting

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

2 Acknowledgement of Traditional Owners and Dignitaries

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

3 Recording of Attendance

Important note:

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

3.1 Attendance

Scheduled Present:

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

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Steve Leeson (Director Corporate Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Karen Krollig (Governance Officer)
Rhiannon Smith (Governance Support Officer)
Sophie Marlow (Governance Services Trainee)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Josephine Bianchi, Director Community Services

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Nil

4 Applications for Leave of Absence

Nil

5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 7 February 2024

5.1.1	Cr Blanco
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Can you explain what meetings without discussion are? What section of the act where that comes in?

The Mayor provided the following response:

This was not a reference to the LG Act. As you are aware, I attend various meetings and sometimes no records are kept. These meetings are general in nature, which is what I intended to convey.

The CEO has stated that it's appropriate for you, as Mayor, to engage with construction companies in foreign countries. I have studied the Local Government Act extensively, so considering that the mayor is allowed to do it, then the rest of the council should be allowed and authorised to engage with interested investors in Port Hedland on behalf of the Town?

The Mayor provided the following response:

Further to the letter dated 14 December 2023 sent to Cr Blanco, the CEO advised that Hoa Binh Group are a prospective investor in Port Hedland and as such it is appropriate for the Mayor to meet with and discuss development opportunities with them. I have agreed with Council to notify them of future meetings and where appropriate invite those companies to present to Council. All Elected Members should encourage and support investment in our town.

You have also presented to Construction Corporation 1 – that's another Vietnamese construction company. They've also stated that they are happy to present to the Town. Can you also supply us with that presentation to CC1? You were there on behalf of the Town as Mayor? Could we also get a copy of that presentation?

The Mayor provided the following response:

I attended this meeting and spoke in relation to the Town's investment prospectus which is available on the Town's website. The presentation referred to was prepared by CC1 and I will request a copy.

Can we also get all the presentations on immigration into Port Hedland that you did as Mayor with ICANFIELD in Vietnam?

The Mayor provided the following response:

I did not attend this meeting due to flight delays and therefore did not make a presentation.

Can we also get the presentation that you did with SI Group, another Vietnamese Immigration Company that you represented to as the Town of Port Hedland Mayor?

The Mayor provided the following response:

The presentation was created by SI Group based on information from ToPH and RDA websites. I will request a copy and enquire about their future presentation to Council.

Can I also get the presentation you did for Chairman Son of Hoi An city, Quang Nam province, as the Mayor of Port Hedland? Can I get the names of the delegation of people from Port Hedland that you led?

The Mayor provided the following response:

Please provide more information as I am not aware of this presentation.

Can I get the information related to the problems with the half-built houses on Catamore and McKenna Way? The issues with the house pads and footings that are all half done?

The Director Regulatory Services rovided the following response:

Due to a regulatory action underway in relation to these properties, a response to all Councillors has been provided via the confidential Councillor Briefing paper that was sent on 14 February 2024.

Can I get some info on the houses built on Osprey Drive, Raven Street, Eagle Ave – these have all been fenced off and they have new temporary fencing around them. I want to know if we've paid for that fencing and the ones on Osprey have steel frames stacked on the property and we're in cyclone season and I want to know what we are going to do if we have a cyclone, because it's going to be flying around everywhere.

The Director Regulatory Services rovided the following response:

Due to a regulatory action underway in relation to these properties, a response to all Councillors has been provided via the confidential Councillor Briefing paper that was sent on 14 February 2024.

5.1.2

Cr Butson

Can the mayor discuss council business to overseas organisations and if so, is he required to submit a report to Council on the contents of the discussion that were council oriented?

The Mayor provided the following response:

As Mayor, I meet with all types of organisations, often at their invitation. Whilst not a statutory requirement I have, following the workshop on Saturday 17th Feb with Elected Members and the Executive, agreed to keep Councillors updated on future overseas meetings.

Discussion of lease and inspection of property without any knowledge or permission as per email sent to Elected Members on Friday 2 February 2024 at 12:04pm.

The Mayor provided the following response:

Further to my email to Councillors on 2 February 2024, this site visit was with a potential investor looking to invest in various sites around Hedland. There was no discussion of the lease at this site visit and they will present their intentions to Council when ready.

Regarding 12.4.1 - it is noted that you have recommended the purchase of pumping equipment for the Gilbert Street flood pumps. Could you please advise of maintenance cost of this service since installation of these pumps and could I please have a financial summary on the expenditure for the time period since the last replacement of these pumps?

The Manager Infrastructure Operations provided the following response:

26/06/2023 – Supply, delivery & set-up of genset for flood pump (emergency works whilst on Yellow Alert for TC Ilsa), cost \$5,749.68.

01/04/2022 – Programming for the Wilson Street Flood Pumps was changed at a cost of \$1,500 (ex GST).

19/08/2022 – Installation of flood markers within the channel, cost \$2,828.60.

Furthermore:

- We recognise that the flood pumps and supporting infrastructure require renewal and this has been the subject of significant planning.
- Concurrently, an RFQ has been released to establish our Asset Class Management Plans (ACMP) – of which these pumps will be included as critical infrastructure. This will activate a revised ACMP approach.

- The engineer report supporting the grant application identifies the issues that are the subject of renewal.
- The RFT for renewal will be released shortly for the 24/25 works program – a recommended planned preventative maintenance program will be a deliverable.
- We do not have a planned preventative maintenance program in place – we undertake monthly inspections and operating checks. Any failures or concerns will be addressed.
- At this time, our approach is satisfactory, and we look forward to continually improving with the ACMP and renewal of the site.

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 7 February 2024

5.2.1	Ms Rachel Burford
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The works and services team have done a great job on pathways. I have a question in regard to the future budget and capital plans in regard to the facilities and services for accessibility to that pathway. So many people use the pathway between Port and South, with multiple entry points. I've noted that there's no car parks or safe, secure places to park a motor vehicle to join the access places. South Hedland is building on that with Dreamer's Corner, but there are no other places that have dedicated parking and other facilities, be it rubbish bins, water and toilet facilities. What's the future plan for toilets, water and accessibility facilities for these pathways in our community?

The Mayor provided the following response:

Taken on notice.

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

At this time there is no intent to install carparking, shade structures, water fountains or any other infrastructure along the footpath network leading from South Hedland to Port Hedland. This was not included within the initial design of the path network, however, could be considered for future works if sufficient community need was demonstrated. Due to the location of the path within the Wallwork Road and Wilson Street road reserves and lack of services (ie water), this will present several challenges which would increase project costs. Areas to park vehicles along the footpath network are provided in both Port and South Hedland, enabling community members to access and use the footpath; however, these are located towards either end of the footpath, rather than being in the middle.

You'll appreciate that I am a tenant in the South Hedland Shopping Centre for over ten years – my question is in regard to the bus service – we have community members using this service from 9am until 2 to 3am in the morning. How does the Town allow that facility to be in a zone where there's no toilet facilities, no cameras, no security, no space for children, no air conditioning –

it is inhumane, and Charter Hall keep referencing back to the point that it's a Town problem?

The Mayor provided the following response:

Taken on notice.

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

Contact has been made with Integrity Coach Lines who confirmed that the shopping centre is a designated stop as per their contract with the Public Transport Authority. Due to the distance that the route travels between Perth and Broome, there will always be a number of stops which are late at night or early morning. Although there are public toilets available at the Coles end of the shopping centre, these are locked at night to prevent vandalism and other unsocial behaviour.

The Town will be contacting the Public Transport Authority to open dialogue with a view to relocating the designated stop to another central area within South Hedland which has suitable access for the coach, is convenient for patrons, and reduces impact on local businesses.

5.2.2	Ms Renae Coles
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Reading from news article: 'A New City North of Perth'.

I have taken the opportunity to go through previous council minutes for when there was a council meeting where overseas conferences were put to a vote. How many elected members were aware of the Mayor's overseas trips? How many elected members can clearly explain the PowerPoints and handouts provided? How much time was taken away from official duties and who covered them? How much was this cost to rate payers, will reimbursements take place?

My question is who was looking after the community all of these times? It appears that no leave of absence was put in and I was under the assumption it would have been best practice for the elected members to do this. I'm all in favour of visa people coming over here, but they need to be provided with the correct information. We are not a newly formed city north of Perth and how many councillors have been kept on this whole entire journey

The Mayor provided the following response:

As you can see in item 8, I have a meeting with various people, and they are meetings without discussion, but I will also send some information back – but I'll also take it on notice for you and I'll reply to you.

The Mayor provides the following *further* response:

Generally, a leave of absence is only required for a formal Council meeting, however Councillors have now agreed that informal notification will occur, in particular for the Mayor and Deputy Mayor for absences overseas.

These travel arrangements to date have all been privately funded and not paid for by the Town. On occasion I am approached by other organisations as the Mayor of the Town of Port Hedland. Although away from the Town, I am still available and contactable for all community members, including media.

I have discussed and agreed with Elected Members to provide information on future such meetings as they occur.

5.2.3	Ms Gloria Jacob
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To support Julie's questions about old and derelict buildings, there are pensioners and disability people living within our community. There are rangers who go out to infringe notices for their properties not being clean. Is there any capacity within the town's gardening, engineering volunteering days - they could look at pensioners and people with disabilities and could go and clean up their yard and take things to the tip??

The Mayor took this question on notice.

The Executive Manager Human Resources provides the following formal response:

The Town has a volunteering policy for employees. The objective of this policy is to support and recognise the valuable work performance by employees who volunteer their time and skills throughout the community. The policy covers the following categories of volunteering:

- Emergency Services Volunteers
- Community Services Volunteers
- Corporate Volunteering

The Town encourages participation by Town employees to volunteer in one or more of the above categories. Volunteering opportunities must be either through a registered charity, local not-for-profit organisation or with an organisation at the discretion and approval of the Chief Executive Officer.

All requests from Town employees must be assessed and approved prior to any release from standard duties and may be subject to operational requirements. The policy applied to all Town employees, with Casuals only eligible for Emergency Services Volunteer leave. Contractors and labour hire temporary staff engaged at the Town are not eligible.

Community Services Volunteering

The Town is also committed to supporting the community beyond emergency services response; and will provide employees with up to a maximum of two (2) days of paid community services volunteering leave each calendar year, to participate in voluntary work with a registered charity, local not-for-profit organisation or with an organisation at the discretion of the CEO.

The Town recognises that Community Services Volunteering makes a positive contribution in the community and supports such opportunities as stated in the policy.

- a. Corporate Volunteering In addition to individual employees volunteering, there may be instances where teams of employees (up to and including the entire Town) will be encouraged to volunteer during standard work hours.
- b. Such instances may only be supported where operationally possible.
- c. These instances may arise at the request of a Manager, Director or the CEO and are at the discretion and approval of the CEO.
- d. The selection of a volunteer opportunity for Corporate Volunteering will be based on:
 - i. The needs of the local community
 - ii. The alignment of the local organisation to the Town's values of; Unity, Quality, and Integrity
 - iii. The alignment of the local organisation with the Town's Strategic and Corporate Plans
 - iv. Corporate Volunteering will be for a maximum of one (1) day (7.6 hours) per calendar year and cannot be carried over or accumulated year after year.

The Town promotes this policy at inductions and often sends out community volunteering promotional material to employees regarding volunteering opportunities within the local community.

Due to the high number of vacant positions across the Parks & Garden teams we would not be able to release staff to take up volunteering opportunities as it would impact service delivery.

However, the Town would be open to receiving formal requests from charities and not for profit organisations in relation to community service volunteering opportunities so that we can promote this internally to our leaders and employees to encourage take up as per the procedure outlined in the Town's volunteering policy.

Cr Sven Arentz has confirmed that he has reached out to the Fortescue's Communities Team. They are in the process of scheduling a meeting for you to explore volunteer program possibilities with FMG.

6 Public Time

Important note:

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

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

6.1 Public Question Time

The Presiding Member declared Public Question Time open at 5:32pm.

6.1.1	Jan Gillingham
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Announced candidacy.

As stated on the Town of Port Hedland Facebook page , the Gratwick Pool is to close early in March before the school holidays, towards the end of April. Can I have an explanation as to why the closure is early and is there going to be a future permanent closure of Gratwick Pool?

The Mayor provided the following response:

The reason we are closing the pool is mainly the staffing level. We had nine positions advertised to employ qualified staff. We only had two apply and that is because they couldn't find affordable housing. We basically do not have the qualified staff to operate the pool and this is why it will close early. We do apologise to the community to that, but we are working on trying to rectify that. They're qualified positions; you can't pull someone off the street, and say – "you're a lifeguard". It's one of those tricky situations but we are working on that.

Regarding the permanent pool closure, there isn't any official closure of the pool, the pool will remain there, everyone knows we are trying to build a new aquatic centre in South Hedland and that will be our main pool. What happens to the two pools, no one has decided that.

I also like to mention, I did ask at the previous council meeting regarding to when the next audit and finance committee meeting be and also the Annual and General Meeting of Electors - could these meetings not take place directly after Easter? We have a lot of people vacating town - has a date been set yet?

The Chief Executive Officer provided the following response:

At this stage, we are still waiting for the financial statements to be verified by the Office of the Auditor General. At that point we'll come back and schedule an Audit

committee. As Easter is early this year, it is unlikely the AGM will be over the Easter period. Once we have the audited financial statements, we will set a date for the Annual General Meeting.

Port Hedland School of the Air, based at Port Hedland International Airport, has been teaching our children for nearly 60 years and their anniversary is at the end of the year near school term 3 and I'm asking that the staff and the events staff be aware of this and please make contact with school, so that you have the correct dates, corrects procedures etc.

The Mayor provided the following response:

Happy to do that for you Jan.

6.1.2	Natalie White
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Question regarding to the pool, why doesn't the council offer housing for duty managers for the pool here. We all know housing is a problem in this Town, business have the same problems, Marble Bar, Karratha both offer housing to the duty managers, but Port Hedland doesn't.

The Mayor provided the following response:

That's something we are looking into.

When did the council acquire the land that the Gratwick memorial pool is own?

The Chief Executive Officer provided the following response:

It's not land that we own - we manage it. The state government own the land and I don't have a specific date for you, but I know the facility is at least 50 years old.

I heard it was given to the council, maybe I heard something wrong but were there some conditions under which that land is allowed to be used by council.

The Chief Executive Officer provided the following response:

I am not aware of that, but under the management order it is for recreation purposes only.

6.1.3	Jillian Fisher
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Announced candidacy

Could you please state why the 22/23 annual report has still not been released onto the Town of Port Hedland website? What preventing its publication and that laws are we breaking for not having this report published by now?

The Director Corporate Services provided the following response:

Thank you, we are working with the office of the Auditor General and our external auditor RSM and it's a bit of a three-way process unfortunately in trying to resolve

some of the final notes. It has taken a little bit longer than planned, we are not breaking any laws or anything, the process just take a little longer these days now that we're under the office of the Auditor General. We are hoping that we have the next audit committee meeting scheduled for 12th March and were are hoping we can have the audit exit letter signed off by then at the meeting by that date, but we need to confirm that tomorrow with RSM and OAG, hopefully things are on track for that date and that's what we are working towards.

Okay, so that is virtually preventing our annual elector's meetings?

The Director Corporate Services provided the following response:

Correct. Once that has gone through, then we have a set period of time in which to hold that, but we'll move fairly promptly to host that meeting and give notice.

What date was the most recent information given to the councillors regarding the Decmil lawsuit against the Town of Port Hedland?

The Director Corporate Services provided the following response:

It was last week. A briefing note went out; I would need to get that exact date for you.

That's alright, I was happy for these to be taken on notice.

The last meeting, we were told of meetings between the Mayor in his capacity and construction corporation one, Cosco, SSI and Hoa Binh. Who accompanied the Mayor on this delegation from the Town of Port Hedland?

The Mayor provided the following response:

That was just myself.

The Presiding Member declared Public Question Time closed at 5:43 pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:43 pm.

Please note: full statements can be heard/viewed on the Town of Port Hedland website by clicking on Our Council at the top of the page, under News and Information you'll find Council Meeting Videos. Click to view in full.

6.2.1	Jarred Cini
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Mr Cini spoke to - representing the Port Hedland Game Fishing Club

- *Putting the Club's interest forward to be a part of the Spoilbank Marina development.*
- *The Club was established in the early 90's and has a committee of twelve dedicated volunteers who spend hours organising monthly events for members and the community.*
- *The Club's membership year runs from 1 September to 30 August each year and they have had significant growth in the past 2 years. Membership for 20/21 was 65 members, 21/22 -102 members, 22/23 - 286 members. In the 6 months into this membership year, they are 210 members.*
- *The Club holds monthly member's competitions with each seeing approximately 40 people turn up. Last month's Mangrove Jack competition saw 60 members participate. The annual Bluewater Classic (open to all anglers not just members), saw a turn out at the 2023 event of 38 teams (107 anglers).*
- *These events can not happen without the support of sponsors, the club has so much support and interest from the local businesses. The club has great culture and is a great opportunity for families and friends of all ages of the Port Hedland Community to gather together monthly to discuss all the fishing, boating and catch up for a BBQ.*
- *Our current club location situation next to the Yacht Club is the ideal location for our events, along with holding our monthly committee meetings. If our current location is removed, we currently do not have any alternative location to hold these events for the community.*
- *Our club would like to be considered to be a part of the new Marina precinct so that we can hold our monthly events and continue to create an engaging space for the Port Hedland community for years to come.*

6.2.2	Natalie White
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Concerning Sutherland Street South Wall Project, Ms White spoke to:

- *Ongoing for about 2 years now with no tables, chairs, shade or stairs to beach access.*
- *Has had conversations with staff concerning the delays and understands but at this point, we are still looking at 3 years in total to get beach access because the sea wall project is not finished.*

- *Bringing to Council's attention so they are aware of the importance of completing this project.*
- *Reason for the delay is funding and wants to bring this to Council's attention so funding could be voted for in the budget.*
- *Hopes to have it by the end of turtle season May 2025.*

Concerning Gratwick Pool, Ms White spoke to:

- *Her views that the management of the asset is embarrassing.*
- *Early seasonal closure of pool this year, constantly changing or reduced hours, no consistency and without consistency, any business would fail. If council would operate consistent hours and provide a reliable service, people could plan and commit their time.*
- *Council saying not enough patronage but just this morning she had to share a lane. 25 people in the pool just tonight. The pool is getting used.*
- *Duty Manager turnover at the pool, high turnover of staff and shortage of pool staff Australia wide. The Town offering better packages to attract staff.*
- *Marble Bar and Karratha both offer housing to duty managers, but Port Hedland does not.*
- *That the Mayor did tell her the the pool would be closed within 5-10 years. Now he is saying that it is under advisement.*

6.2.3	Jillian Fisher
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Announced candidacy

Ms Fisher spoke to:

Request councillors speak into the microphone and holding hands up higher when voting so that they gallery can see and hear them.

Livestream and volume issues with the audio recording not heard.

Commented on the Market Community Survey from 2023.

6.2.4	Jan Gillingham
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Announced candidacy

Mrs Gillingham spoke to:

- *Minister for Dept of Local Government - speaking of the new rules coming in for our public meetings.*
- *Retirement village of Stephens Street*
- *Another Osprey Village*

The last two public statements were stricken from record:

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.

The Presiding Member declared Public Statement Time closed at 6:06 pm.

6.3 Petitions / Deputations / Presentations / Submissions

Nil

7 Questions from Members without Notice

7.1.1	Cr Blanco
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At the 7 February 2024 OCM, I asked about "meetings without discussion" and I've asked what is it? We need to look at the context of use here, which is the Mayor's dismissal of questions, stating that they are meetings without discussion. We have one from Renae Cole's in the minutes tonight - when she asked at the last council meeting about Hoa Binh. You told her those were meetings without discussion but there was no answer to her question.

The Mayor provided the following response:

The announcement of a presiding member without discussion.

I'll call a point of order. (made at 6:06pm)

The Mayor provided the following response:

What is your point of order, Mr Blanco?

The point of order is 6.7(8)(a), which states "the Presiding member is to respond personally or is to ask another member or an employee to respond to that question", and that's in relation to the procedures of Public Question Time. So in that context, (ie public question about Mayor's meetings) clearly the staff cannot answer those questions. My understanding of the standing orders is that you need to answer those questions personally.

The Mayor provided the following response:

As I said Mr Blanco, they are announcements of the Presiding member without discussion. Do you have another question?

So Mr Mayor, the correct procedure...

The Mayor provided the following response:

I'm going to cut you off right there. Do you have another question, yes or no?

Yes, I do. At the 7 Feb OCM, one of my questions that I asked was omitted from the minutes, which was in relation to Hoa Binh wanting to present to the Council. Can I get a reason why that question was not put in the minutes?

The Mayor provided the following response:

We'll take that on notice.

Again at the 7 February (Council Meeting) I asked a question relating to ICANFIELD, and your answer in the unconfirmed minutes (of 7 February) was that you did not attend those meetings. Can I have an explanation of why there are photos of you and the people of ICANFIELD in Vietnam, on the internet?

The Mayor provided the following response:

Yes, I can tell you quite clearly, I had missed the flight, and I arrived there when the event had finished, and they took one photo of me - that was it. I didn't actually attend the event.

The media release stated that you addressed the meeting.

The Mayor provided the following response:

Well, I did not. Next question.

You requested some more information on the delegation led by yourself in Hoi An City. I'm unclear as to how you don't know you attended a meeting there but there is a media story from the internet published November 24, 2023, that states Chairman Son welcomed a delegation led by Mayor Peter Carter. Now you stated that there was no delegation.

The Mayor provided the following response:

There was just myself.

They have stated in the article that the meeting with the delegation from Port Hedland was aiming to attract more tourist and investment from Australia, including Port Hedland to Hoi An - so again, I'm asking who was in the delegation that you led from Port Hedland they have advertising in the internet and why are you representing Port Hedland as Mayor?

The Mayor provided the following response:

I'll get a list for you... Next question?

When are we going to receive all of the presentations that I've requested over the last four months?

The Mayor provided the following response:

When they are ready, next question?

Considering that I waited four months for this information, can you tell me whether you are holding the council in contempt?

The Mayor provided the following response:

No, I am not, no more questions from you, thank you.

7.1.2	Cr Butson
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In regards to the Statement of Financial Activity, page 31- Item 12.1.2 Half Yearly Review - can we defer the budget adjustment until discussions by the ARC committee for their comments and consideration please?

The Mayor provided the following response:

This is a matter that Council can consider when debating that item.

Second question is 12.1.3. Net current finding position from the statement from financial statement at 31 January 2024 is a surplus of 37.88 million. Your explanation is noted, however could I please have details of the net difference of 21- 29.19 million surplus please and I am happy to take that on notice.

The Mayor provided the following response:

We can take that on notice.

It was very pleasing and informative to have a meeting with Alex Flan and Lewis last Friday evening, and was most informative of their knowledge

regarding housing, immigration and vet airlines. And accordingly, could we invite these delegates to make a presentation to council, on approval of the CEO, on their next visit to Port Hedland in July?

The Mayor provided the following response:

We will note that, thank you.

I have been asked by the community if we could look into installing a light pole at the round about on the corner of Murdoch Drive and Captain's Way - as there is no lighting there and it's quite dark and dangerous.

The Mayor provided the following response:

Taken on notice

Can we please follow-up as there have been a lot of questions on Facebook regarding the syringes in our parks in South Hedland? The community has asked if I could request that these parks are followed through and the playground equipment is free of syringes, etc in the parks.

The Mayor provided the following response:

We will take that on notice.

It has been noted on Facebook that you, Mayor Carter, are interested in purchasing the Boulevard?

The Mayor provided the following response:

No I am not. I have no idea, sorry.

8 Announcements by Presiding Member without Discussion

The Mayor’s meetings for the month of January 2024

DATE	MEETING DETAIL
12/01/2024	JDAP Meeting, Workforce Accommodation Expansion Lot 9008 Great Northern Highway, Port Hedland
16/01/2024	Talk of the Town Radio Chat
23/01/2024	Talk of the Town Radio Chat
24/01/2024	Triple M Radio Interview re RV Overflow
26/01/2024	Australian Citizenship Ceremony & Citizen of the Year Awards 2024
26/01/2024	2024 Australia Day Event & Fireworks
30/01/2024	Talk of the Town Radio Chat

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

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

10 Confirmation of Minutes of Previous Meeting

CM202324/218 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Tim Turner

That Council confirm that the Minutes of the Ordinary Council Meeting held on 7 February 2024 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (8/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner

Against: Nil

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.

CM202324/219 COUNCIL DECISION**MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Sven Arentz**

That Council confirm that the Minutes of the Ordinary Council Meeting held on 13 December 2023 are a true and correct record with an amendment to item 15.1 Market Led Development Proposal, that Cr Arentz left the room due to Financial Interest at 9:48pm and council decision CM202324/198 was approved 7/0 without his vote.

CARRIED BY SIMPLE MAJORITY (8/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner

Against: Nil

For Noting

During the recent Compliance Audit for 2023 it was identified that a miss count occurred for confidential item 15.1 at the 13 December 2023 Ordinary Council Meeting. An Elected Member disclosed a conflict in this item, however, the minutes did not reflect the time in which the member left the meeting and therefore the count defaulted to an 8/0 split vote. This has been amended in the minutes document and is in the attached minutes for this meeting.

11 Reports of Committees

11.1 Audit, Risk and Compliance Committee

Nil

12 Reports of Officers

12.1 Corporate Services

12.1.1	Corporate Business Plan Quarterly Report - 2023-2024 Quarter 2
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Author: Senior Corporate Performance Advisor

Authorising Officer: Director Corporate Services

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

Caretaker Statement

a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."

CM202324/220 COUNCIL DECISION	
MOVED: Cr Camilo Blanco	SECONDED: Cr Ambika Rebello
That Council receives the Corporate Business Plan Quarterly Report – 2023-2024 Quarter 2 as per attachment 1.	
<i>CARRIED BY SIMPLE MAJORITY (8/0)</i>	
<i>For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner</i>	
<i>Against: Nil</i>	

PURPOSE

The purpose of this report is for the Council to receive the 2023-2024 Quarter 2 report on the progress of service delivery, as outlined in the Corporate Business Plan (CBP) 2023-2027. The report covers the period July to December 2023.

DETAIL

The Integrated Planning and Reporting Framework (IPRF) provides local governments with a framework for establishing local priorities and linking these to operational functions as detailed in Strategic Community Plans and Corporate Business Plans. The IPRF requires that regular monitoring and reporting of these plans are undertaken. The Town of Port Hedland’s IPRF recommends implementing quarterly reports to inform the Council of the Town’s performance against the community outcomes, enabling the Town to respond to changing priorities.

The Town 's Corporate Business Plan 2023-2027 was adopted by the Council on 30th August 2023. It outlines the services, service description, any planned changes and major projects the Town aims to deliver over the next four years, to achieve the deliverables listed in the Strategic Community Plan 2022-2032. It is reviewed and updated annually in line with the development of each year's annual budget.

The quarterly report ensures that the Council and the community are aware of the Town's progress against the CBP's Actions and that services are being delivered. The report outlines the progress made against these service levels and covers the period July to December 2023.

Key actions and performance measures (where applicable) were developed to measure the service levels in consultation with the Council. The report identifies these key actions, the status of each action along with commentary on the progress where applicable. The majority of the services are being progressed and are on track. However, some of the actions have yet to start or are behind schedule and delays have been explained. Comments have been provided for such actions including details of their expected start dates.

Summary:

The table below shows the summary of the status of the 116 actions reported against:

Action Progress Status	Description	Number	Percentage
Completed	This initiative/project was completed during the last quarter	11	9%
On track	This initiative/project is in progress and expected to be completed in the scheduled time	77	66%
Behind schedule	This initiative/project has not started at the scheduled time or is in progress but not expected to be completed in the scheduled time.	6	5%
Not started	This initiative/project is scheduled to start at a later time in the course of the Corporate Business Plan	22	19%

Highlights of the period July to December 2023 include the progression of many important projects such as review of important informing plans and the early stages of important community projects including:

- Key worker housing: Expression of Interest for the design and construction of the KWH was completed.
- South Hedland Civic and Community Hub – Tender for concept and detailed design was awarded.
- ERP: Enterprise Budget module was completed and is production.
- Community Safety: The Community Safety Plan 2023-27 was adopted in the December 2023 OCM
- Risk Management: The Risk Management Framework was updated and adopted in the September 2023 OCM.
- The new welfare centre located at Port Hedland Community Centre to provide additional capacity during emergencies was completed and is available for use on request.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership Team
- Senior Leadership Team
- Senior Officers
- Elected Member Workshop

External Agencies

- Consultant - Localise

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.56 of *Local Government Act 1995* outlines the requirement for Local Governments to plan for the future. The adoption, implementation and reporting on Corporate Business Plan enables the fulfilment of this requirement.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Leadership:

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

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

Access and Inclusion

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

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

Corporate Business Plan

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

Our Corporate Services:

Strategic and Corporate Planning - Planning for the future (Integrated Planning and Reporting): community vision, clear strategic direction and financial sustainability

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance Reputational
Cause	Non-compliance with statutory requirement as well as inability to meet community expectations
Effect (Consequence)	Not delivering on the Council and community expectation to be informed of the Town’s performance against the Corporate Business Plan. Non-compliance with the IPR (Integrated Planning and Reporting) requirement to have a system of monitoring and reporting performance of the Town’s Strategic Community Plan and the Corporate Business Plan.
Risk Treatment	Progress report on the Town’s CBP performance is provided to Council

There is a Strategic, risk associated with this item caused by non-compliance with statutory requirement and the potential for the Town to be unable to meet community expectations, leading to perception that the Town has not performed as expected by the community.

The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).

This risk will be eliminated by receiving and noting the progress report.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

This report is provided to inform the Council of the progress the Town has made in regard to the adopted Corporate Business Plan 2023-2027. The Corporate Business Plan outlines the organisation’s services, service levels and major projects to achieve its deliverables in the Strategic Community Plan. The report identifies the status of each action along with commentary on the progress where applicable.

ATTACHMENTS

1. To PH CBP 2 nd Quarter Report [**12.1.1.1** - 26 pages]

12.1.2	Adoption of 2023-24 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.

Caretaker Statement

a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."

OFFICER'S RECOMMENDATION

That council:

- 1. Accepts the mid-year budget review report as at 31 January 2024;**
- 2. Adopts the Town of Port Hedland's revised Annual Budget 2023-2024 financial activity statement included as Attachment 1.**
- 3. Authorises the Chief Executive Officer to submit the Budget Review to the Department of Local Government, Sport and Cultural Industries.**

SIMPLE MAJORITY VOTE REQUIRED

CM202324/221 DEFER ITEM

MOVED: Cr Lorraine Butson

SECONDED: Deputy Mayor Ash Christensen

That council defer Item 12.1.2 Adoption of 2023-24 Interim Budget Review for council decision at the next Ordinary Council Meeting/ Special Council Meeting called, to permit future discussions for clarification as required.

CARRIED BY SIMPLE MAJORITY (5/3)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Sven Arentz

Against: Cr Ambika Rebello, Cr Flo Bennett and Cr Tim Turner

PURPOSE

The purpose of this report is for council to review and adopt the 2023/24 mid-year budget based on results for the period ending December 31, 2023. 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 maintain the end of year forecast budget position based upon financial performance during the first half of the financial year along with forecast service and project delivery expectations until 30 June 2024.

The 2023-2024 annual budget was prepared on the Town's new Enterprise Resource Planning (ERP) software platform, with assistance from transitioning consultancy services.

This mandatory mid-year budget review as prescribed under regulations, has taken an approach aimed to embed corporate knowledge of the new chart of accounts and improved reporting functionality of the ERP, towards benefiting the drafting of the Town's 2024-2025 annual budget.

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

A workshop was held with Council on 20 February 2024 presenting an overview of the revised 2023-2024 annual budget forecasts and discussing;

- Material operating variances
- Capital works program
- Reserves
- Budget structure, strategy and fit, within
- Town of Port Hedland Integrated Planning and Reporting (IPR) Framework and its continuous renewal.

Review Considerations

The proposed mid-year budget review:

- Restates the prior year 2022-2023 surplus forecast of \$5.4M with actual \$4.4M
- Increases operating net revenue by \$9.8M

Interim rates	\$1.4M
Interest	\$7.1M
Grants	\$1.6M
- Increases operational net expenditure by \$5.4M

Depreciation	\$5.2M <i>*non-cash</i>
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There are multiple offsets across service area budgets to contain operating costs.
- Reduces capital income by \$2.3M

Associated capital work grant funding expectations now 2024-2025

- Reduces capital expenditure by \$18.5M

Deferred infrastructure projects	\$12.8M
Deferred waste project	\$ 4.0M
Reduced fleet replacement	\$ 1.2M
Net savings	\$ 0.5M

A revised capital works schedule is included as Attachment 2.

- Cancels loan funding for deferred waste project \$4.0M
- Decreases transfers from by \$2.3M
- Increases transfers to reserves by \$18.5M

Unfinished & Committed Works Reserve \$7.9M*

**Balance of deferred capital work project funds being prior year carry forward existing reserve balance plus 2024-2025 grant funding to be received*

Cyclone Emergency Response Reserve	\$1.1M
Strategic Reserve	\$6.5M
Housing Reserve	\$3.0M

- Maintains the current 30 June 2024 forecast surplus position of \$0.2M

Capital Projects Program










A schedule of revised capital works is included as Attachment 2.

Review Outcomes

Windfall revenue gains of interim rating and interest earnings from investments have been transferred to reserves towards funding future capital works.

\$3M of this windfall is recommended to be transferred into the Housing Reserve to prioritise addressing Town workforce needs due to the current lack of affordable housing and growing expectation for housing to be provided for residential employees, in-line with other Hedland employer offerings.

Capital works projects unable to be delivered by 30 June 2024 have their funding transferred into the Unfinished and Committed Works reserves for future year(s) and / or will be re-budgeted in 2024-2025.

	2022-2023 o/bal surplus \$5.4M	-1.0
	Increased operating net revenue	9.8
	- Interim rates	\$1.4M
	- Interest	\$7.1M
	- Grants / Subsidies / Contrib	\$1.6M
	Increases operational net expenditure	5.4
	- Depreciation *non-cash	\$5.2M
	Reduced capital income	-2.3
	Reduced capital expenditure	-18.5
	Cancelled loan funding waste project	-4.0
	Decrease transfers from Reserves	-2.3
	Increase transfers to Reserves	18.5
	- Unfinished & Committed Works	*\$7.9M
	- Cyclone Emergency Response	\$1.1M
	- Strategic	\$6.5M
	- Housing	\$3.0M
	Maintains c/bal 30 June surplus \$0.2M	0.0

LEVEL OF SIGNIFICANCE

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

- 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 2023-24 current budget has been reviewed by all Managers and the Executive Leadership Team. They have considered the impact of the budget amendments presented, to benefit the community 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

- Rates Consultant

Community

- 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 to adopt the review by absolute majority as required by regulation 33A (2) and (3).

FINANCIAL AND RESOURCE IMPLICATIONS

As reported and per attachments.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

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

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

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

Risk Type	Operational
Risk Category	Compliance
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Reputational risk
Risk Treatment	Endorse the 2023-2024 mid-year budget review
<p>There is a compliance risk associated with this item if the council does not accept and or adopt the 2023-2024 mid-year budget review for the period ended 31 January 2024. The risk rating is considered medium (9), determined by a likelihood of possible (3) and a result of moderate (3).</p> <p>This risk will be eliminated by the Council endorsement of the 2023-2024 mid-year budget review.</p>	

Risk Type	Operational
Risk Category	Reputational
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Reputational risk
Risk Treatment	Endorse the 2023-2024 mid-year budget review
<p>There is a reputational risk associated with this item if the council does not adopt the 2023-2024 mid-year budget review for the period ended 31 January 2024. The risk rating is medium (6), determined by a likelihood of unlikely (2) and a result of moderate (3).</p> <p>This risk will be eliminated by the Council endorsement of the 2023-2024 mid-year budget review.</p>	

Risk Type	Operational
Risk Category	Service Delivery
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Delay or inability to perform specific operating and or capital works
Risk Treatment	Endorse the 2023-2024 mid-year budget review
<p>There is a risk rating of medium (9) assigned to the risk that the council does not adopt the 2023-2024 mid-year budget review for the period ended 31 January 202, resulting in the delay or inability to perform specific operating and or 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.</p> <p>This risk will be eliminated by endorsing the 2023-2024 mid-year budget review for adoption by the Council.</p>	

OPTIONS

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

CONCLUSION

This report presents a summary of the 2023-2024 mid-year budget review for the period ended 31 January 2023.

Several variations are proposed as part of this review to meet community and organisational requirements. The review's outcome maintains the forecast 30 June year-end budget position whilst transferring windfall gains on increased interest earnings and additional rating to reserves towards funding future capital projects. Town capacity and economic constraints reduce the ability to deliver all planned capital works projects by 30 June 2024. It is increasingly common that capital works projects require multiple years. The funding for these projects has been transferred to the Unfinished and Committed Works reserves for future year(s).

ATTACHMENTS

1. Attachment 1 Statement of Budget Review 31.01.24 [**12.1.2.1** - 1 page]
2. Attachment 2 Capital Budgeted Projects and adjustment Q 2 2023.24 [**12.1.2.2** - 5 pages]

12.1.3 Statement of Financial Activity - January 2024

Author: Senior Financial Accountant

Authorising Officer: Director Corporate Services

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

Caretaker Statement

a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."

CM202324/222 COUNCIL DECISION

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council:

- 1. Receive the statement of Financial Activity for the period ended 31 January 2024 as shown in attachment 1;**
- 2. Receive the Material Variance Report, as shown in attachment 2;**
- 3. Note the Accounts paid under delegated authority for the period ended 31 January 2024 as shown in attachment 3;**
- 4. Receive the Purchasing Card statements for the period ended 31 January 2024, as shown in attachments 4 and 5.**

CARRIED BY SIMPLE MAJORITY (8/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner

Against: Nil

PURPOSE

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 January 2024. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 January 2024 with financial results included in Attachment 1. Statement of Financial Activity inclusive of supporting notes 1-4 prepared by the Town of Port Hedland (the "Town").

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

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

As part of the 2023/2024 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

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

The opening funding surplus of \$ 4.40M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited unconfirmed June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 January 2024 is a surplus of \$ 37.88M. This is due to the practice of raising rates and charges for the full financial year when the rates notices are generated. The YTD surplus is \$8.69M favourable to budget due to reduced YTD spend on materials and services.

The breakdown of the cash position is displayed below:

2023/2024 Actuals

Current Assets: Cash and Investments	\$ 204.96 M
Restricted Cash – Reserves	\$ 172.04 M
Unrestricted Cash Position as at 30 June 2023	\$ 32.92 M

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Nil

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

Reserves:

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

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

The following section of the Town’s *Strategic Community Plan 2022-2032* apply in relation to this item:

Our Leadership:

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

Access and Inclusion

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

Nil

Corporate Business Plan

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

Our Corporate Services:

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial

Cause	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/2024 financial year.
Effect (Consequence)	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
Risk Treatment	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).	

OPTIONS

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

CONCLUSION

The opening funding surplus of \$4.40 M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from 30 June 2023. The net current funding position is \$37.88 M.

ATTACHMENTS

1. Statement of Financial Activity - January 2024 [**12.1.3.1** - 10 pages]
2. Material Variance Report - January - 2024 [**12.1.3.2** - 3 pages]
3. Payments made under Delegated Authority - January 2024 [**12.1.3.3** - 33 pages]
4. Credit Card Statement - January 2024 [**12.1.3.4** - 16 pages]
5. Fuel Card Statements - January 2024 [**12.1.3.5** - 5 pages]

12.2 Community Services

Nil

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

- Income and expenditure
- Marketing and communication activities undertaken
- Service Providers; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with the Port Hedland Memorial Seafarers' Centre Inc. are as follows:

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

The annual Key Performance Indicators for the facility will be assessed at the end of the fourth quarter and are as follows:

- 15,000 visitors supported through the Visitor Centre.
- 1,000 people hosted on formal tours operated through the Visitor Centre.
- Gold/A1 Tourism accreditation maintained (or equivalent).
- Development of a web presence and digital strategy to educate and attract visitors to the local area.
- Development and distribution of up-to-date tourism documents promoting Port Hedland and the Pilbara region; and
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations

Please note that the Council at the 29 November Ordinary Council Meeting agreed, as part of the variation to the management agreement, to include a key performance indicator relating to hours of operations. This quarterly report relates to activity that occurred prior to the Council decision and prior to the execution of the Deed, as such there is no requirement for the Seafarers' Centre to report hours of operation as a key performance indicator.

At the time of authoring, the Deed has yet to be executed. The Administration remains in constant communication with the Seafarers' to organise the execution of the Deed and expects the Deed to be executed by February 2024. Once the Deed of Variation is executed, the Seafarers' Centre must include details of their operations hours in their quarterly reports. Thus, it is expected the January – March 2024 Quarterly Report will include details on hours of operation as a key performance indicator.

The attached quarterly report outlines the progress made by the Port Hedland Memorial Seafarers' Centre Inc. in the period October – December 2023. The operational cost of the facility was reported to be within the parameters laid out in the management contract.

A summary of key achievements for the second quarter are noted below:

- Successful continuation of Wedge Street Footpath Markets and Twilight Christmas markets. Approximately 3,000 attended the markets. Almost 1,000 people visited the Visitor Centre during the Twilight Christmas markets.
- For this quarter, the Visitor Centre facilitated a total of:
 - 33 Seafarers Harbor Tours with 274 participants
 - 5 Twilight Industry (Port) Tours with 10 participants
 - 7 Turtle Nesting Tours with 57 participants.
- A total of 4,933 people were welcomed to the Centre during the reporting period.
- A total of 30,182 people visited the Centre during 2023, a 5.5% **decrease** in 2022 and 105% **increase** compared to 2019
- Successful implementation of Christmas Photo Shoot initiative
- Successful implementation of Santa's Mailbox initiative
- Successful implementation of Port Talks initiative in response to sudden cessation of the Harbor Tours over November and December.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Director Regulatory Services
- Manager Planning and Economic Development

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCE IMPLICATIONS

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY2023/24 budget.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Community:

1.2.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved.

1.4.4 Community services and facilities are well promoted

Our Economy:

2.4.2 Market and promote Hedland for tourism.

2.4.4 Market and promote the local lifestyle of the Hedland community

Our Leadership:

4.3.1 High-quality and responsive customer service is provided.

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

Environmental

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

Economic

The economic benefits of having a well-managed Visitor Centre include developing a positive narrative about the town and attracting visitors to the region and increasing length of stay and visitor expenditure in the community.

Social

Nil

Access and Inclusion

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

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

Corporate Business Plan

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

Our Regulatory Services:

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Perception that the Town has not performed its commitment to provide visitor services to tourist and the community.
Effect (Consequence)	Dissatisfaction among visitors and stakeholders, service disruptions, and a negative impact on the Town’s reputation and relationship with the community.
Risk Treatment	Council supports the officer’s recommendation.
<p>There is an operational risk associated with this item caused by the perception of a lack of commitment to the provision of visitor services, leading to dissatisfaction among visitors and other stakeholders.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p> <p>This risk will be mitigated by the adoption of the officer’s recommendation.</p>	

OPTIONS

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

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Memorials Seafarers’ Centre Inc. from October – December 2023 in its role as manager of the Port Hedland Visitor Centre.

ATTACHMENTS

1. Oct - Dec 2023 - To PH Quarterly Report [**12.3.1.1** - 13 pages]
2. Att 1 - Oct to Dec 2023 Facebook insights [**12.3.1.2** - 6 pages]
3. Att 2 - Oct to Dec 2023 website analytics [**12.3.1.3** - 2 pages]
4. Att 3 - Visitor Comments Oct to Dec 2023 fix [**12.3.1.4** - 2 pages]

12.3.2	Joint Development Assessment Panel - Application for Development Approval for 32 Dwellings (Grouped), 26 Dwellings (Multiple), 17 Serviced Apartments, Office and Restaurant/Cafe at Lot 21 Collier Drive, South Hedland
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Author: Graduate Planner

Authorising Officer: Director Regulatory Services

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

Caretaker Statement

a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."

CM202324/224 COUNCIL DECISION

MOVED: Cr Camilo Blanco

SECONDED: Cr Ambika Rebello

That the Council recommends to the Regional Joint Development Assessment Panel its support of approval for the Development Application (Reference No. DAP/24/02625) and accompanying plans in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

- 1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent from the Joint Development Assessment Panel (as applicable) and/or Town of Port Hedland. This approval does not relate to any other development on this lot.**
 - a. Site Survey;**
 - b. Site Plan;**
 - c. Master Layout Plan;**
 - d. Masterplan Ground Floor;**
 - e. Masterplan Upper Floor;**
 - f. Concept Plan – 1 Bedroom Apartment;**
 - g. Concept Elevations – 1 Bed Apartment;**
 - h. Concept Plan – 2 Bedroom Villa – Type A;**
 - i. Concept Elevations – 2 Bed Villa – Type A;**
 - j. Concept Plan – 2 bedroom Villa – Type B;**
 - k. Concept Elevation – 2 Bed Villa – Type B;**
 - l. Concept Plan – 3 Bedroom Villa – Type A;**
 - m. Concept Elevations – 3 Bed Villa – Type A;**
 - n. Concept Plan – 3 Bedroom Villa – Type B;**
 - o. Concept Elevations – 3 Bed Villa – Type B;**
 - p. Concept Plan – 3 Bedroom Villa – Type C;**
 - q. Concept Elevations – 3 Bed Villa – Type C;**

- r. **Concept Plan – Caretakers Residence;**
 - s. **Concept Elevations – Caretakers Residence;**
 - t. **Concept Plan – Hotel Rooms (serviced apartments) – Type A;**
 - u. **Concept Elevations – Hotel Rooms (serviced apartments) – Type A;**
 - v. **Concept Plan – Hotel Rooms (serviced apartments) – Type B;**
 - w. **Concept Elevations – Hotel Rooms (serviced apartments) – Type B;**
 - x. **Concept Plan – Commercial Building;**
 - y. **Concept Elevations – Commercial Building;**
 - z. **Concept Plan – Maintenance/Bike Storage;**
 - aa. **Concept Elevations – Maintenance/Bike Store.**
- 2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
- 3. This approval is only for the development of 75 dwellings across the site, comprising the following uses:**
- i. **'Dwellings (grouped)' use (32 dwellings);**
 - ii. **'Dwellings (multiple)' use (26 dwellings);**
 - iii. **'Serviced Apartments' use (17 units); and**
 - iv. **An 'Office' and 'Restaurant/Cafe' uses within a commercial building comprising of 145sqm.**
- 4. Prior to lodging an application for a building permit, detailed plans of the proposed fencing, which demonstrates compliance with the Town's Local Planning Policy 13 - South Hedland Town Centre Design Guidelines 2023 and the provisions of the Residential Design Codes are to be submitted to and approved by the Town of Port Hedland. Any fences in the front setback of the property must be:**
- a. **a maximum of 2.1m high above natural ground level and 50% visually permeable above 0.9m; and**
 - b. **0.75m above natural ground level within 1.5m of the intersection of a driveway and a public street, for the purpose of sight lines.**
- 5. Prior to lodging an application for a building permit, a revised Landscape Plan is to be submitted to the Town of Port Hedland for approval. The Landscape Plan must include the following:**
- a. **The location, number, size and species type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;**
 - b. **100% of species from the Town of Port Hedland Preferred Planting Guide, additional details on mulch type and depth, and be compliant with the Town Local Planning Policy 13 - South Hedland Town Centre Design Guidelines.**

- c. **Soft landscaping on the verge of Collier Drive, Colebatch Way and Wise Terrace, where possible, as advised by the Town.**
 - d. **All landscaping/planting areas to be reticulated.**
 - e. **Shade trees for parking areas to be planted at a ratio of 1 per 4 car bays, spaced evenly throughout the parking areas.**
6. **The approved Landscape Plan is to be implemented prior to the occupation or use of the development as per the stages, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development. The landscaping as required for all verges shall be implemented at the first stage, to the satisfaction of the Town.**
 7. **At the building application stage, the applicant must demonstrate that the proposed ceiling height for the commercial building does not impact the external design of the building to accommodate external services such as air conditioning infrastructure and requirements for power and technology services.**
 8. **Prior to lodging an application for a building permit, a detailed public art plan shall be submitted to the specification of the Town of Port Hedland for approval. This shall have details of the proposed public art to a minimum value of \$150,000 in accordance with the Town's Local Planning Policy 04 – Percent for Public Art. Alternatively, a cash-in lieu payment of this amount shall be made to the Town of Port Hedland prior to the occupation or use of the development.**

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

- a. **Option 1: Applicant/developer chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or**
 - b. **Option 2: Applicant/developer chooses to pay cash-in-lieu to the Town of Port Hedland.**
9. **Prior to lodging an application for a building permit, the developer to:**
 - a) **lodge a revised Stormwater Management Plan for approval by the Town of Port Hedland. A detailed Stormwater Management is to demonstrate compliance with the South Hedland Town Centre Revitalization – East Precinct, Local Water Management Strategy, Clause 3.3.1 (Water Management) of the Town Local Planning Policy 13 – South Hedland Town Centre Design Guidelines 2023 and the Town Local Planning Policy 11 – Stormwater Management.**
 - b) **implement the approved Stormwater Management Plan prior to the occupation or use of the development, to the satisfaction of**

the Town of Port Hedland and maintain for the duration of the development.

- 10. Prior to lodging an application for a building permit, the developer to:**
 - a) lodge a revised Waste Management Plan is to be submitted to and approved by the Town of Port Hedland. A revised Waste Management Plan should include:**
 - i) Bins located within shaded areas and or shaded enclosures.**
 - ii) Details of routes to bin storage area and from the bin storage areas to the bin presentation areas.**
 - iii) Size of waste collection vehicles to be used to access the site, so the internal roads dimensions and road surfaces are suitably constructed.**
 - b) implement the approved Waste Management Plan prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and maintain for the duration of the development.**
- 11. Prior to commencement of site works, a Construction Management Plan is to be submitted to and approved by the Town of Port Hedland and thereafter be implemented throughout the construction phases of the development.**
- 12. Prior to the commencement of site works, the existing trees on verge must be protected in accordance with Australian Standard 4970-2009 Protection of trees on development sites. The protection measures shall be maintained until site works have been completed.**
- 13. Prior to commencement of site works, the applicant shall secure public liability insurance and indemnify the Town of Port Hedland for any incident or damage that may occur within the road reserves as a result of activities operated by the development and/or the failure of any structure or equipment installed by the proponent within the subject site and adjacent road reserves.**
- 14. Prior to the occupation or use of the development, an Operational Management Plan is to be submitted to the Town of Port Hedland for approval. The Plan to be implemented and maintained for the duration of the development to the satisfaction of the Town. The Plan is to include details including but not limited to:**
 - a. Matters of day-to-day operations, such as hours of operation and number of staff and people associated with the office and the restaurant/cafe;**
 - b. Use and security of outdoor elements associated with the office and the restaurant/cafe;**
 - c. Noise and odour emissions associated with the restaurant/cafe and management of impact on the residential uses.**

d. Management for cyclone emergency events.

15. Prior to the occupation or use of the development, the approved parking and circulation areas shall be fully implemented and constructed to the specification of the Town prior to the occupation or use of the site / development. The parking area must:

- a. Provide a minimum of 92 on-site car parking bays as indicated in the approved plans;**
- b. Provide two additional on-street car parking bays on Collier Drive as indicated in the approved plans, to the satisfaction of the Town;**
- c. Be constructed, sealed, kerbed, drained and line marked;**
- d. All bays to be designed to a 'User class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004;**
- e. Not be obstructed in any way or used for any other purpose other than parking;**
- f. Include wheel stops as indicated to prevent vehicles impacting adjoining structures, landscaping and pedestrian movements.**

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

16. Prior to occupation of the development, a total of 20 bicycle parking facilities must be provided in accordance with Australian Standard AS 2890.3 and must be retained for the life of the development, to the satisfaction of the Town of Port Hedland.

17. Prior to the occupation or use of the development, the developer to provide:

- a) car parking areas with CCTV and lighting;**
- b) All public and private areas with adequate lighting in accordance with the Western Australian Planning Commission (WAPC) Safer Places by Design – Crime Prevention through Environmental Design Guidelines.**
- c) Robust external light fixtures which are vandal resistant and complementary to the design character of buildings and private open space areas,
to the satisfaction of Town of Port Hedland.**

18. All external fixtures, including, including but not limited to air-conditioner units, aerials, antennas, satellite dishes, pipes and external fixtures shall be integrated into the design of buildings and not be visible from public streets to the satisfaction of the Town of Port Hedland.

19. Damage to road pavements, kerbing, footpaths or any other Town of Port Hedland assets (as applicable) caused by construction activity

shall be repaired and/or reinstated at the applicant's cost, in accordance with specifications, works supervision, scheduling arrangements as approved by the Town of Port Hedland.

Advice Notes:

- a) This is a development approval issued under the Town of Port Hedland's Local Planning Scheme No. 7 only. This is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.**
- b) The development requires a building permit application for any structural works, including but not limited to fencing, bin stores and any other temporary structures. Any amendment to the internal layout specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for a building permit being submitted.**
- c) The Town's Policy 12/010 - Naming of Roads and Places may apply to the naming of this building. Naming relevant to South Hedland is recommended.**
- d) Due to the car parking shortfall proposed by the development, the Town of Port Hedland may not grant similar parking variations for future stages. The Town of Port Hedland may consider applying cash-in-lieu contributions for future shortfalls to manage possible impacts of cumulative parking variations.**
- e) This approval does not authorize or approve any signage. All signage is to be in accordance with the Town's Local Planning Policy 02 Advertising Signs, unless further development approval is obtained. The applicant and landowner should liaise with the Town's Planning and Economic Development Services in this regard.**
- f) The developer is reminded to apply Crime Prevention through Environmental Design principles throughout the design of buildings. The principles shall be in accordance with the WAPC Safer Places by Design – Crime Prevention through Environmental Design Guidelines.**
- g) This approval does not authorise or approve any fencing. Any fencing may require further development approval. The applicant and owner should liaise with the Town's Development Services in this regard.**
- h) The Town's Environmental Health Services advise that construction and facility requirements for short-term accommodation / lodging houses uses (Serviced Apartments):**

- a. **Sanitary Conveniences;**
 - b. **Laundry;**
 - c. **Kitchen;**
 - d. **Dining Room;**
 - e. **Lounge Room; and**
 - f. **Sleeping Rooms.**
- i) **Building materials must be chosen for their durability, robustness and appreciation of the environmental conditions of South Hedland and its location within a cyclone Region D location.**
- j) **Any work outside of the hours specified in the Environment Protection (Noise) Regulations 1997 (WA) as amended from time to time will require formal approval from the Town's Environmental Health Services.**
- k) **The developer is reminded of its obligations to meet provisions and requirements under the Environmental Protection (Noise) Regulations 1997.**
- l) **All works in the road reserve, including but not limited to the construction of crossovers, installation of on-street carparking spaces, planting of street trees and other streetscape works must be to the specifications of the Town of Port Hedland. The applicant and owner should liaise with the Town's Technical Services in this regard.**

CARRIED BY SIMPLE MAJORITY (8/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner
Against: Nil

PURPOSE

The purpose of this report is for the Council to consider a recommendation to the Regional Joint Development Assessment Panel (JDAP) for the construction and operation of 32 Dwellings (Grouped), 26 Dwellings (Multiple), 17 Serviced Apartments, an Office and Restaurant/Cafe at Lot 21 Collier Drive South Hedland. The Town must make a recommendation to the JDAP by 13 March 2024.

DETAIL

Background and Site Context

The subject site is located within the South Hedland Town Centre and is bound by Colebatch Way, Collier Drive and Wise Terrace. The subject site is approximately 1.18ha and is currently vacant.

Development surrounding the site includes the Hedland Health Campus to the west, the South Hedland Aquatic Centre to the east, the South Hedland Public Library and the Hedland Well Women’s Centre to the north-east, the BHP workers village to the south-east and the Department of Health workers accommodation to the south (refer image below). The South Hedland Square Shopping Centre is located approximately 200m north of the subject site.

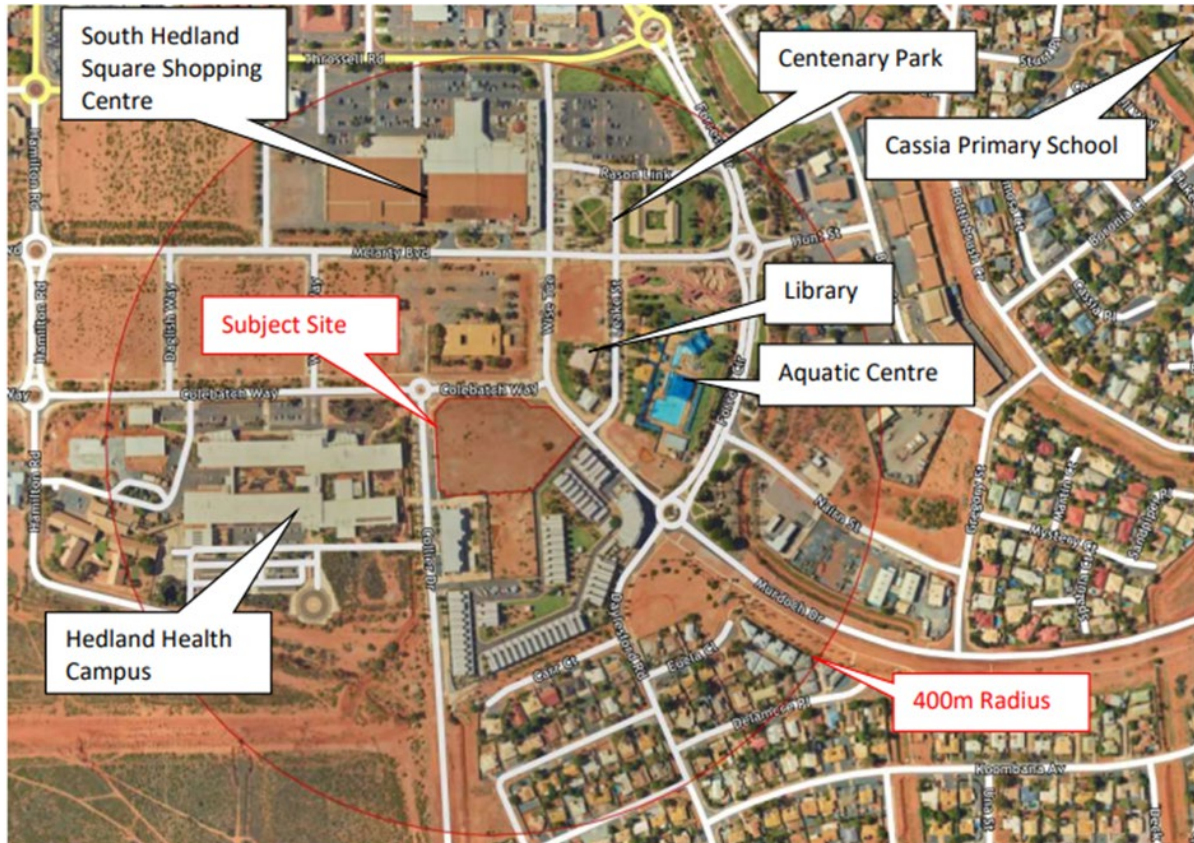


Figure 1: Location Plan

Proposal

The proposed development is predominantly residential housing providing permanent and temporary accommodation for workers in the region. It has a small component of commercial floor space at the corner of Wise Terrace and Colebatch Way.

The proposal in detail includes (refer Figure 2 below):

- 75 dwellings/units across the site for the following use categories:
 - 32 Grouped Dwellings, consisting of 8 three-bedroom dwellings and 23 two-bedroom dwellings and one (1) single bedroom dwelling (caretaker’s dwelling).
 - 26 Multiple Dwellings, comprising of 26 one-bedroom units across 13 two storey buildings.
 - 17 Serviced Apartments, consisting of one (1) single bedroom apartment across three double storey buildings which include 2 universal access rooms.
 - The proposed serviced apartments are for short-stay occupiers.
 - The floor areas for the ground floors rooms are 76.12 sqm and the upper floors are 82.52;

- Two (2) universal access rooms with a floor area of 38.09sqm respectively to be located on the ground floor (Type B);
- Fifteen (15) standard rooms with a floor area of approximately 27 sqm respectively.
 - Balcony or private open space is not included in the design.
 - A central 'Village Common' area comprising 820sqm of communal open space is proposed.
- A single storey commercial building comprising 145sqm gross floor area for 'Office' and 'Restaurant/Café' uses at the corner of Wise Terrace and Colebatch Way.
- 92 car parking bays on site with a minimum allocation of one (1) bay per dwelling for the permanent residential dwellings (58 bays) and 34 bays being allocated to visitors, short-stay accommodation and commercial uses.
- Provision for bicycle storage, storage and maintenance facilities (53.9 sqm) on the southern portion of the lot.
- Communal laundry, communal office, recreational space and toilets.
- Landscaping across the site.



Figure 2: Dwelling Types and Land use.

The above uses are proposed to primarily service the needs of residents within the building also the wider South Hedland community. Plans of the proposed development are contained within Attachment 2 – Development Plans and Attachment 3 – Land Use / Parking Plan.

Local Planning Framework
Zoning

The subject site is zoned 'Centre' under the Town's Local Planning Scheme No. 7 (LPS7). As per LPS7, Clause 16 Zones, the objectives for a 'Centre' zone are as follows:

- *'To designate land for future development as a town centre or activity centre'.*
- *'To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the State Planning Policy 4.2 - Activity Centres.'*

The proposal contains multiple uses, as listed below:

Land Use	Permissibility
Dwelling (grouped)	It is currently an 'X' use, but is to be changed to 'A' shortly. The Minister for Planning approved Scheme Amendment No. 1 to LPS7 on 23 January 2024. The Amendment changes a 'Dwelling (Grouped)' in the 'Centre' zone to an 'A' class. Gazettal of the Amendment is expected in March 2024.
Dwelling (multiple)	'D' Use
Serviced Apartment	'A' Use
Office	'P' Use
Restaurant / Café	'P' Use

South Hedland Town Centre Development Plan

The subject land has an R80 density code under the South Hedland Town Centre Development Plan. The proposed development meets the density/plot ratio floor space requirements.

The subject site is identified within Precinct A - 'Main Street & Community Hub'. The objectives of Precinct A are:

- To create an active north-south main street which integrates the shopping centre and enhanced town park.
- To facilitate the delivery of entertainment and community facilities including skate park, aquatic centre and library – all ensuring a vibrant, highly active place.

Building Form and Design

The development is required to demonstrate compliance with the applicable design standards required under:

- South Hedland Town Centre Development Plan;
- Local Planning Policy 13 – South Hedland Town Centre Design Guidelines;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments; and
- State Planning Policy 7.0 – Design of the Built Environment.

Clause	Requirement	Proposed	Officer Comments
Clause 32. Table 7 – Additional requirements that apply to land in Scheme area			
Clause 32. Table 7 – Additional requirements that apply to land in Scheme area	All vehicle parking bays shall be accommodated within the lot boundaries unless otherwise approved by the local government		Addressed in the Car Parking section of this report below.
Schedule 1 – Car Parking Requirements	Addressed in the Car Parking section of this report below.		Addressed in the Car Parking section of this report below.

Assessment against LPP 13 – South Hedland Town Centre Design Guidelines

The assessment against relevant criteria in the Guidelines detailed below:

Clause	Requirement	Proposed	Officer Comments
3.1.1. Car Park Integration - Item 7	Any public on-street parking removed as part of a development shall be provided on-site with public access or compensated via cash-in-lieu payments	The proposed development is seeking to remove five (5) on-street parking bays on Collier Drive and four (4) on-street bays on Wise Terrace, to enable access to the development. These parking bays are proposed	Refer to the Car Parking section of this report below.

		to be replaced by two (2) new on-street parking bays to the south of the new crossover.	
3.2.2 Building Corners	<p>Objective: To ensure building corners adequately address their prominence and streetscape, particularly where they form a 'gateway' or terminate a view corridor. Acceptable</p> <p>Outcome Outcomes:</p> <ol style="list-style-type: none"> 1. Blank walls to corner frontages are not permitted. 2. Buildings on corners must address both street frontages, particularly through openings, balconies or other building articulation techniques. 3. Corner buildings must be given strong architectural expression and exhibit a greater level of design. 	This application is proposing a single-storey development, for the 'Commercial building at the corner of Wise Terrace and Colebatch Way.	The applicant has indicated an increased height and scale of the commercial building on the corner of Wise Terrace and Colebatch Way by relocating the caretaker dwelling above the office and/or restaurant / cafe <i>or</i> adding more short-stay units, as suggested by the Design Review Panel (DRP) (refer the DRP Report and Recommendations - Attachment 14).
3.2.6 Setbacks & fences – Item 7	All fencing which includes pedestrian access and abuts public open space	All fencing proposed to a maximum height of 2.1m, solid up	The height of 2.1m (for security), with solid component of 0.9m is supported

	(street, footpath or laneway) must be maximum 1.2m high and 50% visually permeable and provide secure access from the street.	to approximately 0.9m. Fencing design requires detailed consideration of design (potential public art), passive surveillance and security. The applicant advises further details regarding fencing design to be provided at a later stage.	by the Town, as per clause 3.2.6 of the Guidelines. A condition is recommended requiring maximum fencing height and sightlines.
3.2.6 Setbacks & fences – Item 8	Where pedestrian access must be denied to private property, private communal open spaces, or commercial properties for security measures, visually permeable fencing is to be used to a maximum 2.1m high. This fencing is not to provide footholds or other climbing aids	As above	As above
3.2.7 Adaptability - Item 1	For mix-use or commercial developments, the street facing building must have a ground floor-to-ceiling height of 4.2m. Buildings not facing the street ground floor to first floor to be a minimum of 3.2m	The proposed commercial building has a 2.7m floor to ceiling height	Refer to the Ceiling Height section of this report below.

<p>3.2.9. (item 1)</p>	<p>Private development shall provide bicycle parking and end-of-trip facilities to serve Town Centre residents, employee and visitors</p>	<p>End of trip facilities for the general public are not being proposed through this development. Given its predominantly residential nature, it is considered that the provision of end-of-trip facilities would be excessive.</p> <p>14 bicycle racks are proposed to be situated within the Maintenance / Bike Storage area for residents, visitors and tenants. There is an opportunity to provide more visitor bicycle parking adjacent to the commercial building and within the Village Common area, if required.</p>	<p>Refer to Car Parking section of this report below.</p>
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State Planning Policy 7.3 - Residential Design Codes – Volume 1 (R-Codes Volume 1)

The assessment against relevant criteria are detailed below:

Element	Requirement	Proposed	Officer Comments
<p>5.2.4 Street Walls and Fences</p>	<p>Front fences within the primary street setback area must be visually permeable above 1.2m of natural ground level, measured from the</p>	<p>Front fences proposed at 2.1m in height, solid up to approximately 0.9m.</p> <p>Fencing to incorporate public art infill panels.</p>	<p>The height of 2.1m (for security), with solid component of 0.9m is supported by the Town, as per clause 3.2.6 of the Guidelines.</p>

	<p>primary street side of the front fence</p> <p>Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1</p>	<p>Further details regarding fencing design to be provided at a later stage.</p>	<p>A condition is recommended requiring maximum fencing height and sightlines.</p>
5.2.5 Sight Lines	<p>Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences or other structures adjoin a driveway that intersects a street, right-of-way or communal street</p>	<p>Not provided</p>	<p>The applicant must comply with the sight lines requirements.</p> <p>A condition is recommended requiring maximum fencing height and sightlines.</p>
5.3.3 Parking	<p>Refer to Car Parking section of this report below.</p>		<p>Refer to Car Parking section of this report below.</p>

Assessment against State Planning Policy 7.3 - Residential Design Codes – Volume 2 - Apartments (R-Codes Volume 2)

The assessment against relevant criteria are detailed below:

Element	Requirement	Proposed	Officer Comments
3.8 Vehicle Access	A3.8.7 – Walls, fences and other structures	Nil	A condition is recommended requiring

	truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure 3.8a)		maximum fencing height and sightlines.
3.9 Car and Bicycle Parking	Refer to the Car Parking section of this report below.	Refer to the Car Parking section of this report below.	Refer to the Car Parking section of this report below.

South Hedland Place Plan

The South Hedland Place Plan was endorsed by the Council on 23 February 2022. The Plan identifies the subject site forming part of Colebatch Way area, as a connector zone between the City Centre Core area.

Priority Project 2 - 'Bringing Wise Terrace to Life' requires consideration for the commercial component of the development. The proposed restaurant/café and office on the corner of Wise Terrace and Colebatch Way can provide an attractive location for visitor users. Should approval be granted, a condition be included requiring soft landscaping on the verges of Collier Drive, Colebatch Way and Wise Terrace. This condition should transform the place / location from 'a place of convenience' to 'a place of comfort'.

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

The application was presented to the DRP on 20 December 2023 for consideration against the ten design principles listed under the State Planning Policy 7.0 - Design of the Built Environment. The report comments and recommendations are summarized below and provided in Attachment 14.

Design Review Panel Assessment		
Supported		
Pending Further Attention		
Not Supported		
Design Principle		DRP Recommendations

Principle 1 - Context and Character		The applicant to undertake further character analysis to gain a better understanding of the design cues to enable a better contribution to the sense of place
Principle 2 - Landscape Quality		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Provide more information on tree types and locations. 2. Review opportunities to reduce the extent of hard surfaces and further increase shade. 3. Extend the landscape concept to the adjacent verges, particularly the street corners. 4. Demonstrate the relationship between stormwater management and landscape. 5. Provide more landscape to the townhouse courtyards.
Principle 3 - Built Form and Scale		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Review the central cluster to investigate how to achieve a stronger sense of containment of the garden spaces and increase resident amenity. 2. Increase the height and scale of the commercial building on the corner (e.g. add more short-stay units above, caretaker unit, etc). 3. Rationalise the roof forms and use roof forms that can best shed large volumes of water without reliance on gutters. 4. Provide weather protection to external stairs. 5. Review window hoods to ensure they are functional shading devices. 6. Review the caretaker unit to improve privacy and general amenity as well as providing an improved landscape backdrop to the transformers.
Principle 4 - Functionality and Build Quality		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Consider to locate bins in shaded enclosures. 2. Clarify routes to bin storage areas and from the bin storage areas to the bin presentation areas. 3. Consider the landscape implications of the bin presentation areas. 4. Confirm Air Conditioning condenser locations. 5. Confirm clothes drying strategy. 6. Consider a parking needs analysis
Principle 5 - Sustainability		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Identify firm sustainability commitments, for example solar PV. 2. Provide infrastructure to enable solar PV charging to expand to meet future demand. 3. Review the use of skylights. 4. Provide openable windows to wet areas where possible. 5. Avoid dark external colours. 6. Minimise unshaded hardscape. 7. Maximise effectiveness of eaves and window hoods

Principle 6 - Amenity		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Review the caretaker unit location. 2. Review the townhouse courtyard designs in more detail. 3. Review relationships between beds and windows. 4. Review the carport designs to ensure good shade and shelter to vehicles. 5. Review bin store locations and design to ensure good shade and access and to avoid visual intrusion.
Principle 7 - Legibility		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Confirm street front gates on the plans. 2. Review the common pedestrian entry sequences to provide more landscape, presence, shade, and generosity of space. 3. Rationalise the pathways in the central areas.
Principle 8 - Safety		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Distinguish the pedestrian routes in a different material where they cross vehicle routes. 2. Avoid locating pedestrian routes in front of car bays. 3. Review the design and use of the space between the bike shed and laundry.
Principle 9 - Community		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Provide a well-resolved landscape design for the space outside the front of the café. 2. Clarify the public art strategy. 3. Clarify the extent of engagement with the local indigenous community.
Principle 10 - Aesthetics		<p>The applicant to:</p> <ol style="list-style-type: none"> 1. Review the architectural language to make it more place-based and climate responsive. 2. Review the roof forms in the context of cyclonic rain events. 3. Consider how public art can draw upon the local culture and contribute to the aesthetics of the development. 4. Ensure street fencing is well considered and balances the competing needs for security, privacy, passive surveillance and visual interest in the streetscape.

The DRP have concluded:

"The design is a well-considered concept for the provision of much-needed key-worker and short-stay housing in the South Hedland town centre. The fundamentals are good – the overall master planning of the site, an engaging relationship with the street, the provision of shade, and the use of landscape to add common amenity.

The Panel is broadly supportive of the design and is of the view that what is required next are matters of refinement than a significant redesign. The Panel hopes the

guidance provided will be considered in the refinement of the design and looks forward to seeing the refined design in due course."

Car and Bicycle Parking

Car Parking

The proposal has been assessed against LPS7 and the R-Codes requirements, with the departures detailed below:

Requirement	Proposed	Officer Comments
On-Site Parking		
<p>Grouped Dwelling</p> <p>As per Design Element 5.3.3 of R-Codes Volume 1:</p> <ul style="list-style-type: none"> • 1 bedroom dwelling: 1 bay per dwelling = 1 bay • 2+ bedroom dwelling = 2 bays <p>Required bays for different type dwellings:</p> <ul style="list-style-type: none"> • 8 three-bedroom dwellings: 16 bays • 23 two-bedroom dwellings: 46 bays • 1 single bedroom dwelling: 1 bay <p><u>Total Required: 63 bays</u></p>	<p>Proposed: 34 bays</p>	<p>Shortfall: 29 bays</p>
<p>Multiple Dwelling</p> <p>As per Element 3.9 of R-Codes Volume 2:</p> <ul style="list-style-type: none"> • 1 bedroom dwelling: 1 bay per dwelling <p>Required bays: 26 one-bedroom apartments</p> <p><u>Total Required: 26 bays</u></p>	<p>Proposed: 26 bays</p>	<p>Shortfall: 0</p>
<p>Serviced Apartment</p> <p>As per Schedule 1 of LPS 7:</p>	<p>Proposed: 17 bays</p>	<p>Shortfall: 9 bays</p>

Requirement	Proposed	Officer Comments												
<ul style="list-style-type: none"> Serviced Apartment: 1.5 bays per accommodation unit <p>Total Required: 26 bays</p>														
<p>Office</p> <p>As per Schedule 1 of LPS 7</p> <ul style="list-style-type: none"> 1 bay for every 30sqm net lettable area (minimum 3 bays per tenancy or office unit) <p>Office area: 33.40 sqm <u>Required: 3 bays</u></p> <p>Restaurant/cafe</p> <p>As per Schedule 1 of LPS 7:</p> <ul style="list-style-type: none"> 1 bay for every 4 seats; or 1 bay for every 5sqm seating area, whichever is the greater. <p>Total seating area is 70sqm Total sitting area: 70sqm</p> <p><u>Required: 14 bays</u></p> <p><u>Total Required (for the office and restaurant/cafe): 17 bays</u></p>	Proposed: 5 bays	Shortfall: 12 bays												
<p>Visitor Bays</p> <p>Grouped Dwellings</p> <p>As per Design element 5.3.3 of R-Codes Volume 1</p> <table border="1" data-bbox="204 1686 708 2024"> <thead> <tr> <th>Dwellings</th> <th>Visitor bays</th> </tr> </thead> <tbody> <tr> <td>0-3</td> <td>Nil</td> </tr> <tr> <td>4</td> <td>1</td> </tr> <tr> <td>5-8</td> <td>2</td> </tr> <tr> <td>9-12</td> <td>3</td> </tr> <tr> <td>13-16</td> <td>4</td> </tr> </tbody> </table>	Dwellings	Visitor bays	0-3	Nil	4	1	5-8	2	9-12	3	13-16	4	10 bays	Shortfall: 3 bays
Dwellings	Visitor bays													
0-3	Nil													
4	1													
5-8	2													
9-12	3													
13-16	4													

Requirement		Proposed	Officer Comments
17+	1 additional bay for every 4 dwellings or part thereof		
<p>Required: 8 bays</p> <p>Multiple Dwellings As per Element 3.9 of R-Codes Volume 2:</p> <ul style="list-style-type: none"> • 1 bay per four dwellings up to 12 dwellings. • 1 bay per eight dwellings for the 13th dwelling and above <p>Required: 5 bays</p> <p><u>Total Required: 13 bays</u></p>			
Total Car Parking Requirement for the Proposal: 145 Bays		Total Proposed: 92 bays	Total Shortfall: 53 bays
On-Street Parking			
<p>Clause 3.3.3 Car Parking Integration (Item 7) – LPP 13 – South Hedland Town Centre Design Guidelines:</p> <p>Any public on-street parking removed as part of a development shall be provided on-site with public access or compensated via cash-in-lieu payments</p>		<p>The proposed development is seeking to remove five (5) on-street parking bays on Collier Drive and four (4) on-street bays on Wise Terrace, to enable access to the development. These parking bays are proposed to be replaced by two (2) new on-street parking bays to the south of the new crossover.</p>	<p>Additional on-site parking shortfall: 7 bays</p>

Requirement	Proposed	Officer Comments
Total On-Site Parking Shortfall: 60 Bays		

In considering the proposed variation, the applicant has conveyed the following:

- There is an abundance of on-street car parking which is suitable for short and high turn-over trips such as visitors to the residential component and customers associated with the commercial component of the development.
- The proposed development is intended to provide housing and accommodation for workers in the region, some of whom may work in the immediate locality (i.e. Hedland Health Campus) and not have access to, or rely upon, a private vehicle. The subject site is located within the South Hedland Town Centre and is located within walking distance to the Hedland Square Shopping Centre and a range of community facilities, thereby reducing the need for a private vehicle.
- It is anticipated that the residential component of the development will be sold and/or leased in groups, thereby allowing for some flexibility with parking management between units.
- There will be an on-site manager/caretaker who can manage car parking on the site.

The applicant has not provided any formal arrangements / contracts / agreements between the applicant and the Department of Health in evidence that some units /lots are to be allocated for hospital staff.

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

- a. The development proposes a minimum of one (1) bay per dwelling and 10 visitor bays with a total of 92 car bays.
- b. The development being located near office, retail and community service uses within the Town Centre, provides opportunity for proximity advantages if people working within the Centre are occupying the development, reducing demand.
- c. Bicycle parking. 20 bicycle racks are proposed to be situated in the Maintenance / Bike Storage area and the applicant advises there is an opportunity to provide more visitor bicycle parking adjacent to the commercial building and within the Village Common area, if required. Facilitating safe and secure bicycle parking for alternative forms of transport will further reduce demand for car parking. For further details, refer the bicycle parking section below.

It is considered that the variation in car parking be supported subject to a condition being applied requiring:

- Provision of a total of 92 car parking bays across the site, comprising of 34 bays for grouped dwellings and 26 bays for multiple dwellings (the permanent residential dwellings) and 32 bays being allocated for visitors, short-stay accommodation and commercial uses.
- Provision of two additional on-street car parking bays on Collier Drive.
- Provision of a minimum of 20 bicycle parking across the site encouraging bike users to ride rather than drive (refer bicycle parking section below).

Table 7 of the Town’s LPS7 provides guidance for car parking and cash in lieu payments to be made if insufficient parking is provided for a development. If the Town is satisfied that a contribution should be applied, it must be confident that a car parking bays can be provided in the vicinity of the development. Presently, the streets adjoining the development already have on-street parking and there are no further opportunities for additional parking. Consideration of applying cash-in-lieu would be restricted to purchasing land for the provision. Should further developments with parking shortfalls be considered in future, it is recommended that, the Town prepare a plan for how contributions should be applied and car parking delivered. Also developing a policy position and program for delivery, will be contemplated. For the purposes of this assessment, it is considered that the matter of cash-in-lieu is not applied, as the Town does not have a position for dealing with contributions and it is likely parking construction costs is likely to render the development non-economical.

BICYCLE PARKING

The statutory requirements for bicycle parking for the proposed development are:

Requirements	Proposed	Officer Comments
Acceptable Outcome 2, Clause 3.2.9 of LPP 13 – South Hedland Town Centre Design Guidelines states “Residential land uses are to comply with bicycle parking requirements of the relevant Residential Design Codes”	N/A	Refer below.
Bicycle parking for commercial Acceptable Outcome 3, Clause 3.2.9 of LPP 13 – South Hedland Town Centre Design Guidelines stipulates that bicycle parking for commercial is 1 space per 400sqm gross floor area (GFA), with a minimum of 4 spaces per development	The total gross floor area for the commercial building: 145sqm.	A minimum of 4 spaces is required.
Bicycle parking for 26 Multiple Dwellings As per Element 3.9 of R-Codes Volume 2: <ul style="list-style-type: none"> Resident: 0.5 space per dwelling 	14 bicycle racks are proposed to be situated within the Maintenance / Bike Storage area. There is an	It is recommended, a condition be applied requiring a minimum of 20 bicycle parking facilities across the site.

<ul style="list-style-type: none"> • Visitor: 1 space per 10 dwelling <p><u>Required: 16 spaces:</u></p> <ul style="list-style-type: none"> • For residents: 13 spaces • For visitors: 3 spaces 	<p>opportunity to provide more visitor bicycle parking adjacent to the commercial building and within the Village Common area, if required</p>	
<p>Total required: 20 bicycle spaces</p>	<p>14 bicycle spaces</p>	<p>Shortfall: 6 spaces.</p>

CEILING HEIGHT

Section 3.2.7 'Adaptability' of the Town's Local Planning Policy 13 – South Hedland Design Guidelines require street facing buildings (for mix-use or commercial developments) to have a ground floor-to-ceiling height of 4.2m. The proposed ceiling height for the commercial building at the corner of Wise Terrace and Colebatch Way is proposed with a 3.0m floor to ceiling height (refer Concept Plan – Commercial Building).

The Guidelines' objective requires the building to be adaptable to changing needs overtime. It is considered that the current specification of a lower roof line of 3.0m may not sustain traditional commercial uses without impacting the external design of the building due to externalising services such as air conditioning infrastructure and requirements for power and technology services. It is recommended that should approval be granted, that a condition be applied requiring demonstration at the building permit stage that the ceiling height for the commercial building does not impact the external appearance of the building by way of need for external services such as air conditioning and other infrastructure.

PUBLIC ART

The estimated cost of development for this proposal is \$25,000,000.00. Clauses 4.3 and 4.4 of the Town Local Planning Policy 04 (Percent for Public Art), require development that exceeds \$2 million to set aside a minimum of 1% of the total project cost (i.e. \$250,000) for public art. This is capped at \$150,000. The provision of public art can be achieved by way of provision of public art or a cash-in-lieu contribution towards public art.

This development application is not exempt from contributing to public art under Clause 4.3. Accordingly, it is recommended that a condition be imposed that requires public art to be provided to the effect of \$150,000, or alternative cash-in-lieu contribution.

The Applicant states "in anticipation of a public art contribution requirement, the proposed development indicates opportunities for future public art to be incorporated

into the development and the adjacent verge area at the intersection of Colebatch Way and Wise Terrace.”

The applicant also advises that the proposed fencing to incorporate public art infill panels, the design of which will be confirmed through detailed design.

It is recommended that should approval be granted, that a condition stating prior to lodging an application for a building permit, a detailed public art plan should be submitted and approved by the Town. Alternatively, a cash-in lieu payment of this amount shall be made to the Town of Port Hedland prior to the occupation or use of the development.

OPERATIONAL MANAGEMENT PLAN

There is potential for the operational phase of the development (the restaurant/cafe) to have impacts on the surrounding environment and the amenity of occupants and visitors to the existing surrounding land uses. The OMP can address matters of day-to-day operations relating to cyclone preparedness, maintenance of the Wise Terrace verge area, use and security of outdoor elements associated with the office and restaurant/cafe. It is recommended that should approval be granted; a condition be applied requiring an OMP to be submitted to and approved by the Town prior to operation.

USE OF PUBLIC SPACES

The proposal includes awnings in the commercial building facing Colebatch Way and Wise Terrace. The applicant has advised that at this stage, this application is not proposing any alfresco dining on the verge area, however this may be explored by the future tenant. The applicant is also concerned that incidents could arise through potential continued public use of this land or use/activities and/or physical constructed elements of the development itself, within the public domain.

CONSTRUCTION MANAGEMENT PLAN (CEMP)

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

LEVEL OF SIGNIFICANCE

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

- Significant - A decision that will significantly affect the capacity of the Council to carry out any activity identified in the strategic plan.
- The proposal is located within the Town Centre and has the potential to set a precedent for the built design of the area, leading to potential environmental impacts on the Town. The proposed development also has the ability to increase

the housing supply within Port Hedland, with potential socio-economic impacts on the Town.

CONSULTATION

Internal

- Infrastructure Services;
- Environmental Health Services;
- Building Services;
- Waste Services; and
- Sustainability Services>

External Agencies

- Department of Health;
- Development WA.

Community

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised from 11 January 2024 to 8 February 2024 through the following methods:

1. A letter / email was distributed / sent to adjoining landowners;
2. Details of the proposal were published on the Town's webpage and In The Loop (the Town of Port Hedland's monthly newsletter). There were 384 total clicks onto this proposal on In The Loop.

No objection or submissions were received.

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015;
- Town of Port Hedland Local Planning Scheme No. 7;
- South Hedland Town Centre Development Plan;
- Town of Port Hedland Local Planning Strategy;
- State Planning Policy 7.0 - Design of the Built Environment;
- State Planning Policy 7.3 - Residential Design Codes Volume 1;
- State Planning Policy 7.3 - Residential Design Codes Volume 2 – Apartments;
- Local Planning Policy 04 – Percent for Public Art;
- Local Planning Policy 11 – Stormwater Management;
- Local Planning Policy 12 – Variations to the Residential Design Codes – Volume 1;
- Local Planning Policy 13 – South Hedland Town Centre Design Guidelines; and
- Local Planning Policy 14 – Design Review Panel.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Economy:

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

Our Built and Natural Environment:

3.3.3 The South Hedland Place Plan is implemented including the transformation of Wise Terrace.

Access and Inclusion

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

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

Our Infrastructure Services:

Verges and Street Trees - Increase the number of trees to provide a softer landscape, assist in dust suppression, cooling of public spaces and better shade to protect pedestrians and drivers

Our Regulatory Services:

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

Building Services - Building advice and approvals

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational Project
Risk Category	Compliance Reputational
Cause	<ul style="list-style-type: none"> • The developer does not comply with the conditions of the development approval. • The Town fails to provide a recommendation through a formal response to the Joint Development Assessment Panel (JDAP).
Effect (Consequence)	The JDAP determines the development application without considering the Town’s comments.
Risk Treatment	<p>The risk is negated by the Town’s ability to undertake compliance action in accordance with the Planning and Development Act 2005.</p> <p>The risk is negated by the Council adopting this recommendation and the Town providing a formal response based on this recommendation.</p>

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. This 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.

OPTIONS

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

CONCLUSION

The proposal will provide additional housing for the South Hedland locality, which is in highly needed due to undersupply. Based on the assessment against LPS7 and the relevant planning framework, it is considered that the proposal, is appropriate and an approval recommendation be presented to the JDAP for determination.

ATTACHMENTS

1. Attachment 1 - Planning Report [**12.3.2.1** - 29 pages]
2. Attachment 2 - Amended Plans [**12.3.2.2** - 27 pages]
3. Attachment 3 - Land Use Plan [**12.3.2.3** - 1 page]
4. Attachment 5 - Urban Design Statement [**12.3.2.4** - 23 pages]
5. Attachment 6 - Geotechnical Study [**12.3.2.5** - 86 pages]
6. Attachment 7 - Stormwater Management Plan [**12.3.2.6** - 2 pages]
7. Attachment 8 - LPP 13 Assessment [**12.3.2.7** - 12 pages]
8. Attachment 9 - R- Codes Assessment [**12.3.2.8** - 50 pages]
9. Attachment 10 - ESD Report [**12.3.2.9** - 26 pages]
10. Attachment 11 - Traffic Impact Statement [**12.3.2.10** - 39 pages]
11. Attachment 12 - Waste Management Plan [**12.3.2.11** - 26 pages]
12. Attachment 13 - Engineering Servicing Report [**12.3.2.12** - 19 pages]
13. Attachment 14 - DRP Recommendations [**12.3.2.13** - 8 pages]
14. Attachment 4 - Amended Landscape Plan [**12.3.2.14** - 29 pages]
15. Attachment 15 - Swept Path Details [**12.3.2.15** - 2 pages]
16. Attachment 16 - Feature Survey [**12.3.2.16** - 1 page]

12.3.3	Proposed Dedication of a Portion of Great Northern Highway
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Author: Building Surveyor

Authorising Officer: Manager Planning & Economic Development
Director Regulatory Services

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

Caretaker Statement

a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."

CM202324/225 COUNCIL DECISION

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council:

- 1. Pursuant to section 56 of the *Land Administration Act 1997*, supports the proposed dedication of Lots 3006 and 3007 on Deposited Plan 415083 as road reserve, to be amalgamated into the existing Great Northern Highway;**
- 2. Indemnifies the Minister for Lands against any claim for compensation in relation to the proposed dedication in accordance with section 56 (4) of the *Land Administration Act 1997*; and**
- 3. Advises the Department of Planning, Lands and Heritage of the Council's resolution in accordance with section 56(2) of the *Land Administration Act 1997***

CARRIED BY SIMPLE MAJORITY (8/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner
Against: Nil

PURPOSE

The purpose of this report is for Council to consider the proposed dedication of land identified in Attachment 1 as a road reserve, finalising tenure changes required as a result of the construction of the associated separation bridge.

DETAIL

In 2017, Roy Hill undertook the construction of a separation bridge along the Great Northern Highway southwest of Port Hedland, allowing for separation of public,

road-based vehicles, and trains associated with Roy Hill operations. Following delays in required tenure amendments due to wider land changes, the land upon which the bridge was constructed is now required to be dedicated as road reserve.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it will not result in any expenditure or resource commitment.

CONSULTATION

Internal

- Internal consultation is not required for this item.

External Agencies

- Main Roads Western Australia, as the item proponent, have undertaken consultation with BHP Billiton Pty Ltd in relation to the excision of land currently held by lease. BHP Billiton Pty Ltd have consented to the excision and dedication.

Community

- Community consultation is not required for this item.

LEGISLATION AND POLICY CONSIDERATIONS

Dedication of land as road is governed by section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*.

FINANCIAL AND RESOURCE IMPLICATIONS

In accordance with s56 of the *Land Administration Act 1997* the Town is required to indemnify the Minister for Lands against any claims for compensation in relation to the dedication of the specified parcel. However, Main Roads Western Australia have in turn indemnified the Town against any claims for the same.

Following dedication, MRWA will assume all responsibility for the care, control, and management of the bridge and road reserve.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Nil

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

Access and Inclusion

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

Nil

Corporate Business Plan

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

Our Regulatory Services:

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	Failure to adopt the officers recommendation
Effect (Consequence)	The existing overpass will remain private land, resulting in tenure conflicts.
Risk Treatment	Adoption of the officers recommendation.
<p>There is a Strategic risk associated with this item caused by failing to adopt the officers recommendation which will lead to unresolved tenure issues that have the potential to affect management and maintenance responsibilities. The risk rating is considered to be Low (3) which is determined by a likelihood of Possible (3) and a consequence of Insignificant (1).</p> <p>This risk will be eliminated by adoption of the officers recommendation.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

The dedication of land shown in Attachment 1 is a procedural matter, necessary to ensure that the tenure of the land aligns with the existing physical use as a public road.

ATTACHMENTS

1. Deposited Plan 415083 [**12.3.3.1** - 2 pages]

12.4 Infrastructure Services

Nil

12.5 Executive Services

Nil

13 New Business of an Urgent Nature (Late Items)

Nil

14 Motions of Which Previous Notice has been given

Nil

15 Matters for Which Meeting May be Closed (Confidential Matters)

Nil

16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 March 2024 commencing at 5:30 pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 6:36pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 27 March 2024.

CONFIRMATION:

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a horizontal line.

PRESIDING MEMBER

27/3/2024
DATED