



MINUTES

Ordinary Council Meeting Wednesday, 25 November 2020

Date: Wednesday, 25 November 2020

Time: 5:30pm

Location: Civic Centre
13 McGregor Street
Port Hedland

Distribution Date: 04 December 2020

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

3.1 Attendance

Scheduled for Attendance:

Mayor Peter Carter
Deputy Mayor Renae Coles
Councillor Eva Bartho
Councillor Jan Gillingham
Councillor Lewis Kew Ming
Councillor Warren McDonogh
Councillor Tim Turner
Councillor Kylie Unkovich
Councillor Elmar Zielke

Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Angelique Cook (Senior Governance Advisor)
Joshua Brown (Governance Advisor)
Naomi Murcott (Corporate Support Officer / Minute Taker)

Staff: 6
Public: 2
Media: 0

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Nil.

3.4 Approved Leave of Absence

Nil.

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Councillor Eva Bartho	11.3.2	Impartiality	Due to the nature of the Councillors involvement in a voluntary capacity with Port Hedland Game Fishing Club, she wishes to declare an Impartiality Interest due to The Landing having provided sponsorship for 2 major tournaments hosted by PHGFC this year.
Councillor Jan Gillingham	11.3.2	Impartiality	Due to the proximity of the Councillors employment at the Port Hedland School of the Air.

Item 4 Applications for Leave of Absence

CM202021/086 COUNCIL DECISION	
MOVED: CR MCDONOGH	SECONDED: CR GILLINGHAM
That Council approve the following applications for leave of absence:	
Deputy Mayor Coles	29 November 2020 – 13 December 2020
Councillor Kew Ming	10 December 2020 – 20 December 2020
<i>CARRIED 9/0</i>	

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from the Public at the Ordinary Council Meeting held on 4 November 2020

5.1.1 MR DEAN DAVIS

The Chief Executive Officer issued Mr Davis with a written response to all questions listed below on 17 November 2020:

The last time I made this request I was told by the Mayor “We will cross that bridge when it comes.” This bridge has now been crossed and recycling is now here.

The community is here again to ask Local Government to introduce refuse laws to specifically ban the disposal of needles and syringes from the Syringe Needle Program (SNP) into domestic waste or recycling streams.

This is in line with health.gov.au best practices.

The desired outcomes are to reduce risk of needle stick injuries to waste collection staff, reduce risk of needle stick injuries to children and the community, and to protect recycling streams and collection processes.

The Director Regulatory Services provided the following response:

- 1) Refuse Law to ban disposal of needles and syringes into domestic waste and recycling streams:-

The Towns current Health Local Law 2016, based on the approved WALGA template includes provision for safe disposal of used needles and syringes into a refuse receptacle. Specifically, Local Law 7.10 states “A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.” The Local Law was also approved by the Department of Health prior to gazettal, and has consistent wording with other Council’s more recent Local Laws Provided that the disposal is in compliance with the provisions of the Towns Local Law, it is deemed acceptable.

The proposed Waste Local Law 2020 includes provisions which prohibit the disposal of any material into a recycling bin which is not considered “recycling waste”. The proposed Local Law includes a definition for “recycling waste” which does not include needles or syringes, regardless of whether they are in an approved container. Once the proposed Local Law comes into effect, if a person disposed of a needle or syringe into a recycling bin, they would be in breach of the Local Law and subject to a \$350 infringement.

My next question involves needles again. The Emergency Department closes handing out needles to consumers when a superior service is active, such as the Needle Syringe Program. We are asking that the SNP close as well when a superior service is active, as in the current Needle Exchange Program (NEP).

The desired outcome is to get more consumers using the NEP over inferior services in the community, with the outcome being less incorrectly disposed of needles in low income housing.

The Director Regulatory Services provided the following response:

- 2) Closure of programs where another service is provided.

The current exchange programs are operated and managed by the Department of Health and WA Country Health Service. Any decision to modify services in response to another exchange or supply service being provided by an alternative agency is at the discretion of the Department of Health and WA Country Health Service.

The last question is, Community lead initiative in the NEP, we are asking for the release of serialised data for NSP program last year verses this year for the Town of Port Hedland, including data from the Department of Communities on incorrectly disposed of syringes. We would like last years and this years as the NEP program, at the end of this month, has served a twelve month term.

We note that in communication with the Prime Minister's office serialised data is not secret and there is no excuse for it not to be released.

The Director Regulatory Services provided the following response:

Provision of needle and syringe data collected by the Town and other agencies.

The Town has previously provided access to the data of syringes and needles collected by Town staff during the course of their duties. Current data for 2019 and 2020 is as follows:-

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year Total
2019	80	101	130	66	80	60	108	149	47	95	28	31	975
2020	64	51	48	108	54	26	13	47	38	14	-	-	463

*NOTE: This data is subject to inaccurate reporting of incorrectly disposed needle and syringes, aligning with the true description of an incorrectly disposed needle and/or syringes.

The Town only collects data on incorrectly disposed needle and syringe's reported by staff, this includes reported incorrectly disposed syringe and needles made by the community for collection by The Town.

The Town of Port Hedland does not have any further information from the Department of Communities.

If you have any enquiries of the true description of incorrect disposal or require further syringe/needle data, kindly direct your enquiries to the Department of Health and WA Country Health Services, and the Department of Communities.

5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on 4 November 2020

5.2.1 COUNCILLOR JAN GILLINGHAM

The Chief Executive Officer issued Cr Gillingham with a written response to the question listed below on 17 November 2020:

Good Evening Mayor, Deputy Mayor, Chief Executive Officer, All Staff and Councillors.

My question is to do with one of the items tonight relating to the bushfires. Having extra fire people in our Town is something to look at because the need will arise, the fire issues are getting bigger and more dangerous and I believe it is important for us and the Town to take this on notice. So the question relates to the possibility of future extra firefighters for our Town.

The Director Regulatory Services provided the following response:

Over the past 5 years there have been several significant changes to bushfire management within the Town. What has not changed, is the Town's reliance on volunteers for all facets of emergency service, be it fire, ambulance, state emergency service or marine rescue. The major change has been the signing of a MOU with DFES for the transfer of Control during bush fire response and assisting the Town to carry out their responsibilities for the management and

control of the Bush Fire Brigade, which has brought with it an additional DFES officer to the region who provides oversight, training and management to volunteers. The other change was the creation of the Hedland Bushfire Brigade 3 years ago (co-located with the SES at the Airport) which provides an initial response to bushfires outside of the gazetted fire districts/town sites.

The Town now has 3 separate fire brigade units, which are supported by the Town's Rangers when required. These include:-

- Hedland Bush Fire Brigade (BFB) – comprising 5 active members, with 2 vehicles permanently based and another on a temporary basis for the fire season. Last financial year they responded to 45 turn outs, and are the initial response for all fires outside of the town sites.
- Port Hedland Volunteer Fire and Rescue (VFRS) – comprising 28 active members, with 2 vehicles permanently based and another 2 on a temporary basis for the fire season. Last financial year they responded to approximately 120 turn outs, and are the initial response for all incidents within Port Hedland town site.
- South Hedland Volunteer Fire and Rescue (VFRS) – comprising 25 active members, with 3 vehicles permanently based. Last financial year they responded to approximately 280 turn outs, and are the initial response for all incidents within South Hedland town site and Wedgefield.

Depending on the size of the incident, each of the three brigades will back each other up, while maintaining coverage within the town site areas. For larger incidents with an extended duration, these fire brigade units are supplemented with volunteers and vehicles from within Karratha, or strike teams comprised of Career firefighters and volunteers deployed from other regions including Perth. Where extreme fire conditions are anticipated, DFES will also stand up additional on-call staff and pre-mobilise staff and volunteers to areas of concern. The on-call and pre-mobilisation is not limited to fire, but is also used effectively for other emergencies such as cyclone.

The Town continues to be highly supportive of volunteer emergency services within the district, both in terms of providing support to those units, but also releasing staff who are members of emergency service unit to attend incidents. This support has been recognised by DFES through nominations submitted by the volunteers themselves, who awarded the Town a "Gold Category Award" as part of their Volunteer Employer Recognition Awards. The Town will continue to promote volunteerism both among its staff and to the broader community to bolster member numbers within these units and other emergency services and community organisations.

Item 6 Public Time

Important note:

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

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

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 opened at 5:35pm.

The Presiding Member declared Public Question Time closed at 5:35pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time opened at 5:36pm.

The Presiding Member declared Public Statement Time closed at 5:36pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

Nil.

Item 8 Announcements by Presiding Member without Discussion

The Commissioner's meetings for the month of October 2020:

06/10/20	Meeting with Bunnings	Update on business development in the Pilbara
06/10/20	Meeting with Atlas Iron	Meeting re Workforce Accommodation
06/10/20	Weekly Talk of Town radio segment	Weekly Radio Interview
08/10/20	Fortnightly ABC chat	Fortnightly radio chat
09/10/20	Meet with Roy Hill	Meeting re Workforce Accommodation
09/10/20	PHCCI Budget Luncheon	Overview of state budget
09/10/20	Pilbara Regional Council meeting	Ongoing wind up matters
12/10/20	20/21 Cyclone Season outlook	BOM presentation

The Mayor's meetings for the month of October 2020:

20/10/20	Meeting with PDC	General update on matters for new Mayor
23/10/20	Meeting with Nationals	Meet & Greet with Nationals Candidate for the Pilbara, Scott Bourne
23/10/20	PHCCI Pink Pilbara Breakfast	Attended breakfast as guest
24/10/10	Puppet in the Pilbara Event	Official opening of event
27/10/20	Meet with Pet Empire Business owner	Business operations
27/10/20	Meeting with BHP	Update on projects
29/10/20	Launchpad Grand final event	Judging for PHCCI launchpad event
30/10/20	Weighted Exhibition Opening	Guest speaker at exhibition opening

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

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

Mayor Peter Carter
Deputy Mayor Renae Coles
Councillor Eva Bartho
Councillor Jan Gillingham
Councillor Lewis Kew Ming
Councillor Warren McDonogh
Councillor Tim Turner
Councillor Kylie Unkovich
Councillor Elmar Zielke

Item 10 Confirmation of Minutes of Previous Meeting

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.

CM202021/087 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR ZIELKE**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 4 November 2020 are a true and correct record.

CARRIED 9/0

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 REVISED POLICY 1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS

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

CM202021/088 OFFICER’S RECOMMENDATION/COUNCIL DECISION
MOVED: CR ZIELKE **SECONDED: CR TURNER**

That Council amend Policy 1/017 ‘Order of Business for Council and Committee Meetings’ as per Attachment 1.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider minor grammatical amendments and the inclusion of a two yearly review frequency to Policy 1/017 ‘Order of Business for Council and Committee Meetings’.

DETAIL

Policy 1/017 ‘Order of Business for Council and Committee Meetings’ was last revised and adopted by Council at the Ordinary Council Meeting held on 24 January 2018 (Resolution number CM201718/121).

This policy was created to provide agenda structure for meetings and advise in what order all meetings will be run. It is required to provide efficiency during each Council and Committee meeting.

As per the Town of Port Hedland Standing Orders Local Law 2014 this policy can be amended to ensure efficiency for each Council and Committee meeting.

The Governance Team review policies regularly and have found some grammatical errors that require amending. The Governance team have reviewed the substance of the policy and does not believe it requires any material changes.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, as the policy is to be updated with only minor grammatical changes.

CONSULTATION

Internal

- Senior Governance Advisor.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The Town of Port Hedland Standing Orders Local Law 2014 was considered in preparation of this item, as it states under section 5.2 (1) that Council shall determine the order of business for Council and Committee Meetings.

Part 5, subdivision 3 of the Local Government Act 1995 and Part 2 of the Local Government (Administration) Regulations 1996 provides further detail relating to Council and Committee meetings.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implications with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the document should be without grammatical errors. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt revised policy 1/017 'Order of Business for Council and Committee Meetings' as presented in Attachment 1. In amending the policy the wording will be clear and a review frequency will be established.

ATTACHMENTS

1. Draft V4.0 - Policy 1/017 'Order of Business for Council and Committee Meetings' (Track Changes) (under separate cover)

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2020

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.

CM202021/089 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

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

1. Receive the Statement of Financial Activity for the period ended 30 September 2020;
2. Note the Accounts paid under delegated authority for period ended 30 September 2020; and
3. Receive the Credit Card Statements for period ended 30 September 2020.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 September 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 30 September 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

It should be noted that the accounts presented with this agenda are based on 2019/20 unaudited statements, with the previous financial year closing positions rolling forward as the opening position for 2020/21. While the statements are accurate, the financials are subject to final external audit and may change. This will result in differences between the financials attached and the financial statements presented for financial year 2019/20.

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 2020/21 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation; and
2. With regards to all other items, excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

The opening funding deficit of (\$209K) presented in YTD Actual on the Statement of Financial Activity is as per the closing deficit for unaudited June 2020 financial statements.

The net current funding position as at 30 September 2020 was \$43.6M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$273.9M
Restricted Cash – Reserves	\$238.4M
Unrestricted Cash Position as at 30 September 2020	\$35.5M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 September 2020 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 30 September 2020 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 30 September 2020.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit to be presented in the unaudited financial statements. The net current funding position was \$43.64M.

ATTACHMENTS

1. Monthly Financial Statements September 2020 (under separate cover)
2. Payments under Delegated Authority September 2020 (under separate cover)
3. Credit Card Statements September 2020 (under separate cover)

11.1.3 ADOPTION OF TOWN OF PORT HEDLAND WASTE LOCAL LAW 2020

Author: Senior Governance Advisor
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.

CM202021/090 OFFICER'S RECOMMENDATION 1/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR TURNER**

That Council pursuant to Section 3.12 of the *Local Government Act 1995* resolves to:

1. Adopt the Town of Port Hedland Waste Local Law 2020, as per Attachment 1:
 - a) With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
 - b) With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community and protection of the environment, and to provide capacity to enforce contraventions to the laws;
2. Authorises the Chief Executive Officer to:
 - a) Publish the Town of Port Hedland Waste Local Law 2020 in the Government Gazette;
 - b) Provide a copy of the gazetted Town of Port Hedland Waste Local Law 2020 to the:
 - i) Minister for Local Government, Heritage, Culture and the Arts;
 - ii) Minister for Environment; Disability; Electoral Affairs; and
 - iii) Director General of the Department of Water and Environmental Regulation;
 - c) Give local public notice after gazettal of the Town of Port Hedland Waste Local Law 2020;
 - d) Provide a copy of the gazettal of the Town of Port Hedland Waste Local Law 2020, together with any explanatory documents required, to the Joint Standing Committee on Delegated Legislation for review; and
 - e) Authorise the affixing of the Common Seal to the Town of Port Hedland Waste Local Law 2020.

CARRIED ABSOLUTE 9/0

CM202021/091 OFFICER'S RECOMMENDATION 2/COUNCIL DECISION**MOVED: CR BARTHO****SECONDED: CR COLES**

That Council amend the Town of Port Hedland's Delegation Register, as per Attachment 2.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the Town of Port Hedland Waste Local Law 2020 as revised, following public consultation, and progress the formal making of this law in accordance with the *Local Government Act 1995*.

DETAIL

At its Ordinary Council Meeting on 27 May 2020, Council resolved the following to progress the development of the Town of Port Hedland Waste Local Law 2020:

CM201920/226 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Adopt the proposed Town of Port Hedland Waste Local Law 2020 for advertising purposes.
2. Give state wide public notice that it intends to make the proposed Town of Port Hedland Waste Local Law 2020 as per Attachment 1, as required under section 3.12 of the *Local Government Act 1995*:
 - a) With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
 - b) With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community and protection of the environment, and to provide capacity to enforce contraventions to the laws.
2. Authorise the CEO to submit a copy of the proposed Town of Port Hedland Waste Local Law 2020 to the Minister for Local Government and the Minister for Environment.

CARRIED BY COMMISSIONER RIEBELING

This resolution has been completed, and Council approval is required to continue the progression of the making of this local law.

The proposed Town of Port Hedland Waste Local Law 2020 has been based on the Western Australian Local Government Association (WALGA) template that has been approved by the Joint Standing Committee on Delegated Legislation.

The Waste Local Law 2020 was advertised state-wide in The 'West Australian' newspaper on Wednesday, 3 June 2020 and locally in the 'North West Telegraph' on Wednesday, 3 June 2020. The advertisements invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Monday, 20 July 2020. Copies of the advertisement were displayed on the Town of Port Hedland's (Town) notice boards at both libraries and on the Town's website.

A copy of the proposed Town of Port Hedland Waste Local Law 2020 and copies of the advertisements were sent to the Minister for Local Government, Heritage, Culture and the Arts and to the Minister for Environment; Disability; Electoral Affairs for review. The Minister for Environment; Disability Services; Electoral Affairs referred the proposed Waste Local Law 2020 to the Director General of the Department of Water and Environmental Regulation, Mr Mike Rowe, for consideration and comment.

On 13 August 2020 the Town received correspondence from the Department of Water and Environmental Regulation, noting that minor grammatical changes would have to be resolved before the Town's proposed Waste Local Law 2020 could be considered for consent.

The Town actioned the amendments to the proposed Waste Local Law 2020 and forwarded two copies of the final draft to the Director General of the Department of Water and Environmental Regulation for consideration on Monday 14 September 2020. The Town received the Directors General's consent to the making of the local law on 16 October 2020, as per Attachment 3.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it effects all residents within the district of Port Hedland in the terms of both general and recyclable waste services.

CONSULTATION

Internal

- Executive Leadership Team

External Agencies

- Minister for Local Government, Heritage, Culture and the Arts;
- Minister for Environment; Disability; Electoral Affairs; and
- Director General of the Department of Water and Environmental Regulation.

Community

- One public submission was received from 'Care for Hedland Environmental Association', supporting the Town's intended approach for allowing the regulation of both general and recyclable waste once the kerbside recycling services commences in in 2021.

LEGISLATION AND POLICY CONSIDERATIONS

- Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.
- The process of adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995*.
- *Waste Avoidance and Resource Recovery Act 2007* confers the Council with the powers to adopt specific laws for governing waste within its jurisdiction.

FINANCIAL AND RESOURCES IMPLICATIONS

There are financial and resource implications associated with making Waste Local Law 2020 which includes a gazettal fee that is approximately \$2,000. Funds are available in the 2020/2021 budget for the projected cost.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Environmental

The proposed Waste Local Law 2020 implements a regulatory framework for the disposal of recyclable materials ultimately for the protection of the environment.

Economic

Nil

Social

The proposed Waste Local Law 2020 will assist in educating the community by providing a clear framework for offences relating to general and recyclable waste.

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process

Corporate Business Plan

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

- 3.2.3.2 – Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the Town does not adopt the proposed Waste Local Law 2020, which will provide an appropriate legal framework to regulate both general and recyclable waste. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

There is a reputational risk associated with this item if the Town does not advertise/gazette the proposed Waste Local Law 2020, which will inform community members of the new legal framework to regulate both general and recyclable waste. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of minor (2).

These risks will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council progresses the process under the *Local Government Act 1995* to make the proposed Town of Port Hedland Waste Local Law 2020, which will allow for the regulation of both general and recyclable waste once the kerbside recycling services commences in in 2021.

ATTACHMENTS

1. Final Waste Local Law 2020.pdf (under separate cover)
2. Delegation Register Amendment (Section 21.8) Track Changes.docx (under separate cover)
3. Letter of Consent Waste Local Law 2020.pdf (under separate cover)

11.2 Community Services

Nil.

11.3 Regulatory Services

11.3.1 FINAL ADOPTION OF POSITION STATEMENTS - MINING TENEMENTS AND DISPOSAL/MANAGEMENT OF CROWN LAND

Author: Manager Town Planning and Development
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.

CM202021/092 OFFICER’S RECOMMENDATION/COUNCIL DECISION
MOVED: CR TURNER **SECONDED: CR GILLINGHAM**

That Council:

1. Adopts Position Statement – Mining Tenements for final approval, presented in Attachment 1 of this item; and
2. Adopts Position Statement – Disposal and Management of Crown Land for final approval, presented in Attachment 4 of this item.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider adopting the Position Statement – Mining Tenements and Position Statement – Disposal and Management of Crown Land.

DETAIL

The Position Statements formalise the existing position, processes, and principles applied by the Town Planning and Development unit in responding to statutory referrals for Crown Land tenure, mining tenements, and associated activities. In doing so, the Town:

- provides informed reasoning (context) for the Town’s position which is based on supporting the aims of the Local Planning Scheme including economy, physical and natural environment; wellbeing of the community and industry workforces; and Town amenity;
- enhances the capacity of the Town to provide quality evidenced-based advice to the State Government (and proponents), and ensure greater transparency in the Town’s approach to meeting its statutory mandate, for the above referrals;
- clarifies the content of documentation required to underpin a considered assessment by the Town of these statutory referrals, with the intention of potentially reducing proponent planning and delivery timeframes and associated costs;
- facilitates enhanced collaboration between proponents, the Town, and the community, with the aim of remediating impacts, and harnessing opportunities for industry, its workforces and the community of the Town of Port Hedland, from proponent developments and activities; and

- improves data collection and collation, to inform strategic infrastructure and service planning for the Town.

The Position Statements outline the Town's rationale when responding to an application for the grant of a mining tenement and grant and/or management of Crown Land. Further, they provide underlying principles and other matters for an applicant to consider in applying for, and carrying out activities under, a grant of mining tenement or Crown Land tenure within the Town. It is intended that the Position Statements apply to new statutory referrals for dealings under Crown Land or a mining tenement, except where under a grant of Crown Land tenure, variations are made to approvals, where lease or license extensions are sought that are not considered by the Town to be minor, or where compliance matters require clarification. In respect to grant of a mining tenement, where variations are made to existing approvals, a licence is converted to a lease, or where renewals or extensions of a lease or licence are sought and these are not considered to be minor matters.

The Position Statements do not bind Council in responding to a statutory referral for grant and/or management of Crown Land tenure or grant of a mining tenement. The Town also recognises that the Position Statements cannot be unilaterally applied to mining tenements or bind Government agencies in imposing the Town's advice on the grant of Crown Land tenure or Crown Land management, advice being informing only.

Position Statement – Mining Tenements

The Position Statement summarises the rights acquired under the various mining tenements including a Mining Lease, General Purpose Lease, Miscellaneous Licence, Exploration Licence, Prospecting Licence, Special Gold Prospecting Licence and Retention Licence.

The Position Statement identifies the Town's position when responding to an application for grant of a mining tenement and associated activities, specifically, the Town:

- will not support (and will object to) the grant of mining tenements within the gazetted townsite boundary.
- will generally view significant mining developments and activities located outside the gazetted townsite boundary, deemed not to have a substantial adverse impact on the Town's Local Planning Strategy and Local Planning Scheme, community amenity and health, public use infrastructure, as low impact (including prospecting activities that do not employ ground disturbing equipment near activity centres or sensitive land uses).
- will not generally support mining tenement developments or activities that may have an adverse impact on a rural residence.
- will consider on a case-by-case basis a proposal to overlay a town-managed asset, land or reservation, based on the impact, and extent of impact, of the mining tenement development or activity on assets, required modifications to assets, and the significance and values of the asset.
- will consider on a case-by-case basis, the type of infrastructure and activities located in proximity to highways or major roads; distance from, and impact / intersect with the road or road reserve; and any intrusion on the approach to Port Hedland. The Town will not support developments or activities being located within the Visual Protection Areas of the Great Northern Highway or North West Coastal Highway, or that impact the entry statement to Port Hedland. The Town will not generally support developments or activities that impede public road or road reserve access.

- will not support mining development and activities that may adversely affect the water protection quality objectives of the Yule and De Grey River catchment areas.
- will not support mining developments and activities that will likely adversely impact the coastal foreshore reserve and integrity of waterways, giving due regard to the values of those areas.
- will not support the construction of duplicate airport infrastructure within relative proximity to the Town given its capacity to undermine substantial investment in Port Hedland International Airport. The Town has developed draft Town of Port Hedland Local Planning Policy LPP/05 Workforce Accommodation which speaks to the location of workforce accommodation within a safe driving distance of 30-minutes from the townsite boundary, in Port Hedland.
- supports a proponent giving due consideration to the submission of a planning application for non-mining production infrastructure to facilitate access by proponents during the formative planning stages of a project to town planning and development expertise, to facilitate impact and opportunity management, and to assist the Town in planning for infrastructure and service delivery, including emergency response capability.
- supports submission of a Social Impact Assessment and Social Impact Management Plan where the impacts of mining tenement developments or activities are considered to have a moderate to significant impacts on the Town and a maintenance or liability agreement to offset significant impacts on Town-owned road networks. The Town has developed Draft Town of Port Hedland Local Planning Policy LPP/06 Social Impact Assessment to support this approach.

Position Statement – Crown Land

The *Position Statement: Crown Land* identifies the Town's position for applications for the grant and / or management of Crown tenure, in brief as follows:

- Town will assess Crown Land referrals for land located in West End Improvement Scheme No.1, in the context of the strategic objectives of the Town's local planning strategy.
- supports location of industrial and residential developments in areas zoned for that purpose under the Local Planning Scheme with agricultural industries located in the rural zone and agribusiness, aquaculture, renewable energy and other innovative industries considered on a case-by-case basis, giving due consideration to appropriate separation distances.
- will give consideration to supporting a Crown Lease or Crown Licence on a Crown Reserve based on whether the grant of application will enhance or adversely impact the reserve purpose and use, and surrounding land uses. Such a referral will be considered favourably where Government proposes to vest a reserve under a new management order and the proposed use is consistent with the Local Planning Scheme and relevant approvals; and on a case-by-case basis where commercial or other uses activate a reserve. Where the Town invests substantial capital or operational funding in a reserve that benefits commercial uses or other developments on, or in proximity to, the site then it may consider financial returns for management of the reserve.
- Support Crown Licences in accordance with the local planning framework with an expectation that proponents consider management and amelioration of adverse impacts on townsites / urban settlements, sensitive land uses, and ensure human safety.
- Supports coordinated and strategic development by Government agencies for sale of all land types giving due regard to the Local Planning Scheme and proposed or committed structure plans for subdivision.

- Supports the State Government incorporating terms and conditions in contractual agreements for Crown Leases or Crown Land sales, requiring the occupation, construction and operations associated with a permitted use to be delivered within a specified period from the commencement of those agreements.
- Reinforces the legislative requirement to submit a planning application to local government to construct a new, or amend an existing, building on Crown Land tenure, including but not limited to, Diversification Permits on Pastoral Leases, with the exception of public works referrals by State Government agencies and construction on mining tenements. Notes the value of a public works referral or planning application in achieving design standards able to withstand hazards; in planning for, and managing, impacts; and ensuring compliance standards are met under the Scheme.
- Notes the Town's assessment of compliance issues on Crown Land on a case-by-case basis and the need for proponents to understand compliance requirements relevant to Crown Land tenure.
- Supports appropriate consultation processes, including the conduct of a Social Impact Assessment and Social Impact Management Plan for large-scale developments.

Consultation

The *draft Position Statement – Mining Tenements* was initiated at the Ordinary Council Meeting held 26 August 2020. The draft Position Statement was subsequently advertised for a period of 21 days from 23 September 2020 to 14 October 2020, through advertisement in the North West Telegraph, email notifications with key industry, community and government stakeholders and on the Town's website. In total, two submissions were received from the Department of Mines, Industry and Regulation (DMIRS) and the Department of Lands, Planning and Heritage (DPLH), during the public consultation period and are captured in a schedule of submissions (refer attachment 2).

DMIRS suggested amendment to better reflect the informing, as opposed to the binding role, of local government authorities under the referral provisions of the *Mining Act 1978* (Mining Act) in the grant of mining tenement tenure and associated activities. Relevant statutory provisions under the Mining Act were considered and included in the Position Statement. The Position Statement also cites that it cannot be unilaterally imposed on mining tenements. DPLH reinforced the referral provisions under Section 25 of the Mining Act pertaining to applications for mining tenements in townsites.

A schedule of modifications has been provided (refer Attachment 3) and a revised Position Statement drafted with changes in content, format and structure effected (refer to Attachment 1).

The *Position Statement – Disposal and Management of Crown Land* was initiated at the Ordinary Council Meeting held 26 August 2020. The draft Position Statement was subsequently advertised for a period of 21 days from 23 September 2020 to 14 October 2020, through advertisement in the North West Telegraph, email notifications with key industry, community and government stakeholders and on the Town's website. Three submissions were received during the public consultation period and are captured in a schedule of submissions (refer attachment 5).

The submissions generally supported the Position Statement but requested minor amendments to elaborate on rural land types and planning requirements for rural developments under State Planning Policy; to give specific regard to Pastoral leases and associated

Diversification Permits; and to remove superfluous language that did not contribute to the meaning of a statement or did not accord with terminology used in legislation. The majority of recommendations were accepted.

A schedule of modifications has been provided (refer Attachment 6) and a revised Position Statement drafted with changes in content, format and structure effected (refer to Attachment 4).

LEVEL OF SIGNIFICANCE

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

- The processes and principles included within the Position Statement align with those currently adopted by the Planning and Development unit in the assessment of related statutory referrals.
- While the provision of documents in some instances will exceed that currently provided to the Town, additional information will also ensure the Town effectively meets its statutory mandate under referral legislation in the context of the Strategy and Scheme. Further, it will potentially streamline timeframes for proponents associated with lodgement of objections related to provision of insufficient information.
- Road liability and maintenance agreements are already applied where high vehicle impacts on road infrastructure from developments is determined.
- Good management of the district requires identification and amelioration of positive and negative impacts of developments. Council adopted *Draft Local Planning Policy 05 – Workforce Accommodation* and *Draft Local Planning Policy 06 – Social Impact Assessment* for consultation, which embed the framework for this assessment process, at the June 2020 Ordinary Council Meeting.

CONSULTATION

Internal

- Planning and Development Team
- Executive Leadership Team

External Agencies

The Town consulted with relevant industry and State Government agencies on the Position Statements.

Community

Community members were provided the opportunity to lodge a submission on the Position Statements during the 21-day consultation period, 23 September 2020 to 14 October 2020.

LEGISLATION AND POLICY CONSIDERATIONS

- *Land Administration Act 1997;*
- *Mining Act 1978;*
- *Town of Port Hedland Local Planning Strategy;*
- *Town of Port Hedland Local Planning Scheme;*
- *Town of Port Hedland Workforce Accommodation Position Statement;*
- *Town of Port Hedland LPP/05 Workforce Accommodation Policy; and*

- *Town of Port Hedland LPP/06 Social Impact Assessment*

FINANCIAL AND RESOURCES IMPLICATIONS

There are actual and potential financial and resource benefits associated with the policy including:

- encouraging submission of appropriately detailed documentation to improve the Town's capacity to progress a response to a referral in a timely manner and reduce the requirement to object to access further information;
- redirecting the focus of land development to existing strategic industrial and residential land uses;
- reduction in compliance monitoring and enforcement associated with non-conforming land uses; and
- managing financial impacts on the airport and reducing capital and operational costs associated with duplicate infrastructure and services.

There may be some additional costs incurred by the proponent for the provision of documentation, although this information should be readily available to the proponent as part of project planning and / or the application process for Crown Land or mining tenure.

There may be costs associated with the conduct of a Social Impact Assessment, but this will in part, offset cost shifts to the Town and community of Port Hedland from adverse impacts of large-scale projects. It also provides strong potential to harness opportunities for industry and industry workforces.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 3.a.2 Biodiversity is understood by the community and protected
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
- 4.b.1 Sound long-term financial planning is implemented

Environmental

The Position Statements aim to limit non-conforming land uses; maintain appropriate separation distances between land uses and activities; protect biodiversity values, waterways and potable water supply; and preserve the visual amenity of the approach to Port Hedland.

Economic

Both Position Statements:

- establish principles and processes that support strong economic development in a manner that preserves State and local government investment in strategic infrastructure; community amenity, liveability, health and safety; and orderly land use planning and sustainable development.
- support a collaborative approach between the Town and proponents of a Crown Land or mining tenure application with a view to reducing timeframes for assessment of statutory referrals, resolving impediments and identifying opportunities, for the Town and industry workforces in the formative stages of the planning process.
- facilitate an improved understanding of developments within the Town of Port Hedland local government area to better inform strategic planning, service, and infrastructure investment.
- support the identification of opportunities and offsets for large-scale projects through conduct of a Social Impact Assessment and Social Impact Management Plan or liability or maintenance agreement (roads).

The previous mining boom and absence of sufficient land supply saw the proliferation of Crown leases for industrial uses and to a lesser extent, residential land. In a number of instances, this resulted in non-conforming land uses, lower standard developments, duplication of local government infrastructure and extension of municipal services, and complex compliance issues. With substantial investment in industrial and residential land supply since that time, continued allocation of Crown leases in lieu of occupation of dedicated estates has the potential to substantially undermine those investments and restrict foreseeable growth within, and adjacent to, the townsite boundary.

The *Position Statement: Crown Leases* supports utilisation of zoned sites for industrial and residential uses under the Local Planning Scheme, maximising return on State and local government investment. It also facilitates economic equity between proponents accessing industrial and residential land in Port Hedland and considers opportunities to support activation of town-managed reserves.

The *Position Statement: Mining Tenement* also aims to protect valuable road transport infrastructure.

Social/cultural

The Position Statements collectively aim to protect cultural and community assets and amenity with particular attention to reducing the direct impact of developments on urban and activity centres, community infrastructure, the foreshore, waterways and public open space.

Corporate Business Plan

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

- 1.a.6.1** Promote awareness of town-wide health, recreation, sporting and safety services and initiatives
- 1.b.2.1** Engage with key stakeholders to promote a residential first approach for workforce accommodation

- 1.d.1.1* Develop, implement and review a facilities management plan and purpose statement for all community facilities including infrastructure standards, levels of service and management models
- 1.d.3.1* Support the provision of cultural, sporting, and recreational facilities which are fit for purpose
- 2.b.2.1* Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification
- 3.a.1.1* Develop, implement, monitor and promote strategies to protect and enhance Port Hedland's natural environment
- 3.c.1.1* Liaise with industry, developers, business and community to provide advice on planning, building and land matters
- 4.b.1.2* Develop, implement and review strategic partnerships to support funding of key town projects and infrastructure
- 4.c.4.1* Develop, implement and review efficiency strategies across all facilities and infrastructure

RISK MANAGEMENT CONSIDERATIONS

At the 26 August 2020 Ordinary Council Meeting, potential health risks associated with certain land uses in proximity to activity or urban centres was raised as a potential risk in the context of environmental impact assessments being applicable to certain types of development and not to others. It was viewed that social impact assessments may therefore be appropriate for certain developments. Further, that there may be a reputational risk associated with the requirement to undertake a Social Impact Assessment or other documentary requirements with an associated cost and time impost on proponents.

During the consultation period, no issues have been raised in relation to these risks.

The majority of recommendations for amendment in submissions for both Position Statements have been included through amendment or are obviated by existing inclusions in the Position Statements. Therefore, there are no perceived emergent risks associated with adoption of these documents.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The Position Statements align to accepted processes and principles currently applied by the Planning and Development unit to statutory referrals for an application and grant of mining tenements and disposal and management of Crown Land.

The Position Statements bring greater transparency to those processes; facilitate through improved information provision, the Town and Government more effectively fulfilling their respective mandate in relation to the statutory referral provisions; and have the potential to streamline local government assessment timeframes for proponents.

The Position Statement for the disposal and management of Crown Land also ensures currency by integrating mention of Diversification Permits, as an increasingly utilised process

for income generating activities on Pastoral Stations, and acknowledging the intersect with the West End Improvement Scheme No.1 under the management of the WAPC.

ATTACHMENTS

1. Attachment 1 - Position Statement - Mining Tenements - Final (under separate cover)
2. Attachment 2 - Summary of Submissions - Mining Tenements (under separate cover)
3. Attachment 3 - Schedule of Modifications - Mining Tenements (under separate cover)
4. Attachment 4 - Position Statement - Crown Land - Final (under separate cover)
5. Attachment 5 - Summary of Submissions - Crown Land (under separate cover)
6. Attachment 6 - Schedule of Modifications - Crown Land (under separate cover)

In relation to the following item 11.3.2, Councillor Bartho made the following declaration:

Councillor Bartho declared an impartiality interest in item 11.3.2 due to the nature of the Councillor's involvement in a voluntary capacity with Port Hedland Game Fishing Club, she wishes to declare an Impartiality Interest due to The Landing having provided sponsorship for 2 major tournaments hosted by PHGFC this year.

Councillor Gillingham declared an impartiality interest in item 11.3.2 due to the proximity of the Councillor's employment at the Port Hedland School of the Air.

11.3.2 AMENDMENT TO DEVELOPMENT APPLICATION (2011/308.02) FOR THE LANDING RESORT - LOTS 2 & 3 GREAT NORTHERN HIGHWAY, PORT HEDLAND

Author: Town 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.

Councillor Turner moved the Officer's Recommendation with the deletion of condition 3 and condition 10 d for the following reasons:

Condition 3: is redundant - an amendment to the development approval by its nature is superseded and modifies previous approvals granted.

Condition 10(d): is not required as this is a proposed motel development and the scheme already prohibits work force accommodation on this property within the tourist zone.

CM202021/093 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR BARTHO

That Council pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 approves Amendment to the Planning Application 2011/308.02 on Lot 2 & 3 Great Northern Highway, Port Hedland subject to the following Conditions and Advice Notes:

Conditions:

1. The approved development shall be in accordance with the stamped approved plans:
 - a. DWG 1, Site Plan;
 - b. DWG 2-14, Elevations;
 - c. DWG 15, Landscape Concept;
 - d. DWG 16-20, Street Frontage;
 - e. DWG 21-23, Shop Frontage;

- f. DWG 24, Storm Water Management Plan; and
 - g. DWG 25, Road Surfacing Plan.
2. This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date.
3. Prior to lodging an application for a building permit, arrangements must be made to the satisfaction of the Town for the amalgamation of Lots 2 and 3 Great Northern Highway into one Certificate of Title. The amalgamation must be completed prior to the occupation or use of the development.
4. Prior to occupation or use of any new building that will need potable water or generate sewerage, the applicant shall demonstrate that an appropriate potable water supply and wastewater disposal system is provided. This shall be consistent with the *Government Sewerage Policy, Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the specification and satisfaction of the Town. Any potable water supply and wastewater disposal system upgrades shall be completed prior to occupation or use of the applicable development and shall be maintained to the satisfaction of the Town.
5. Prior to lodging a building permit for any development identified within the approved plans, a construction management plan shall be submitted to the specification and satisfaction to Town of Port Hedland. This shall include, but not be limited to:
 - a. How materials and equipment will be delivered and removed from the site;
 - b. How materials and equipment will be stored on the site;
 - c. Parking arrangements for contractors;
 - d. Construction waste disposal strategy and location of waste disposal bins; and
 - e. Other matters likely to impact on the surrounding properties, including road and drainage reserves.The approved construction management plan shall be adhered to at all times to the satisfaction of the Town of Port Hedland.
6. Prior to lodging a building permit for the shop development identified within the approved plans a detailed design must be submitted to the specification and satisfaction of the Town of Port Hedland. The detailed design shall include:
 - a. Articulation of building facades to include architectural treatment where visible from public view;
 - b. A minimum of two windows and one door on the south elevation;
 - c. All air-conditioning units being screened;
 - d. Any sub-floor voids being screened; and
 - e. A shade canopy being provided at building entrance points.

Prior to occupation or use of the shop building/s, the approved drawings shall include installation of all elements to the satisfaction of the Town of Port Hedland.

7. Prior to the occupation or use of the development the applicant must install a solid front dividing fence in accordance with the approved plans to the specification and satisfaction of the Town of Port Hedland.
8. Prior to the installation of any indigenous artwork the applicant must demonstrate suitable and satisfactory consultation with traditional owners before submitting concept plans to the Town of Port Hedland for review and approval. The approved artwork shall be installed prior to occupation or use of the development.
9. The development shall be maintained and operated in accordance with the approved land uses at all times as defined by Town of Port Hedland Local Planning Scheme No 5 and Draft Local Planning Scheme No. 7 as follows:
 - a. All existing development (noted as #1 to #14 on the approved site plan) shall operate as defined by land uses listed in Local Planning Scheme No. 5;
 - b. All new development (noted as #15 to #22 on the approved site plan) shall operate as defined by the land uses listed in Draft Local Planning Scheme No. 7; and
 - c. The office use (noted as #21 on the approved site plan) shall be incidental to the predominant use.
10. Prior to occupancy or use of the development the applicant must make available and maintain a minimum of 413 car bays in accordance with the approved plans to the specification and satisfaction of the Town of Port Hedland. All car bays shall be maintained to the satisfaction of the Town for the duration of the development.
11. Prior to occupancy or use of any of the development all redundant buildings, construction materials and caravans that are not shown as being retained on the approved site plan are to be removed and disposed to the satisfaction and specification of the Town of Port Hedland.
12. Prior to occupation or use of any of the development the approved landscaping and boundary fence must be installed and maintained to the specification and satisfaction of the Town of Port Hedland.
13. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 3 to determine if remediation is required.

Advice Notes:

1. A Building Permit is required for all new development prior to commencement of construction in accordance with the *Building Act 2011*.
 2. This approval constitutes development approval only and does not obviate the responsibility of the landowner/developer to comply with all relevant health, building, and engineering requirements.
 3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland. If the Town of Port Hedland deems that any of the operations on-site are generating noise which exceeds the levels deemed appropriate by the *Environmental Protection (Noise) Regulations 1997*, or that any of those operations are in non-compliance with any of the conditions relating to noise emissions (including non-compliance with the noise management measures), the Town of Port Hedland may direct in writing that:
 - a. A noise management plan be submitted and approved by the Town of Port Hedland; or
 - b. The activities on the site be brought into compliance with this approval, as the case may be.
 4. The development must comply with the Contaminated Sites Act 2003.
 5. The development must comply with the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.
 6. Dust emissions generated from the site shall be contained on-site to prevent causing a public nuisance.
 7. Any apparatus used for the on-site disposal of sewage, effluent or liquid waste must be approved by the Town of Port Hedland and Department of Health WA under the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste Regulations 1974*.
 8. It is the responsibility of the landowner / developer to search the title of the property to ascertain the presence of any title encumbrances that may apply.
 9. If you object to the decision or any of the conditions imposed, you may request the Town of Port Hedland reconsiders the decision. The right to request reconsideration is separate and does not impinge upon any right of appeal under the Planning and Development Act 2005.
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10. No works shall be conducted within the Great Northern Highway road reserve without an application Seeking Approval to Undertake Works within the Road Reserve (for further information please see the Main Roads website) which must be submitted to and approved by Main Roads prior to works commencing.
11. All stormwater must be managed so that there are no adverse effects to the road or exceed the capacity of existing drainage infrastructure. Any storm water coming from future development shall be managed as per the Department of Water and Environmental Regulation Stormwater Management Plan. Where depending on the size of the event as much as practicable, water is managed onsite and anything over the required retention can be discharged into Main Roads drainage system at a controlled rate equivalent to pre-development flow.
12. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works at Lot 3 to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation).

CARRIED 9/0

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Approves Amendment to the Planning Application 2011/308.02 on Lot 2 & 3 Great Northern Highway, Port Hedland subject to the following Conditions and Advice Notes:

Conditions:

1. The approved development shall be in accordance with the stamped approved plans:
 - a. DWG 1, Site Plan;
 - b. DWG 2-14, Elevations;
 - c. DWG 15, Landscape Concept;
 - d. DWG 16-20, Street Frontage;
 - e. DWG 21-23, Shop Frontage;
 - f. DWG 24, Storm Water Management Plan; and
 - g. DWG 25, Road Surfacing Plan.

-
2. This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date.
 3. This approval supersedes previous development approvals 2011/308 and 2011/308.01 and all associated conditions.
 4. Prior to lodging an application for a building permit, arrangements must be made to the satisfaction of the Town for the amalgamation of Lots 2 and 3 Great Northern Highway into one Certificate of Title. The amalgamation must be completed prior to the occupation or use of the development.
 5. Prior to occupation or use of any new building that will need potable water or generate sewerage, the applicant shall demonstrate that an appropriate potable water supply and wastewater disposal system is provided. This shall be consistent with the *Government Sewerage Policy, Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the specification and satisfaction of the Town. Any potable water supply and wastewater disposal system upgrades shall be completed prior to occupation or use of the applicable development and shall be maintained to the satisfaction of the Town.
 6. Prior to lodging a building permit for any development identified within the approved plans, a construction management plan shall be submitted to the specification and satisfaction to Town of Port Hedland. This shall include, but not be limited to:
 - a. How materials and equipment will be delivered and removed from the site;
 - b. How materials and equipment will be stored on the site;
 - c. Parking arrangements for contractors;
 - d. Construction waste disposal strategy and location of waste disposal bins; and
 - e. Other matters likely to impact on the surrounding properties, including road and drainage reserves.The approved construction management plan shall be adhered to at all times to the satisfaction of the Town of Port Hedland.
 7. Prior to lodging a building permit for the shop development identified within the approved plans a detailed design must be submitted to the specification and satisfaction of the Town of Port Hedland. The detailed design shall include:
 - a. Articulation of building facades to include architectural treatment where visible from public view;
 - b. A minimum of two windows and one door on the south elevation;
 - c. All air-conditioning units being screened;
 - d. Any sub-floor voids being screened; and
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- e. A shade canopy being provided at building entrance points.
Prior to occupation or use of the shop building/s, the approved drawings shall include installation of all elements to the satisfaction of the Town of Port Hedland.
 8. Prior to the occupation or use of the development the applicant must install a solid front dividing fence in accordance with the approved plans to the specification and satisfaction of the Town of Port Hedland.
 9. Prior to the installation of any indigenous artwork the applicant must demonstrate suitable and satisfactory consultation with traditional owners before submitting concept plans to the Town of Port Hedland for review and approval. The approved artwork shall be installed prior to occupation or use of the development.
 10. The development shall be maintained and operated in accordance with the approved land uses at all times as defined by Town of Port Hedland Local Planning Scheme No 5 and Draft Local Planning Scheme No. 7 as follows:
 - a. All existing development (noted as #1 to #14 on the approved site plan) shall operate as defined by land uses listed in Local Planning Scheme No. 5;
 - b. All new development (noted as #15 to #22 on the approved site plan) shall operate as defined by the land uses listed in Draft Local Planning Scheme No. 7;
 - c. The office use (noted as #21 on the approved site plan) shall be incidental to the predominant use; and
 - d. The development shall not be used for Workforce Accommodation as defined by Draft Town of Port Hedland Local Planning Scheme No 7.
 11. Prior to occupancy or use of the development the applicant must make available and maintain a minimum of 413 car bays in accordance with the approved plans to the specification and satisfaction of the Town of Port Hedland. All car bays shall be maintained to the satisfaction of the Town for the duration of the development.
 12. Prior to occupancy or use of any of the development all redundant buildings, construction materials and caravans that are not shown as being retained on the approved site plan are to be removed and disposed to the satisfaction and specification of the Town of Port Hedland.
 13. Prior to occupation or use of any of the development the approved landscaping and boundary fence must be installed and maintained to the specification and satisfaction of the Town of Port Hedland.
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14. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 3 to determine if remediation is required.

Advice Notes:

1. A Building Permit is required for all new development prior to commencement of construction in accordance with the *Building Act 2011*.
 2. This approval constitutes development approval only and does not obviate the responsibility of the landowner/developer to comply with all relevant health, building, and engineering requirements.
 3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland. If the Town of Port Hedland deems that any of the operations on-site are generating noise which exceeds the levels deemed appropriate by the *Environmental Protection (Noise) Regulations 1997*, or that any of those operations are in non-compliance with any of the conditions relating to noise emissions (including non-compliance with the noise management measures), the Town of Port Hedland may direct in writing that:
 - a. A noise management plan be submitted and approved by the Town of Port Hedland; or
 - b. The activities on the site be brought into compliance with this approval, as the case may be.
 4. The development must comply with the Contaminated Sites Act 2003.
 5. The development must comply with the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.
 6. Dust emissions generated from the site shall be contained on-site to prevent causing a public nuisance.
 7. Any apparatus used for the on-site disposal of sewage, effluent or liquid waste must be approved by the Town of Port Hedland and Department of Health WA under the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste Regulations 1974*.
 8. It is the responsibility of the landowner / developer to search the title of the property to ascertain the presence of any title encumbrances that may apply.
 9. If you object to the decision or any of the conditions imposed, you may request the Town of Port Hedland reconsiders the decision. The right to request
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reconsideration is separate and does not impinge upon any right of appeal under the Planning and Development Act 2005.

10. No works shall be conducted within the Great Northern Highway road reserve without an application Seeking Approval to Undertake Works within the Road Reserve (for further information please see the Main Roads website) which must be submitted to and approved by Main Roads prior to works commencing.
 11. All stormwater must be managed so that there are no adverse effects to the road or exceed the capacity of existing drainage infrastructure. Any storm water coming from future development shall be managed as per the Department of Water and Environmental Regulation Stormwater Management Plan. Where depending on the size of the event as much as practicable, water is managed onsite and anything over the required retention can be discharged into Main Roads drainage system at a controlled rate equivalent to pre-development flow.
 12. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works at Lot 3 to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation).
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PURPOSE

The purpose of this report is for Council to determine an application to amend development approvals 2011/308 (original approval) & 2011/308.01 (amendment to plans). Council considered the original application at its Ordinary Council Meeting (OCM) on 16 November 2011 and an amendment to plans was issued on 18 December 2015 (Attachment 1 – OCM 2011 & Amendments). The approvals were issued over Lots 2 & 3 (No. 945) Great Northern Highway (Attachment 2 – Location Plan) for ‘Holiday Accommodation’ and a ‘Hotel’, which operates as ‘The Landing Resort’.

DETAIL

On 3 August 2020, QSD Hire Pty Ltd (the applicant) lodged an application to amend the two existing development approvals. This application seeks approval for the following development contained within Attachment 3 – Development plans:

- 14.2m x 14m storage building;
- 14.2m 3.5m laundry building ;
- Third storey addition to existing building (two bedroom unit);
- 352 motel rooms;
- Deluxe queen bed motel room modules (eight rooms);
- Universal access motel room modules (eight rooms);

- Incidental office block;
- Three shops fronting the Great Northern Highway (the Highway);
- Car parking area adjacent to the Highway; and
- Aluminium screen with indigenous artwork fronting the Highway.

The Landing Resort consists of a mix of single & two-storey rooms, a caravan park and incidental office spaces (Attachment 4 - Aerial photo of existing development). To assist the Town of Port Hedland (Town) in understanding the current operations, information was requested seeking:

- How The Landing Resort is operating in accordance with the existing development approvals; and
- Clarification as to how the property is not operating as workforce accommodation.

The applicant submitted a response on 14 September 2020, which advised that their current operations are consistent with the planning approvals. A condition has been recommended to confirm that the premises is not to be used as Workforce Accommodation as this use is not capable of being approved within the Tourism zone.

The proposed development is consistent with the use of 'Motel' as defined by Local Planning Scheme No. 5 (LPS5) and draft Local Planning Scheme No. 7 (LPS7).

Assessment under Local Planning Scheme No. 5 (LPS5)

Land use permissibility

The subject site is zoned 'Tourism' and the 'Motel' land use is Discretionary. This means that *"the development is not permitted unless the local government exercised its discretion by granting development approval"*. The Town can issue development approval.

Assessment against other policies

As per Clause 5.5.2 *"In determining applications for development approval within the Commercial, Tourism and Mixed Business zones, the local government may take into consideration any relevant policy adopted in accordance with the scheme."* The application has been assessed against Local Planning Policies LPP 08 Port Hedland International Airport & LPP 02 Advertising Signs. The proposal is consistent with the applicable policies.

Setbacks to roads

In accordance with Part V Development Requirements clause 5.5.4 *"In the absence of precinct objectives, Policy Statements or a Structure Plan for land within the zones referred to in subclause 5.5.2 the local government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures."*

The setback from the Highway will not change and this proposal is consistent with this Scheme provision. The front car park is situated within the Great Northern Highway road reserve, it is for this reason the application was referred to Main Roads. Main Roads reviewed the application and did not raise any concerns on 9 September 2020. Conditions have been recommended to enhance the streetscape frontage, including landscaping and artwork requirements.

Car parking

In accordance with Appendix 4 – Car Parking Standards, *“One (1) bay is required for every accommodation unit, 1 bay for every 5 units for visitors, and 1 bay for every staff member present at any one time.”*

The site proposes an additional 352 rooms on top of an existing 282 rooms, which will result in a total of 634 rooms. Under LPS5 761 car spaces are required, however this application proposes 413 car spaces. The variation is deemed to be suitable for approval due to the nature of the clientele and the frequency of trips. There are conditions recommended in order to maintain a minimum number of bays deemed necessary which should ensure safe and efficient parking facilities for guests.

Landscaping

The application is consistent with Clause 5.9 and 5.9.4 of LPS5, which states, *“All applications for Development Approval, except those in residential development involving three (3) dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing:*

- 1) The percentage of the site devoted to landscaping;*
- 2) The areas subject to landscaping works;*
- 3) Location of species and plants;*
- 4) Other materials imported, arranged and/or constructed on the site; and*
- 5) The proposed staging, if any, of works.*

Within the Town Centre, Commercial, Tourism, and Mixed Business zones, any outside area which the local government considers detrimental to the amenity of the locality or adjoining lots shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of the local government.”

The applicant has provided a landscaping and screening plan and a condition has been recommended to ensure that both are implemented to the satisfaction of the Town. The landscaping and artwork screen will enhance the visual amenity from neighbouring properties and the Great Northern Highway streetscape.

Stormwater management

The application is consistent with Sub Clause 5.8.14 of LPS5 which states *“All areas to be used for car parking, access ways, loading bays and for turning or manoeuvring of vehicles shall be sealed, drained, curbed, marked and signposted to the specification and satisfaction of the local government.”*. The site is currently sealed, curbed and the proposed stormwater management plan is to the specification and satisfaction of the Town.

Draft Town of Port Hedland Local Planning Scheme No. 7 (LPS7)

Land use permissibility

Under LPS7, the site is zoned ‘Tourism’ and the ‘Motel’ land uses is Discretionary. The application is consistent with the objectives of the ‘Tourism’ zone, which are:

- *To promote and provide for tourism opportunities;*
- *To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area;*
- *To allow limited residential uses where appropriate; and*

- *To encourage the location of tourist facilities so that they may benefit from an existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.”*

Car Parking

The application relies on parking located within the Highway reserve as mentioned previously. The applicant has entered into a lease agreement with Main Roads, who is the responsible authority for the Highway, securing the land for the use of car parking.

Sealed Areas & Stormwater Management

The stormwater plans were referred to the Department of Water and Environmental Regulation and comments raised no concern over the proposed management.

Additional Requirements That Apply to Land in the Scheme Area

Due to nature and scale of the proposal, the application was referred to two neighbouring stakeholders, Port Hedland International Airport & Compass Group. Both provided comments with no objection. As the land is in a prominent location, the Town has placed greater emphasis on the built form. A condition has been recommended, requiring elevation plans to be submitted that improve the façade of the shops. This is consistent with the Local Planning Policy for transportable buildings.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because of the nature of the proposal. It is essential that the planning application is determined with conditions ensuring amenity of neighbouring lots and the streetscape is not negatively impacted.

CONSULTATION

Internal

- Manager Town Planning and Development;
- Manager Infrastructure Projects & Assets;
- Senior Planner;
- Senior Environmental Health Officer;
- Development Services Officer; and
- Graduate Engineer.

External Agencies

- Department of Water and Environmental Regulation

Submission Comment	Officer Comment
<p><i>Given the uncertainties associated with the current contamination status of Lot 3, the department cannot comment on the suitability of the site for the proposed development. Therefore, and consistent with previous advice, the department recommends the following contamination condition and advice are applied to any approval granted, consistent with condition</i></p>	<p>Noted. Condition included that will address this.</p>

<p><i>EN9 and advice ENa2 as published in 'Model Subdivision Conditions Schedule' (Department of Planning, Lands and Heritage; WAPC, May 2020).</i></p> <p><i>The site is not located within an area that is mapped as having a risk of encountering acid sulfate soils. The department therefore advises that no specific comment is required in relation to acid sulfate soil management during development.</i></p>	
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- Main Roads Western Australia (Main Roads)

Submission Comment	Officer Comment
<p><i>The proposed development is acceptable to Main Roads subject to the following conditions being imposed:</i></p> <ol style="list-style-type: none"> <i>1. No works shall be conducted within the Great Northern Highway road reserve without an application Seeking Approval to Undertake Works within the Road Reserve (for further information please see the Main Roads website) which must be submitted to and approved by Main Roads prior to works commencing;</i> <i>2. Any proposed intersection advanced warning, tourist, information signs or similar required to provide advanced notice to visitors of this area will require Main Roads review and approval prior to installation;</i> <i>3. All Business signage visible from the Great Northern Highway is subject to review by Main Roads to ensure compliance against Main Roads Policy and Application Guidelines for Advertising Signs and approval from the Local Government.</i> <i>4. All stormwater must be managed so that there is no adverse effects to the road or exceed the capacity of existing drainage infrastructure. Any storm water coming from future development shall be managed as per the Department of Water and Environmental Regulation Stormwater Management Plan. Where depending on the size of the event as much as practicable, water is managed onsite and anything over the required retention can be discharged into Main Roads drainage system at a controlled rate equivalent to pre-development flow;</i> 	<p>Noted. Conditions and advice notes included that address this.</p>

<p><i>5. Any damage caused to any of Main Roads assets as a result of the works shall be rectified by the developer at the cost of the developer.</i></p> <p><i>Please be advised that the Great Northern Highway realignment is expected to be funded with the new alignment planned to the north of the Walkabout facility with expected completion in 2022. The existing Great Northern Highway alignment will be vested to the Town of Port Hedland for their care and management upon completion of this project.</i></p>	
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- Department of Health

Submission Comment	Officer Comment
<p><i>The development is required to connect to scheme water and reticulated sewage and be in accordance with the Government Sewage Policy 2019</i></p>	<p>The Town acknowledges the original comments from the Department of Health. Generally there is the need for the existing and proposed development to connect to the reticulated sewage system and potable water supply network based on section 5.1.1 subsection 6 of the <i>Government Sewage Policy 2019</i>. This states:</p> <p><i>6. Where the responsible authority determines that the absence of reticulated sewerage will pose an unacceptable risk to public health, the environment or water resources. This includes instances where:</i></p> <p><i>a) the minimum site requirements for on-site sewage systems (as defined in section 5.2) cannot be reasonably met;</i></p> <p><i>b) The impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. Where approval of any future or proposed application without connection to reticulated sewerage is likely to set a precedent for similar proposals in the local water catchment, the cumulative impact will be considered; and</i></p> <p><i>c) Urban, industrial or commercial subdivision is proposed in Priority 3 public drinking water source areas; or</i></p> <p>Since the original advice was provided, there has been some subsequent officer level comments which indicate that a variation may be considered suitable. This will be largely dependent on receiving formal State Government correspondence.</p>

	It is for this reason that a condition that may require connection to the reticulated networks has been recommended. The Town will only clear these conditions upon written confirmation that the site is serviced appropriately, on the advice of the Water Corporation, Health Department and Town’s Environmental Health Service.
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Community

Pursuant to Clause 64, Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development was advertised as it had potential to adversely impact stakeholders in proximity. The application was referred directly to the Port Hedland International Airport and Compass Group. There were no objections raised.

LEGISLATION AND POLICY CONSIDERATIONS

Planning and Development Act 2005;
 Town of Port Hedland Local Planning Scheme No. 5; and
 Draft Town of Port Hedland Local Planning Scheme No. 7.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development amendment fee of \$295.00 from the applicant. There are no other financial implications associated with this application.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because as QSD Hire Pty Ltd could fail to comply with the recommended planning conditions. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). There is a reputational risk associated with approving Planning Application 2011/308.02. The installation of a further 352 rooms in a prominent location has the potential to have a reputational risk of what the Town deems as acceptable development. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk is mitigated by the Town’s assessment of the planning application 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

Subject to compliance with the recommended conditional approval, this development will be consistent with LPS5 and draft LPS7. The proposed development of motel and shop uses at this property will contribute to betterment of the streetscape from the Highway resulting in an improved outcome.

ATTACHMENTS

1. Attachment 1 - OCM 2011 & Amendments (under separate cover)
2. Attachment 2 - Location Plan (under separate cover)
3. Attachment 3 - Development plans (under separate cover)
4. Attachment 4 - Aerial photo of existing development (under separate cover)

11.4 Infrastructure Services

Nil.

11.5 Executive Services

11.5.1 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 1 - JULY - SEPTEMBER 2020

Author: Manager Corporate Affairs

Authorising Officer: Chief Executive Officer

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

CM202021/094 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR GILLINGHAM

That Council receive the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the first quarter, July to September 2020.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the first quarter from July – September 2020. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

DETAIL

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options. One of the 12 month extension options has exercised at the September 2020 Ordinary Council Meeting, taking the current contract period to 30 June 2022.

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.
- Maintenance and capital expenditure.

Desired outcomes of the agreement with Port Hedland 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 services for accommodation and tours.
- Information on attractions, events, retail outlets, local services, road conditions and transport options.
- A web presence and digital strategy to educate and attract visitors to the local area.
- High quality customer service to visitors of the Visitor Centre.
- A focus on continuous improvement and service growth at the facility.
- A safe, clean and hygienic environment for staff, customers and other visitors.
- Strong, accountable financial management.
- Clear, concise, accurate quarterly reporting on the operations of the facility.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period July – September 2020. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the quarter July – September 2020 are noted below:

- The development of the Wedge Street Footpath Markets. 9 stalls were involved in the inaugural event, attracting approximately 800 community members.
- 97,400 people reached through the Visitor Centre Facebook page
- 1031 visitors to the Port Hedland Visitor Centre
- The Centre hosted a Pilbara Tourism Association meeting and Sundowner, attracting 16 representatives from around the region.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Port Hedland Visitor Centre has positive impacts on the tourism services and programs provided by the Town.

CONSULTATION

Internal

- Building Maintenance
- Arts and Culture
- Communications
- Finance

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY 2020/21 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

Economic

The economic benefits from having a well-managed Visitor Centre include developing a positive narrative about the town, and attracting visitors to the region.

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

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed its commitment to provide visitor services to tourists and the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

To reduce this risk the action plan is to consistently monitor the contract obligations and ensure Port Hedland Seafarers' Centre Inc. is performing in its duties to the best of its ability to meet or exceed key deliverables outlined in the management contract.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from July – September 2020 in its role as manager of the Port Hedland Visitor Centre.

ATTACHMENTS

1. Port Hedland Visitor Centre Quarterly Report July September 2020 (under separate cover)

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

CM202021/095 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR GILLINGHAM

That Council close the meeting to members of the public, with relevant officers to remain, as prescribed in section 5.23(2) of the *Local Government Act 1995*, to consider items:

15.1. Cooke Point Caravan Park Lease

CARRIED 9/0

The Presiding Member declared the meeting closed to the Public at 5:48pm.

15.1 COOKE POINT CARAVAN PARK LEASE

Author: Manager Planning and Analysis

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item. This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CM202021/096 OFFICER'S RECOMMENDATION 1/COUNCIL DECISION

MOVED: CR UNKOVICH

SECONDED: CR ZIELKE

That Council approve to proceed with a new lease for the Cooke Point Caravan Park with Discovery Holiday Parks Pty Ltd (ACN 111 782 846) as proposed in the Heads of Agreement in accordance with section 3.59(5) of the *Local Government Act 1995*.

CARRIED ABSOLUTE 9/0

CM202021/097 OFFICER'S RECOMMENDATION 2/COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR UNKOVICH

That Council:

1. Notes that no submission were received in response to the Statewide public notice;
2. Approve to proceed with a Surrender of Lease of the existing lease with Aspen Parks Property Management Ltd (ACN 096 790 331);
3. Approve to proceed with obtaining Ministerial Consent to Lease and Surrender of Lease pursuant to the *Land Administration Act 1997*, and;
4. Authorise the Chief Executive Officer to sign a lease between the Town and Discovery Holiday Parks Pty Ltd (ACN 111 782 846) together with any variations or discharging thereof for the Cooke Point Caravan Park in accordance with the Heads of Agreement, pursuant to Section 9.49A and B of the *Local Government Act 1995*.

CARRIED 9/0

CM202021/098 COUNCIL DECISION**MOVED: CR BARTHO****SECONDED: CR TURNER**

That Council opens the meeting to members of the public.

CARRIED 9/0

The Presiding Member declared the meeting open to the Public at **5:52pm**

The Presiding Member read aloud the resolutions CM202021/096 and CM202021/097.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 16 December 2020 commencing at 5:30pm.

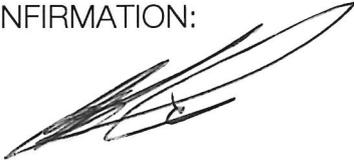
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at **5:55pm**.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 16 December 2020.

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

PRESIDING MEMBER

16/12/20

DATED