

# AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Wednesday, 26 October 2022**, commencing at **5:30pm**

**MEETING AGENDA ATTACHED**

Yours faithfully



Craig Watts  
Acting Chief Executive Officer

21 October 2022

#### DISCLAIMER

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

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

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

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

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

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

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

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

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



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## Item 1 Opening of Meeting

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

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## Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

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## Item 3 Recording of Attendance

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*Important note:*

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

### 3.1 Attendance

**Scheduled Present:**

- Mayor Peter Carter
- Deputy Mayor Tim Turner
- Cr Renae Coles
- Cr Elmar Zielke
- Cr Jan Gillingham
- Cr Ash Christensen
- Cr Flo Bennett
- Cr David Eckhart
- Cr Jason Keller

**Scheduled for Attendance:**

- 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)
- Tom Kettle (Manager Governance)
- Stephanie Sikaloski (Acting Senior Governance Advisor)
- Hilary McLean (Governance Officer)
- Christine Fairbrother (P.A to Director Corporate Services/ Minute Taker)

### 3.2 Attendance by Telephone / Instantaneous Communications

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**3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

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**Item 4 Applications for Leave of Absence**

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**Item 5 Response to Previous Questions**

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**5.1 Response to Questions taken on notice from Elected Member at the Council held on Wednesday 26 October 2022****5.1.1 CR GILLINGHAM**

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1. *I have a question relating to the marine life, my request is of an urgent matter, can we please ask Pilbara Ports Port Authority and West Australian State Government to put somebody here based in Port Hedland, maybe they can share an office, CALM and Fisheries but it is really important. Can we please with urgency seek more information about getting these offices here in Town.*
2. *I did get a phone call about the Mango trees in Stevens Street, from where Stevens Street resident Retirement Village has been pulled down and everything is sand there, I counted 4 Mango trees which are in desperate need of water. Normally they would have been under reticulation but all that reticulation has been removed with the demolition of Stevens Street, so can we please ask Parks and Gardens to at least water twice a week because the trees are starting to get in to flower, as soon as the mangoes appear they need water otherwise they are going to die. I know trees are a bit of a subject with me, but we were asked to plant trees a long time ago here and we do need trees for shade.*
3. *We have been speaking of the Mangroves for 3 months now and they are just not going to survive the season at the Richardson Street Boat Ramp, we've already lost the Mangroves between the salt piles and the fly over just before we get to the North West Coastal Highway because of everything that was done with the fly over the Main Roads the Federal Government did not allow the water to drain back to the creek and so all the Mangroves there have died, they have drained. Could we do an assessment of Pretty Pool? Because it is silted up and the water does not flow back and clear the creek and this is also upsetting our eco-system.*

The Director Regulatory Services has provided the following statement:

1. Contact has been made with the DPIRD Regional Director who advised that there is still no intention to have a permanent officer based in Port Hedland. DPIRD are establishing



a mobile patrol comprising 2 officers who will be dedicated to concentrating on recreational fishing activities in Exmouth, Karratha and Port Hedland., which is in addition to the 5 fisheries officers who regularly patrol Port Hedland. DPIRD have been in contact with PPA to facilitate accommodation for visiting officers when they come to Port Hedland, which will assist their monitoring and enforcement programs. DPIRD have also had fisheries officers from Perth on a FIFO roster patrol Port Hedland on a number of occasions, along with a dedicated compliance operation involving staff from Exmouth, Broome and Karratha that made contact with a large number of fishers in the area. These initiatives have greatly increased the amount of time that Fisheries Officers have spent in Port Hedland, and along with the introduction of the Mobile Patrol, DPIRD consider this to provide a significant and sufficient presence in Port Hedland to ensure that fish stocks remain at sustainable levels.

The Acting Director Infrastructure Services has provided the following statement:

1. Parks will water the mango trees on a weekly basis. This will consist of approximately 100 litres per water in the short term. Further investigations are underway to identify commercial capacity and feasibility to instate irrigation.
2. The Director Regulatory Services provided a response to all Councillors on 3 October 2022 in relation to the Mangroves adjacent to the Richardson Street Boat Ramp. Further inquiries with the Environmental Department have identified that the Pretty Pool mangroves also fall within the responsibility of the PPA. Arrangements are underway to liaise with the PPA Environment team to develop an understanding of the pathway forward. Subsequent updates may be forthcoming.



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**Item 6 Public Time**


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*Important note:*

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

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

**6.1 Public Question Time**

**6.2 Public Statement Time**

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

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**Item 7 Questions from Members without Notice**


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**Item 8 Announcements by Presiding Member without Discussion**


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The Mayor's meeting for the month of September 2022;

DATE	MEETING	MEETING DETAILS
01/09/2022	Radio Chat with Ecky	Radio Interview
02/09/2022	Hedland Food Festival Opening	Attended
04/09/2022	Hedland Food Festival Private Event	Attended
06/09/2022	ABC Radio – JD Hardie Stage 2	Radio Interview
07/09/2022	JD Hardie Stage 2 Official Opening	Attended
10/09/2022	Port Hedland Business Excellence Awards	Attended
14/09/2022	Hedland Housing Steering Committee Meeting	Attended
15/09/2022	Radio Chat with Ecky	Radio Interview
15/09/2022	Local Emergency Management Committee Meeting	Attended
20/09/2022	South Hedland Skate Park Site Visit	Attended
21/09/2022	Port Hedland Industries Council Catchup	Attended
29/09/2022	Radio Chat with Ecky	Radio Interview
30/09/2022	JD Hardie Community Party	Attended

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

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**Item 10 Confirmation of Minutes of Previous Meeting**

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*Disclaimer*

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

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**OFFICER'S RECOMMENDATION**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 21 September 2022 are a true and correct record.

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**Item 11 Reports of Committees**

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**Item 12 Reports of Officers**

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**12.1 Corporate Services****12.1.1 ELECTED MEMBERS REPRESENTATION ON EXTERNAL COMMITTEES**

**Author:** Acting Senior Governance Advisor  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION 1**

That Council note the resignation of Mayor Carter as a representative to the Hedland Senior High School Independent Public Board.

*SIMPLE MAJORITY VOTE REQUIRED*

**OFFICER'S RECOMMENDATION 2**

That Council note the request of the Hedland Senior High School Independent Public Board, and nominate Cr Flo Bennett as a representative of the Hedland Senior High School Independent Public Board.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to formally appoint an Elected Member as a representative of the Town of Port Hedland to the Hedland Senior High School Independent Public Board.

**DETAIL**

Following each Local Government Election, Elected Members' representation on external groups/committees are revised. At the Ordinary Council Meeting held on 3 November 2021, Mayor Carter was appointed to the Hedland Senior High School Independent Public Board. Mayor Carter submitted his resignation as a representative on 6 May 2022.

The Town has contacted the Hedland Senior High School to confirm that a Councillor can be nominated to fill the position vacated by Mayor Carter. The High School Principal has confirmed that this position can be filled by another Councillor and has requested that Council nominate Cr Flo Bennett to this position, given her length of time within the community, her children attending the school and her passion to support the future and direction of the school. The Principal also advised that the community board members do not have to specifically represent an organisation, being a board member in their own right.

Although the Principal has requested a specific Councillor, the Town's internal process for these positions are via a nomination process to give each Councillor opportunity to be selected for the position, with this provided for in the Officer's Alternate Recommendation 2. The High

School has been advised that this is an open process, and that they would be advised of the Councillor nominated after the October Ordinary Council Meeting.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance due to potential implications to the town of Port Hedland and its Strategic Community Plan and Corporate business Plan and potential for public interest.

### **CONSULTATION**

#### *Internal*

Director Corporate Services  
Manager Corporate Affairs

#### *External Agencies*

Hedland Senior High School Independent Public Board.

#### *Community*

Policy 4/010 'Elected Member Professional Development';

### **LEGISLATION AND POLICY CONSIDERATIONS**

- Policy 4/010 'Elected Member Professional Development';

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland budget

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development

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 3 – Information

#### *Corporate Business Plan*

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

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because this report aims to preserve the positive reputation of Council in the community and with stakeholders. If representatives are not appointed, the Town may miss important opportunities to represent committees at a regional and/or State level. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4).

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

## RISK MANAGEMENT CONSIDERATIONS

### OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

#### **Alternate recommendation 2:**

**That Council nominate Cr XXXXXX as a representative to the Hedland Senior High School Independent Public Board and advise the Board of this decision.**

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

This report aims to preserve the positive reputation of Council in the community and continue to engage with and support the future direction and vision of the Hedland Senior High School Independent Public Board. The Town of Port Hedland has a vested interest to working in unison with various external organisations and community stakeholders with the aim to foster relationships, promote open communication, develop concepts, address concerns and provide services across the community.

## ATTACHMENTS

Nil

**12.1.2 STATUS OF COUNCIL DECISIONS UPDATE**

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

**OFFICER'S RECOMMENDATION**

That Council notes the 'Status of Council Decisions' as at September 30 2022, per Attachment 1

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is to inform the Council and the community of the progress and actions that have been undertaken in relation to council decisions.

**DETAIL**

The Status of Council Decisions ('SoCD') spreadsheet is an important administrative tool used by the Town of Port Hedland ('the Town') to monitor the implementation of council decisions. Any council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been published, each decision of the Council is uploaded into the spreadsheet and allocated to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SoCD spreadsheet is presented on a quarterly basis for the Council and the community to note the progress and status of decisions which have not been fully actioned, and the reasons for this.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- All officers that have been deemed responsible for actioning each council decision have provided an update on its status.

*External Agencies*

- Nil.

*Community*

- Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 2.7 of the *Local Government Act 1995*.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications in relation to this item.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

4.2 Transparent and accountable governance and financial sustainability

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

*Corporate Business Plan*

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

4.b.3.1 - Ensure governance information provided to the community is in line with legislative requirements.

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item, because if the SoCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. 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**

There are no alternative options in relation to this item, as it is for the Council to receive for information purposes.

**CONCLUSION**

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of the Council. This quarterly report is to inform the Council and the community of the status of decisions that have not been completed or are of an ongoing nature.

**ATTACHMENTS**

1. Status of Council Decisions Register June 22 - Sept 22 (under separate cover)



**12.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 SEPTEMBER 2022**

**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.

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**OFFICER'S RECOMMENDATION**

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 2022 (see Attachment 1);
2. Receive the Material Variance Report (see Attachment 2);
3. Note the Accounts paid under delegated authority for the period ended 30 September 2022 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 30 September 2022 (see Attachment 4).

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 September 2022. 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 2022, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-16 prepared by the Town of Port Hedland (the "Town").

The statements are based on simpler and more streamlined financial reporting as recommended by the Office of the Auditor General and Department of Local Government, Sport and Cultural Industries. Initial changes to align with the recommendations have been implemented from 1 July 2022, with measures designed to be in full effect by the end of the 2022-2023 financial year. The main change thus far has been the removal of the presentation of Financial Activity by the programme.

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 2022/2023 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

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

The opening funding deficit of \$4.78M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2022 financial statements.

This figure may change when the final audited accounts are presented to Council for endorsement in December.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 30 September 2022 is a surplus of \$29.45M.

The breakdown of the cash position is displayed below:

	2022/23 Actuals
Current Assets: Cash and Investments	\$218.30M
Restricted Cash – Reserves	\$195.10M
Unrestricted Cash Position as at 30 September 2022	\$23.20M

### *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 of low significance, because this report is presented to Council for information purposes only.

### **CONSULTATION**

#### *Internal*

- All consultation and engagement are 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:

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

Reserves:

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

4.2 Transparent and accountable governance and financial sustainability

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 financial risk associated with this item because a reduction in income or increase in expense throughout the 2022/23 financial year could impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

The opening funding deficit of \$4.78M presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements from June 2022. The net current funding position is \$29.45M.

## ATTACHMENTS

1. Statement of Financial Activity - September 2022 (under separate cover)
2. Material Variances - Capital Projects - September 2022 (under separate cover)
3. Payments Made Under Authority - September 2022 (under separate cover)
4. Credit Card Statements - September 2022 (under separate cover)

**12.2 Community Services**

Nil.

## 12.3 Regulatory Services

### 12.3.1 JOINT DEVELOPMENT ASSESSMENT PANEL - APPLICATION FOR DEVELOPMENT APPROVAL FOR PORT HEDLAND SOLAR FARM, LOT 1504 AND LOT 1499 GREAT NORTHERN HIGHWAY, BOODARIE

**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.

#### OFFICER'S RECOMMENDATION

That Council recommends the Regional Joint Development Assessment Panel approves Development Application (Reference No. DAP/22/02307) and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland and/or the Joint Development Assessment Panel (as applicable). This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
3. Construction Environmental Management Plan  
Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:
  - Contact details of essential site personnel, construction period and operating hours;
  - Community information, consultation and complaints management plan;
  - Public safety, security and amenity;
  - Traffic and parking management;
  - Noise and dust management plan;
  - Waste management, including the storage and disposal of hydrocarbons, chemicals, and potentially hazardous substances, to be in accordance with the Department of Water and Environmental Regulation Guidelines and Water Quality Protection Notes;
  - Earthworks, excavation, land retention/piling methods and associated matters, all to be contained with the approved development site; and
  - Stormwater and sediment control;
  - Parking plan shall be submitted;
  - Security fencing details;

- Revegetation/ rehabilitation plan.
4. Prior to the commencement of any works, the applicant shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% (capped at \$150,000) of the estimated total construction cost of the development, being \$150,000. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:
    - Option 1: Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
    - Option 2: Applicant chooses to pay cash-in-lieu.
  5. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Emelee Peet (BPAD Level 1 No. 56430) dated 15/02/2022 and approved by the Town of Port Hedland.
  6. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Town of Port Hedland.
  7. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the title of the land and/or lease (as appropriate), at the full cost of the applicant/owner, prior to the use or occupancy. This shall alert to the people to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows: "This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to develop on this land."
  8. All stormwater must be contained and disposed of on the development site at all times to the satisfaction of the Town of Port Hedland.
  9. All recommendations contained within Baseline Flora and Vegetation Survey and a Detailed Terrestrial Fauna and Targeted Bilby Survey dated 6 January 2022 and 13 January 2022 respectively and prepared by Phoenix Environmental Sciences shall be complied with at all times during the construction and on-going operation of the development, to the satisfaction of the Town of Port Hedland.

#### Advice Notes

- a. A Building Permit is required for the development in accordance with the *Building Act 2011*.
  - b. It is the responsibility of the proponent to manage any impacts on aboriginal heritage in accordance with the *Aboriginal Heritage Act 1972*.
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- c. The applicant must obtain a Section 79 Crown Lease for the Lot 1504 on Deposited Plan 404497 under the *Land Administration Act 1997* prior to commencement of any works.
  - d. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Town of Port Hedland and 7 day notice sent to nearby residents.
  - e. If an applicant or owner is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14.

**SIMPLE MAJORITY VOTE REQUIRED**

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## PURPOSE

The purpose of this report is for Council to consider a recommendation to the Regional Joint Development Assessment Panel (Regional JDAP) for the construction and operation of a proposed solar farm at the portions of Lots 1504 and 1499 on Deposited Plan 404497 (subject site). The Town of Port Hedland is required make a recommendation to the Regional JDAP by noon Thursday 17 November 2022, otherwise the application will be reviewed in the absence of any comments or conditions from the Town.

## DETAIL

The site is located near the intersection of Great Northern Highway and Boodarie Station Access Road, approximately 7km southwest of South Hedland. The project will be constructed and operated on Crown Land. Hence, Alinta Energy Development Pty Ltd (applicant) is seeking a Crown Lease and Easements over multiple Crown Lands from the Department of Planning, Lands and Heritage (DPLH) under the *Land Administration Act 1997 (LAA)*, and a Licence from Main Roads Western Australia (MRWA) for the purposes of developing the solar farm. As part of the Development Application, the following technical and supporting documentation has been submitted:

1. Project Report (Alinta Energy 2022)
2. Concept Plans (Coronium 2022)
3. Air Quality Assessment (Environmental Technologies and Analytics 2022)
4. Surface Water Assessment (RPS 2022)
5. Traffic Impact Statement (Transcore 2022)
6. Reflective Glare (SLR 2022)
7. Bushfire Management Plan (BPP 2022)
8. Baseline Flora and Vegetation Survey (Phoenix 2022)
9. Detailed Terrestrial Fauna and Targeted Bilby Survey (Phoenix 2022)
10. Certificate of Titles

### Summary of the proposal

The applicant proposes to construct and operate a solar farm at the site with a capacity of up to 90MW, with the first stage involving the construction and operation of a 40MW facility. The major work components being proposed under this application include:

- Solar Panels;
- At the ultimate 90MW capacity over 220,000 solar panels would be installed, while for the initial stage it is estimated that approximately 98,000 panels would be installed. These panels will be cyclone rated and mounted appropriately (fixed angle) on steel piles;
- Approximately 30 Inverters;
- To convert the single-phase direct current (DC) produced by the panels into 3-phase alternating current (AC) electricity at 33kV;
- Approximately 35 km of solar array cabling to connect the solar panels (via array cabling) which would be installed on above ground cable trays or below ground conduits;
- Transmission cabling to connect the solar field to the switchyard (combination of buried cable and overhead line). As part of the first stage of the project, a 33kV transmission connection will connect the solar field to the existing switchyard at Alinta Energy's Port Hedland Power Station (PHPS site). The connection will run underground from the solar field (Lot 1504 on DP404497), under GNH. For the section west of GNH, through Lot 1499 on DP404497 and Water Corporation's Reserve (Lot 273 on DP219540) the connection would continue underground before ending at Alinta Energy's PHPS site (Lot 255 on DP192056);
- Communication equipment connecting back to the existing control room at the PHPS site;
- Formalised access to the site approximately 770m south of the intersection of GNH and Boodarie Station Access Road;
- Access Tracks;
- Up to 9km of access tracks to facilitate the maintenance of the project;
- Security Fencing;
- A cyclone-ready security fencing around the solar panel equipment including security cameras and lighting; and
- Temporary construction compound including site office and amenities, vehicle and plant parking and laydown area.

### Land Use and Tenure

The project will interact with the following parcels of land:

- Unallocated Crown Land (UCL) Lot 1504 on Deposited Plan 404497;
- UCL Lot 1499 on Deposited Plan 404497;
- MRWA Reserve – Great Northern Highway, Land ID number 3765021;
- Water Corporation Reserve - Lot 273 on Deposited Plan 219540; and
- Port Hedland Power Station (Lot 255 on Deposited Plan 192056).

The subject sites are zoned as follows:

- Lot 1504 on Deposited Plan 404497.
  - 'Rural' under the Town's Local Planning Scheme No 7.
  - The Lot is also affected by the SCA1 – Boodarie Industrial Buffer and SCA2 – Gas Power Station.
- Lot 1499 on Deposited Plan 404497.
  - 'Rural' and 'Industry Strategic' under the Town's Local Planning Scheme No 7.
  - The Lot is also affected by the SCA1 – Boodarie Industrial Buffer and SCA2 – Gas Power Station.



- Lot 255 on Deposited Plan 192056.
  - 'Industry Strategic' under the Town's Local Planning Scheme No 7.
  - The Lot is also affected by the SCA1 – Boodarie Industrial Buffer and SCA2 – Gas Power Station.
- Lot 273 on Deposited Plan 219540.
  - 'Rural' and 'Industry Strategic' under the Town's Local Planning Scheme No 7.
  - The Lot is also affected by the SCA1 – Boodarie Industrial Buffer and SCA2 – Gas Power Station.

The proposed land use is defined as a 'Renewable Energy Facility' in the Town's Local Planning Scheme No. 7 (LPS7). 'Renewable Energy Facility' is a Discretionary ('D') use, meaning the use is not permitted until discretion has been exercised and development approval granted. In this instance, the Town is providing a recommendation for the Regional JDAP who are the decision maker for this application.

The proposed 'Renewable Energy Facility' is consistent with the Town's Local Planning Strategy, as the proposal provides opportunities to diversify our rural land and promote climate-appropriate industry which capitalises on technological innovation and renewable energy. The location and setbacks from Great Northern Highway are considered acceptable based on the plans that form the development application. As such it is recommended that the Regional JDAP approve the proposal subject to the conditions outlined in the Officer Recommendation.

#### Car Parking and Access

The LPS7 prescribes the minimum required car parking bays for each land use, for 'Renewable Energy Facilities'. LPS7 allows the local government to apply discretion in the number of car parking bays on-site. The indicative concept plan has provided details of the parking area. The actual layout and configuration of the project will depend on the optimised detailed design prepared by the successful supplier, however, the detailed design for the proposal will be within the proposed Crown Lease (refer to Figure 4-1 of the project report). The subject site will not be open to the community, with a security fence to restrict any unauthorised access. The LPS7 also requires car parking bays to be designed for B99 vehicle standards, which accommodate larger vehicles (such as four-wheel drives and utility's). As such, it is recommended that the proposal include at least two B99-sized car parking bays, with no preference on whether they are sealed or unsealed, to be located within the subject site.

The applicant provided a Traffic Impact Statement, prepared by Transcore dated 7 June 2022, as part of the development application. The project will be served by a single, full-movement access intersection on Great Northern Highway. The access intersection is proposed to be located approximately 770m south of the Boodarie Station Access Road intersection and 220m south of the southbound heavy vehicle parking bay on Great Northern Highway. Also, a 185m left turn deceleration lane is proposed to be constructed on Great Northern Highway for the access intersection in order to ensure comfortable deceleration of heavy vehicles accessing the site from the North.

#### Flooding and Stormwater Management

The Town's LPS7 requires all stormwater and drainage to be appropriately managed on-site, unless a suitable alternative is identified and approved by the Town. In relation to stormwater management within the development boundaries, the nature of the development and limited sealed ground areas are unlikely to cause significant stormwater runoff. As such, the Town considers the stormwater management methods to be suitable for this development and are

supported. A standard condition of approval shall be implemented to ensure development reflects this proposal, thereby mitigating any risk of additional stormwater issues during operation.

The applicant provided a Surface Water Assessment, prepared by RPS dated 8 February 2022, as part of the development application. RPS assessed the flooding potential at the site using a combination of hydrologic and hydraulic models and estimated that the maximum 100-year ARI flow at the Great Northern Highway road bridge was 650m<sup>3</sup>/s. After construction, the stormwater peak run-off rates would be no greater than the pre-construction stormwater peak runoff rates for the 100-year storm event. However, the project represents about 0.4% of the South West Creek catchment (at the Great Northern Highway road bridge) and is unlikely to have an impact on stormwater peak run-off rates.

#### Biodiversity Management

The applicant provided a Baseline Flora and Vegetation Survey and a Detailed Terrestrial Fauna and Targeted Bilby Survey prepared by Phoenix Environmental Sciences dated 6 January 2022 and 13 January 2022 respectively. The assessments are acceptable, however, as part of the Construction Environmental Management Plan, appropriate measures to mitigate any risks shall be considered and implemented by the contractor at the time. A condition of approval shall be implemented to ensure that the recommendations provided as part of these assessments are implemented through the construction and ongoing operations of the facility.

#### Fencing

The Town's LPS7 requires all applications to be accompanied with details relating to landscaping and/or screening or fencing. The applicant is proposing security fencing. The fencing is considered acceptable in this instance as the land use itself is a high risk, causing significant risk to human health and well-being should unauthorised access occur. The site is unlikely to be manned consistently, due to the technologies proposed, meaning fencing is the most appropriate solution to security risk alongside the proposed security cameras. As part of the Construction Environmental Management Plan, further details of fencing shall be provided by the contractor at the time.

#### Dust Management

The applicant submitted an Air Quality Assessment prepared by Environmental Technologies and Analytics dated 8 February 2022. The assessments considered scenarios of land clearing and wind erosion. The results of the air quality assessment demonstrate that the project itself does not materially increase the risk of dust impacts at sensitive receptors however cumulative concentrations may cause localised issues in the neighbouring power stations on the Great Northern Highway. This can be mitigated by the development and implementation of a Construction Dust Management Plan as part of the Construction Environmental Management Plan. A condition of approval shall be implemented to ensure that the recommendations provided as part of these assessments are implemented through the construction and ongoing operations of the facility.

#### Noise Management Plan

Noise management has not been submitted as part of the development application. Construction works are proposed to be carried out on weekdays 7 AM to 7 PM, excluding weekends and public holidays, and hence, a noise management plan is not required at this stage. However, for any works proposed outside these hours during the construction phase, a noise management plan will be required.

### Bushfire Management

The applicant submitted a Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning dated 15 February 2022. As per the BMP, bushfire risk is considered to be manageable by maintaining appropriate bushfire hazard management measures advised as follows:

- Ensuring the development area is subject to potential radiant heat from a bushfire not exceeding 29kW/m<sup>2</sup> or BAL-29. This could be achieved by using positioning, design and appropriate onsite vegetation management.
- Establishing appropriate Asset Protection Zones (APZ). This also includes appropriate firebreaks as per the Town of Port Hedland's Firebreak Notice.
- Providing sufficient space, access, passing bays and turnaround area for any vehicle type.
- Providing a dedicated 50,000-litre static water source for fire fighting purposes. This water would not be used for potable operations water supply.

In addition to the above, the Town advises/recommends the following:

- Locate the 50,000-litre tank in such a position as to be readily accessible by firefighting appliances and fitted with the appropriate outlets.
- Consider the installation of a sprinkler system fed from this tank to enable first response protection to critical assets.

### Waste Management

It is noted that because the site will not be manned, it is unlikely that there be a need for regular waste collection and most operational waste will be caused by maintenance and repair works, in which contractors would remove waste. The condition of approval relating to the Construction Environmental Management Plan includes a waste management plan for the construction period, which will address any waste removal during the construction period.

### Public Art

The development application is subject to assessment under the Town's Local Planning Policy 04 Percent for Public Art (LPP/04).

In this instance, the Town considers that a cash-in-lieu contribution would be a suitable outcome for this application for the following reasons:

- The Town has the ability to work with variety of artists, including promoting local and/or Indigenous art;
- The artwork would be located within a public place in which a wider population can access and enjoy; and
- The money used will contribute to an artwork that can celebrate the Hedland environment, industry and lifestyle, and promote awareness of the value of public art in the community.

A condition has been included in the Officer Recommendation for the applicant to provide \$150,000 for a public art contribution, in accordance with Clause 4.4 of LPP/04. This contribution will be for the specific purpose of providing a piece of public art within the Town boundaries.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposal is generally consistent with the Town's planning framework and Strategic Community Plan by way of sustainably meeting future electricity demand.

## CONSULTATION

### *Internal*

- Infrastructure Services (Engineering)
- Environmental Health Services
- Building Services
- Ranger and Emergency Services

### *External Agencies*

- Kariyarra Aboriginal Corporation
- Department of Jobs, Tourism, Science and Innovation
- DevelopmentWA
- Main Roads Western Australia
- Horizon Power
- Newcrest Mining
- Water Corporation
- Fortescue Metal Groups (FMG)

Four (4) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, applicant comments and officer recommendations of this has been included as Attachment (2) of this report.

### *Community*

- There was no community consultation conducted for this proposal.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005;*
- *Planning and Development (Development Assessment Panels) Regulations 2011;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Town of Port Hedland Local Planning Strategy;
- Town of Port Hedland Local Planning Scheme No. 7;
- State Planning Policy 3.7 Planning in Bushfire Prone Areas; and
- State Planning Policy 5.4 Road and Rail Noise
- Boodarie Strategic Infrastructure Area Structure Plan
- Local Planning Policy 04 Percent for Public Art.

## FINANCIAL AND RESOURCES IMPLICATIONS

The proposal attracted an application fee. There will be no additional financial impacts for the Town based on the recommendation being presented to the Regional JDAP for this proposal.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

- 2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:
- Identify strategic employment and economic development opportunities and priorities
  - Assess and address market failures affecting the cost of living
  - Assess and address cost of doing business challenges.
- 2.2.2 Maintain strong partnerships with the private sector and government to fund projects and pursue job creation.
- 3.1.1 Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.
- 3.2.3 Provide and promote sustainable energy, waste and water management practices.

### *Environmental*

The proposal will contribute approximately 90MW of renewable energy, reducing overall carbon emissions from the district.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). The risk is negated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

There is a reputational risk associated with this item because the JDAP will assess this application and make determination without consideration of the Town's position or conditions, if the Council does provide a formal response. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

### **CONCLUSION**

This report has provided a detailed assessment of the proposed JDAP application for a Solar Farm at Lots 1504 and 1499 Great Northern Highway, Boodarie. The proposed Solar Farm will provide efficient, renewable energy generation and a clean energy economy.

Based on the assessment against LPS7 and the relevant planning framework, it is considered that the proposal is appropriate for the location and an approval recommendation, subject to standard conditions and advice notes, be presented to the JDAP for determination.

### **ATTACHMENTS**

1. Project Report (under separate cover)
2. Appendices (under separate cover)

3. Schedule of Submissions (under separate cover)

**12.3.2 RECOMMENDATION TO WESTERN AUSTRALIAN PLANNING COMMISSION ON HEDLAND JUNCTION STRUCTURE PLAN (FILE NO. 2022/087)**

**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.

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**OFFICER'S RECOMMENDATION**

That Council, pursuant to Part 4 of Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Considers the submissions received during public consultation included as Attachment 2 to this report.
  2. Recommends the Western Australian Planning Commission approves the Hedland Junction Structure Plan included as Attachment 1 to this report with modifications as follows:
    - a. Clause 1.6 Additional Information, Table 1 – Subdivision and Development Requirements of the Structure Plan report shall be updated and/or include the following:
      - i. Urban Water Management Plan (UWMP) – Town of Port Hedland consultation required;
      - ii. Mulgara Assessment – Department of Biodiversity, Conservation and Attractions consultation required;
      - iii. Dust Management Plan – Condition of Subdivision approval and/or at the stage of Development Application – Town of Port Hedland consultation required;
      - iv. Noise Management Plan – Condition of Subdivision approval and/or at the stage of Development Application – Town of Port Hedland consultation required;
      - v. Traffic Impact Assessments (TIA) for each Subdivision Stage to be consistent with the Department of Planning, Lands and Heritage (DPLH) TIA Guidelines – Condition of Subdivision approval – Main Roads WA and Town of Port Hedland consultation required;
      - vi. Road Safety Audits for each Subdivision Stage – Condition of Subdivision Approval – Town of Port Hedland consultation required;
      - vii. Geotechnical Investigation/ Assessments – As required – Town of Port Hedland consultation required; and
      - viii. Mosquito Management Plan for each Subdivision Stage – Department of Health and Town of Port Hedland consultation required.
    - b. Clause 3.3.3. Local Planning Policies, Table 5 – Local Planning Policies shall include the following:
      - i. Local Planning Policy No. 2 – Advertising Signs (LPP/02);
      - ii. Local Planning Policy No. 3 – Shipping/Sea Containers and Transportable Buildings (LPP/03); and
      - iii. Local Planning Policy No. 4 – Percent for Public Art (LPP/04)
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- c. Insert new Clause 3.3.4 to confirm that naming of the new roads in the Structure Plan area shall be in accordance with the Town's Policy, 12/010 Naming of Roads and Places
  - d. Modify the Structure Plan Map so that the Southern precinct of Lot 502 and portion of Lot 9001 adjacent to Wallwork Road shall be updated to place a Control Area 1 similar to the Northern precinct.
  - e. Modify the Structure Plan Map to remove the areas reserved as Public Open Space (POS) as follows:
    - i. The Southern corner POS pocket is to be reserved for 'Infrastructure Services'.
    - ii. The POS pocket near Pinga Street and Wallwork Road junction shall be removed and zoned as a 'General Industry' zone.
  - f. The Bushfire Management Plan (BMP) prepared by Urbaqua shall be updated to reflect the proposed landscape buffer along the Wallwork Road/ Powell Road in consultation with the Department of Fire and Emergency Services to the satisfaction of the Town of Port Hedland.
  - g. The Traffic Impact Assessment (TIA) report prepared by Porter Consulting Engineers shall be updated to include the following:
    - i. Principles and Design Objectives.
    - ii. Reference list
    - iii. Figure 5.2 shall be updated to indicate the traffic flows for Pinga Street.
3. Requests that the Western Australian Planning Commission does not approve the Structure Plan until the Department of Health is satisfied that proposed methods of addressing Wastewater Disposal at development stage is suitable, in consultation with Town of Port Hedland.
  4. Requests that the Western Australian Planning Commission does not approve the Structure Plan until the Department of Water and Environment Regulation has endorsed the Local Water Management Strategy.

*SIMPLE MAJORITY VOTE REQUIRED*

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## PURPOSE

The purpose of this report is for Council to consider submissions on the Hedland Junction Structure Plan (herein referred to as the Structure Plan) and make a recommendation to the Western Australian Planning Commission (WAPC) to determine the Structure Plan.

## DETAIL

Urbis, on behalf of DevelopmentWA has prepared the Hedland Junction Structure Plan, which guides the future development of the land zoned 'Industrial Development' within the Wedgefield Industrial Estate. This area forms part of the Hedland Junction Estate managed by DevelopmentWA. The land within the Structure Plan area is currently subject to the Wedgefield Industrial Estate Structure Plan (WIESP). The WIESP was adopted in 2011 and zoned the land 'Transport Development' to reflect the intentions to develop the area for large-scale transport and logistics uses. Changes in the planning framework in 2015 and 2021 resulted in several inconsistencies between the WIESP and the Town of Port Hedland Local Planning Scheme No.7 (LPS7). Notably, there is an anomaly whereby the 'Transport Development' is no longer



a zone. There have also been ongoing changes in the market demand, resulting in multiple changes to the internal structure plan layout. These factors have cumulated in need for a new structure plan.

The revised structure plan is necessary to facilitate further development of the Hedland Junction locality in a manner that is consistent with the current planning framework, traffic considerations, local water management requirements and market demands. The structure plan has the potential to deliver between 80-100 industrial lots of a range of sizes to flexibly respond to the changing nature of industrial development. A focus has been given to the refinement of the transport network and links for RAV-rated vehicles, the ability for the lots to appropriately provide for a range of general industrial uses with a focus on transport development and the incorporation of water-sensitive design at a lot and public realm level.

The subject site is approximately 220 hectares in area, positioned within the Wedgefield Industrial Estate between the towns of Port Hedland and South Hedland. The Structure Plan identifies the triggers for the development of the local road network to support staging cells, extensions, and upgrades to existing roads and, importantly, the ultimate connection of Hematite Drive to Great Northern Highway. The structure plan has been prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) and the Structure Plan Framework August 2015.

As part of the Structure Plan application, the following technical and supporting documentation has been submitted:

1. Hedland Junction Structure Plan (Urbis 2022)
2. Certificate of Titles for all the parcels of the Structure Plan area
3. Environmental Management Plan (GHD 2011)
4. Local Water Management Strategy (JDA 2022)
5. Traffic Impact Assessment (Porters 2022)
6. Infrastructure & Servicing Strategy (Porters 2022)
7. Bushfire Management Plan (Urbaqua 2022)
8. Landscape Management Plan (UDLA 2022)

In accordance with Clause 22 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the Structure Plan will come into operation on the day on which the Structure Plan is approved by WAPC. The Structure Plan is proposed to have an effective period of 10 years commencing from the day of endorsement.

### **Structure Plan**

Clause 1.6. Additional Information of Part 1 – Implementation section of the Structure Plan provides details of the technical information required to be undertaken at future stages of the planning process. Table 1 within this section conveys the Subdivision and Development requirements for the Structure Plan area for future stages. It is recommended that Table 1 shall include all the items mentioned above in section 2.a. of the Officer Recommendation. These modifications to the Structure Plan are necessary for the following reasons:

- The UWMP will be required for each subdivision stage in the structure plan area. Along with the referral to the Department of Water and Environmental Regulation, who approves the UWMP, the UWMP shall be referred to the Town so that the Town can provide comments and/or advice on the proposed UWMP.
- The Mulgarra Assessments will be required for each subdivision stage in the structure plan area. Along with the referral to the Town, the Mulgarra Assessments shall be referred

to the Department of Biodiversity, Conservation and Attractions (DBCA) so that DBCA can provide comments and/or advice on the assessments.

- A Dust Management Plan will be required for each subdivision stage in the structure plan area since before, during and after the earthworks for subdivisions, suitable mitigation measures have to be in place to avoid any dust problems.
  - The dust management plan must be in accordance with “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities” (2011) as produced by the Department of Environmental Regulation and amended from time to time.
  - Obtain written approval of the Dust Management Plan from an authorised person before the commencement of any work.
  - A dust management plan must provide information that includes the reason for works, key personnel, site-specific details, control strategies, monitoring, complaint handling, record keeping and review procedures.
- A Noise Management Plan will be required where noise levels specified in the Environmental Protection (Noise) regulations are to be exceeded and must be submitted to the Town’s Environmental Health Services for approval for:
  - Construction noise requires approval under Regulation 13
  - Other (community events) require approval under Regulation 18
- A TIA is required for each subdivision stage (in consultation with the Town of Port Hedland and Main Roads WA) within the structure plan to reassess the traffic impact and consider the current situation (DPLH guide to TIA Vol 3). This is due to sensitivity testing indicating that the Hematite Drive intersection is highly sensitive even to a 5% change, as recommended in the TIA report.
- A Road Safety Audit is required in accordance with the Australian National and Western Australia State Road Safety Strategies, inclusive of the following:
  - Preliminary Design Audit
  - Detailed Design Audit
  - Pre-opening Audit
- The Geotechnical investigations/ assessments have not been completed for the future stages of the subdivision, and hence it would be a subdivisional requirement.
- A Mosquito Management Plan will be required for each subdivision stage in the structure plan area to ensure the risk of disease-carrying mosquitos could be mitigated. The Mosquito Management Plan is to be approved by the Department of Health and the Town of Port Hedland.

Within Clause 3.3.3 - Local Planning Policies, Table 5 of the Structure Plan information is conveyed regarding the relevant local planning policy considerations. It is recommended that Table 5 shall include all the items mentioned part 2.b of the Officer Recommendation. This modification to the Structure Plan is necessary for the following reasons:

- LPP/02 provide guidance on signage and instances where development approval is not required from the Town. This policy also clarifies what signage is considered suitable by the Town for approval to provide certainty to businesses. Hence, adding this policy to the structure plan document allows the decision makers to obtain better planning outcomes during the subdivisions and/or development stages.
- LPP/03 provide guidance on the requirements for the development of transportable buildings. The policy defines acceptable design standards for transportable buildings such as dongas and shipping/sea containers. Hence, adding this policy to the structure

plan document allows the decision makers to obtain better planning outcomes during the subdivisions and/or development stages.

- LPP/04 provides guidance on when development is required to provide Public Art or cash-in-lieu contribution as part of their development approval. The policy provides a framework for the development, funding, and management of Public Art.

### **Structure Plan Zoning/Mapping**

It is recommended that the southern portion of the Structure Plan where the lots are facing Wallwork Road be updated to have Control Area 1 similar to the Northern portion of the Structure Plan (refer to Attachment 3). This modification to the Structure Plan is necessary for the following reasons:

- As per the Town's Local Planning Strategy Map 02 – Airport Wedgefield and Redbank, the Structure Plan falls under the '200m Visual Protection Area' (VPA) since portions of Great Northern Highway (GNH) and Wallwork Road are in VPA.
- To ensure future visual protection and better amenity outcomes for land use and development along Great Northern Highway and the section of Wallwork Road, it is advised that Control Area 1 placed on Powell Road lot frontages shall be removed and instead it shall be placed on the lots which are facing the Wallwork Road.
- Note that the above changes shall be amended in the Structure Plan and all the relevant supporting documents.

It is recommended that the POS be amended to 'Infrastructure Services' reserve and 'General Industry' zone (refer to Attachment 4). This modification is for the following reasons:

- With the existing water infrastructures underground, instead of POS, 'Infrastructure Services' zone would be better suited for the Southern pocket. During the consultation process, the Water Corporation mentioned that *infrastructures in the south section of lot 502 will require protection via easements*. However, this shall be addressed during the subdivision.
- The proposed POS would not have any significant potential for passive or recreation given its isolation from the residential areas. Hence, the proposed POS near the Pinga Street and Wallwork Road junction shall be removed and zoned as General Industry.
- Note that the above changes shall be amended in the Structure Plan and all the relevant supporting documents.

### **Traffic Impact Assessment (TIA)**

The TIA requires modification for the following reasons:

- There are no principles and design objectives have been set out for the TIA report. Essentially, no design criteria have been met, which has resulted in low Level of Service (LoS) results. Hence the TIA shall be updated to include the principles and design objectives.
- Figure 5.2 of the TIA has mentioned traffic flows for 2039 - Ultimate Development, in which Pinga Street has not been mentioned/addressed. Hence Figure 5.2 shall be updated to indicate the traffic flows for Pinga Street.
- It is recommended to include this note in the TIA and/or Structure Plan, "During the Stage 7 subdivision of the Structure Plan area, as part of stage 7 TIA, consideration shall be given to a further detailed traffic assessment of Pinga and Moorambine Streets."

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance because the Town is only responsible for making a recommendation to the Western Australian Planning Commission, who will determine the Structure Plan.

## CONSULTATION

### *Internal*

- Infrastructure Services (Engineering)
- Environmental Health Services

### *External Agencies*

The following agencies were consulted through direct letters and emails, allowing them to provide comments:

- Alinta Energy Pty Ltd
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Department of Health
- Department of Jobs, Tourism, Science and Innovation
- Department of Mines, Industry Regulation and Safety
- Department of Planning, Lands and Heritage
- Department of Primary Industries and Regional Development
- Department of Transport
- Department of Water and Environment Regulation
- Horizon Power
- Main Roads WA
- Pilbara Development Commission
- Pilbara Ports Authority
- Port Hedland Chamber of Commerce
- Telstra
- Water Corporation

Six (6) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, applicant comments and officer recommendations of this has been included as Attachment Two (2) to this report.

### *Community*

- Public consultation for the Hedland Junction Structure Plan was carried out for a period of forty-two (42) days between 15 June 2022 and 27 July 2022. An advertisement was published in the Northwest Telegraph newspaper on 15 June 2022, inviting the public to provide any comments.
- The adjoining owner/resident, Shell Service Station (Lot 5553 on Deposited Plan 186580), was consulted through direct letter and email.
- No objections/ comments received from the community on the proposal.

## LEGISLATION AND POLICY CONSIDERATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015*

The Town is required to process the Structure Plans in accordance with 'Part 4 – Structure Plans' of Schedule 2 – Deemed Provisions for Local Planning Schemes within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town of Port Hedland Local Planning Strategy

The Town's Local Planning Strategy applies/relates to the Structure Plan as follows:

- The Town's prime industrial area is Wedgefield, Table 16. Major Projects details the Structure Plan area as the area 'offering *expansion for small to medium businesses servicing the mining, construction and transportation industries.*'
- Strategy Map 2 indicates the Structure Plan area as follows
  - Northern Precinct – General Industry and Industrial Investigation Area
  - Southern Precinct – Light Industry
  - A 200m visual protection area extends across the Great Northern Highway and the Wallwork Road. The visual protection area benefits the Town by enabling a better amenity outcome for land use and development.
- Implies strategic actions to be implemented to facilitate the Town's longer-term industrial needs as follows:
  - Zone the developed portion of Hedland Junction as 'General Industry' to provide for a range of general industrial uses.
  - Zone the undeveloped portion of Hedland Junction as 'Industrial Development' to allow land use, subdivision and development to be progressed in accordance with a Structure Plan.
  - Review and amend the Wedgefield Industrial Estate Structure Plan to ensure that it supports land use and development outcomes consistent with the intent of the 'General Industry' zone of LPS7.

In consideration of the above-mentioned excerpts from the Town's Local Planning Strategy, making a recommendation to WAPC on approving the Hedland Junction Structure Plan unlocks the development of undeveloped land in the Wedgefield and facilitates consistent development reflecting the present planning framework.

Local Planning Scheme No. 7 (LPS7)

The Structure Plan is proposed to apply to land zoned 'Industrial Development'. As per the zoning table of LPS7, Industrial Development makes a reference to Clause 18(7), which states, *If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -*

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

In consideration of the above-mentioned excerpts from the Town's LPS7, making a recommendation to WAPC on approving the Hedland Junction Structure Plan will guide the subdivision and development of land as once endorsed by the Western Australian Planning Commission. Once approved, decision-makers shall have due regard to the contents of the Structure Plan when making decisions on the subdivision and development of land within the Structure Plan area.

## FINANCIAL AND RESOURCES IMPLICATIONS

The Town has received an estimated fee from the applicant \$13,043.27. There is no financial risk to the Town of Port Hedland from the Council recommending the WAPC to approve the proposed Structure Plan.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.4.1 The present and future facilities and requirements of the town are planned for and developed in line with relevant facility standards and community needs.
- 2.1.1 Lobby State and Federal Governments and private sector for improved infrastructure investment.
- 2.1.2 Lobby State Government and industry for policy change.
- 2.1.3 Strengthen the levels of collaboration, partnership and active networking between industry and business operators and stakeholders.
- 2.1.5 Encourage and support the development of industry specific value chains.
- 2.2.2 Maintain strong partnerships with the private sector and government to fund projects and pursue job creation.
- 2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.
- 2.3.5 Identify opportunities for new social enterprises, innovators, and small and medium-sized businesses and implement strategies to attract and support them.
- 2.4.5 Promote major economic achievements and contributions of the Hedland economy at local, regional, state, national and international levels.
- 3.1.2 Grow community understanding of local biodiversity and its protection.
- 3.2.1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

## RISK MANAGEMENT CONSIDERATIONS

There is an environmental risk associated with this item because northern parts of the Structure Plan area are located on potentially flood prone land. 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 requesting the Department of Water and Environmental Regulation approves the Local Water Management Strategy prior to WAPC approving the Structure Plan, and Department of Health is consulted in relation to Wastewater Disposal requirements prior to Structure Plan approval.

There is a compliance risk associated with this item because Table 1 in the Structure Plan does not adequately detail technical reporting required at each stage of subdivision to address relevant issues. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

This risk is mitigated by requesting updates to Table 1 in the Structure Plan to confirm technical reporting at subdivision and development stages.

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

*Option 3 – Do not adopt officer’s recommendation*

**CONCLUSION**

The Hedland Junction Structure Plan has been prepared by Urbis on behalf of DevelopmentWA which provides guidance on the future development of the land zoned ‘Industrial Development’ within the Wedgefield Industrial Estate. This area forms part of the Hedland Junction Estate managed by DevelopmentWA.

The Structure Plan is generally consistent with the provisions of Local Planning Scheme No.7 and has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is recommended that the Hedland Junction Structure Plan be supported with modifications and that Council resolve to accept the schedule of submissions, and recommend the Western Australian Planning Commission approve the Structure Plan.

**ATTACHMENTS**

1. Hedland Junction Structure Plan including appendices (under separate cover)
2. Schedule of Submissions (under separate cover)
3. Control Area 1 Amendments (under separate cover)
4. Rezoning of Public Open Spaces (under separate cover)

12.3.3 APPLICATION FOR DEVELOPMENT APPROVAL FOR WORKFORCE ACCOMODATION AT LOT 9008, GREAT NORTHERN HIGHWAY, PORT HEDLAND
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Author: Graduate Planner  
Authorising Officer: Director Regulatory Services  
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### 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 Development Application (2022/125) for Workforce Accommodation on Lot 9008 Great Northern Highway, Port Hedland subject to the following Conditions and Advice Notes:

1. The approved 'Workforce Accommodation' shall be in accordance with the stamped approved plans and details submitted with the application, these details shall not be altered without the prior written consent of the Town of Port Hedland. This approval does not relate to any other development on this lot.
2. If the development referred to in Condition 1, is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
3. The approved development is valid for a period of ten (10) years from the date of this approval. All development shall be removed from the land by no later than 26 October 2032 in accordance with the Site Rehabilitation Plan required by Condition 16.
4. This approval is for 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may require further development approval in accordance with the Town's Local Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. The approved workforce accommodation shall only be occupied by MGM Group personnel unless otherwise approved in writing by the Town of Port Hedland.
6. Landscape Plan
  - 6.1. Prior to lodging an application for a building permit, a detailed landscape plan is to be submitted to and approved by the Town of Port Hedland. The detailed landscape plan shall include, but is not limited to, the following information:
    - a) Reflect the approved development and proposed areas to be landscaped;
    - b) The location, number, size and species of vegetation, including types of ground covers, shrubs and trees proposed;
    - c) Shade trees to a rate of 1 per 4 car parking bays and adequate protection;
    - d) Areas to be reticulated or irrigated;
    - e) Areas to be mulched; and



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- f) No fines such as crackerdust being included.

6.2 The approved detailed landscape plan must be fully implemented prior to the occupation or use of the site, and thereafter maintained, to the satisfaction of the Town of Port Hedland.

## 7. Stormwater and Drainage Management

7.1 Prior to lodging an application for a building permit, a detailed Stormwater Management Plan shall be submitted to and approved by the Town of Port Hedland. The Stormwater Management Plan shall include, but is not limited to, the following information:

- (a) Proposed detailed contours for the leasehold boundaries;
- (b) Measures to retain the 6 minute rainfall event;
- (c) Address any upgrades required to the stormwater system, including within the reserves adjoining the site;
- (d) Detailed sections of all surface treatments;
- (e) Detailed design of all discharge points;
- (f) Proposed finished floor levels of all buildings;
- (g) Details of any sediment control measures to restrict the movement of sediment across leasehold boundaries; and
- (h) Should pooling of water occur for longer than 72 hours for a 1 in 5 year rainfall event, mosquito management measures to be implemented.

7.2 The approved development shall operate in accordance with the approved stormwater management plan for the duration of the approval period.

## 8. Waste Management Plan

8.1 Prior to lodging an application for a building permit, a Waste Management Plan shall be submitted to and approved by the Town of Port Hedland to address the management of waste generated during operational phase of the development, including all calculations to determine the amount of waste generated. This plan shall include (but is not limited to) the following:

- (a) Storage space allocation for the following types of waste generation (1) Food waste, (2) General waste, (3) Bulky waste, (4) Scrap Metal, (5) Green Waste, (6) Chemical Waste, and any other waste produced as part of the operation of the site;
  - (b) Sufficient storage space for skip bins and waste containment, including bulk laydown and waste areas;
  - (c) the location of bin storage areas and bin collection areas;
  - (d) details of screening of the bins from view from the street;
  - (e) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
  - (f) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (g) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
  - (h) frequency of bin collections; and
  - (i) the bin storage area drainage details.
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8.2 The development shall operate in accordance with the approved waste management plan at all times to the satisfaction of the Town of Port Hedland.

## 9. Public Art

Prior to lodging an application for a building permit, the owner, or applicant on behalf of the owner, shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% of the estimated total construction cost of the development, being \$86,500. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:

- Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
- Option 2: Owner/Applicant chooses to pay cash-in-lieu.

## 10. Traffic and Parking Management

10.1 Prior to lodging an application for a building permit, an amended Traffic and Parking Management Plan shall be submitted to and approved by the Town of Port Hedland. The Traffic and Parking Management Plan must be in accordance with the Department of Planning, Lands and Heritage's Transport Impact Assessment Guidelines and include, but not limited to, the following information:

- a) Details of any crossover and vehicle access modifications, and details of internal pedestrian and vehicle movement networks;
- b) Number of car parking bays, including accessibility and heavy vehicle bays, and pick up/drop off locations, all to be in accordance with AS2890.1 (as amended);
- c) Parking is to not be obstructed in any way or used for any other purpose than parking;
- d) Swept paths of all vehicles using the subject site, including, but not limited to, waste service vehicles, vehicles for loading/delivery and buses.

10.2 The approved Traffic and Parking Management Plan must be fully implemented and constructed to the satisfaction and specification of the Town of Port Hedland prior to the occupation or use of the development.

10.3 The approved development must operate in accordance with the approved Traffic Impact Assessment or Traffic Management Plan for the duration of the approval.

11. Prior to lodging an application for a building permit, a detailed schedule of the colour and texture of the building materials for new walls, awnings, fences and eaves, shall be submitted to the specification of the Town for approval. The development shall be finished with the approved colours and materials prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the Town.

12. Prior to lodging an application for a building permit, design plans for the screening of all external building plant, piped, ducted and wired services, air conditioners, hot

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water systems, water storage tanks, service meters, outdoor storage and bin storage areas, shall be submitted to the specification and satisfaction of the Town for approval. The approved screening shall be installed prior to the occupation or use of the site and thereafter maintained to the satisfaction of the Town.

### 13. Construction Environmental Management Plan

13.1. Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:

- a) Contact details of essential site personnel, construction period and operating hours;
- b) Community information, consultation and complaints management plan;
- c) Public safety, security and amenity;
- d) Traffic and parking management;
- e) Noise and dust management plan, or reference to the approved noise management plan and dust management plan;
- f) Waste management, including the storage and disposal of hydrocarbons, chemicals, and potentially hazardous substances, to be in accordance with the Department of Water and Environmental Regulation Guidelines and Water Quality Protection Notes;
- g) Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and
- h) Stormwater and sediment control.

13.2 The Construction Environmental Management Plan must be complied with at all times, to the satisfaction of the Town of Port Hedland.

### 14. Cyclone Management Plan

14.1 Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Cyclone Management Plan. The Cyclone Management Plan shall include, but not be limited to, the following matters:

- a) Identify the buildings which are proposed for emergency cyclone sheltering purposes and their importance level;
- b) The actions to be taken at each cyclone alert level; and
- c) Alternative measures to ensure the safe relocation of MGM Lodge residents to appropriate facilities in the event of a cyclone.

14.2 The Cyclone Management Plan must be complied with at all times, to the satisfaction of the Town of Port Hedland.

15. Prior to the use or occupation of the development, all transportable buildings onsite shall meet the requirements of the Town of Port Hedland's Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings. The transportable buildings shall remain in a clean, neat condition to the satisfaction of the Town of Port Hedland for the duration of the development.

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16. Prior to the use or occupation of the development, all signage (advertising and/or directional) shall meet the requirements of the Town of Port Hedland's Local Planning Policy 02 Advertising Signs.

17. Social Impact Assessment and Management Plan

17.1 Within six months of the commencement of operation of the development, an amended Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland. This Social Impact Assessment and Social Impact Management Plan shall:

- (a) Include an adequate level of community consultation in the development of the SIMP, and be undertaken with, but not limited to, local resident groups and businesses and local stakeholder groups, including local Aboriginal corporations, to be undertaken prior to the occupation or use of the development;
- (b) Additional management strategies as identified by the SIA and abovementioned community consultation outcomes, including the facilitation of initiatives to connect the workforce accommodation residents and the permanent residential population, community infrastructure and facilities;
- (c) Include timeframes for agreed KPI's as identified by the SIMP to be actioned;
- (d) Provide details on annual monitoring and reporting on the effectiveness of the SIMP to be submitted by the proponent to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPIs) that are a direct result of the approved development operations; and
- (e) While the Town reserves the right to make this request for amendment of the SIMP at any time, this will principally apply during the process of annual review.

17.2 Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2023 and be reported on 1 July each year thereafter, for the duration of the approval.

18. Prior to the commencement of works, the developer shall make a community contribution of \$72,735, which the Town of Port Hedland shall only spend on the following:

- a) Local community infrastructure, including but not limited to shared paths within close proximity to the facility which the residents can avail themselves to.

The contribution shall be paid in full in lump sum or other alternative arrangements as agreed to in writing by the Town of Port Hedland.

19. Prior to the use or occupation of the development, revised plans shall be submitted for the bicycle path to the Town's future shared path connection that does not impede future access roads.

20. Site Rehabilitation Plan

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20.1 By no later than six months prior to the end of the approval period, a Site Rehabilitation Plan shall be submitted to and approved by the Town of Port Hedland for the rehabilitation of the subject site following the end of approval period and cessation of the land use. The Site Rehabilitation Plan should include, but is not limited to, the following information:

- (a) Removal of all infrastructure, including underground services and hardstand areas;
- (b) Details of site preparation;
- (c) Recontouring and revegetation of the land, including list of species and breakdown rates, topsoil and dieback management;
- (d) Weed management and ongoing maintenance;
- (e) Dust management plan, if required;
- (f) Erosion and sediment control; and
- (g) Details of the rehabilitation program including staging and responsibilities.

20.2 The Site Rehabilitation Plan is to be implemented to the satisfaction of the Town of Port Hedland.

21. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Emerge Associates dated December 2019 and approved by the Town of Port Hedland for the duration of the development.

22. No access to the lease area will be allowed via Great Northern Highway. All site access must be via the internal access road.

#### Advice Notes

- a. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
  - b. With reference to Condition 3, the definition of 'Workforce Accommodation' under the Local Planning Scheme No. 7 is:  
*premises, which may include modular or relocatable buildings, used –*
    - (a) *Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
    - (b) *For any other associated catering, sporting and recreation facilities for the occupants and authorised visitors.*
  - c. With reference to Condition 6, the Waste Management Plan must comply with the Town of Port Hedland Waste Local Law 2020 at all times for the duration of the development.
  - d. Prior to the commencement of the development, a Building Permit is required in accordance with the *Building Act 2011*, for the following development including, but not limited to:
    - Installation of directional signage (assuming they are standalone and not fixed to a building);
    - Installation of screening devices;
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- Structural works 'as required' to the administration building;
  - Installation of shade sails;
  - Install new fire system (dependent on the extent of works);
  - Repairs to existing tie-downs on the laundry and room buildings.
- f. The approved development must be connected to an approved apparatus for the on-site management of sewage and wastewater.
- g. The development must comply with *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* at all times for the duration of the development.
- h. If a mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Town of Port Hedland Health Local Law 2016.
- i. The approved development must comply with the *Health (Public Building) Regulations 1992* at all times for the duration of the development.
- j. The approved accommodation buildings must comply with the relevant provisions of the *Health Act 1911* and the Town of Port Hedland Health Local Law 2016 at all times for the duration of the development.
- k. All lodging houses are required to be registered under the *Health (Miscellaneous Provisions) Act 1911* and operate in accordance with that Act and the Town of Port Hedland Health Local Law 2016.
- l. The approved development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times for the duration of the development.
- m. It is a requirement under the *Food Act 2008* that all food premises be registered prior to the commencement of operations. The following is relevant:
- The construction and use of the proposed premises is required to comply with the *Food Regulations 2009*, the Food Safety Standards and the Town of Port Hedland Health Local Law 2016;
  - A fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of the Town of Port Hedland;
  - The food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
- n. Where conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.
- o. Where an approval has so lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.
- p. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and*
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***Development Act 2005, Part 14. An application must be made within 28 days of the determination.***

***SIMPLE MAJORITY VOTE REQUIRED***

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## PURPOSE

The purpose of this report is for Council to consider a proposal for workforce accommodation at Lot 9008 Great Northern Highway, Port Hedland (**Attachment 1**). The application is being presented to Council for determination as it is for a workforce accommodation facility that is located within the townsite boundaries and proposes more than 16 beds.

## DETAIL

At the Ordinary Meeting held 23 February 2022, Council resolved to refuse a development application for workforce accommodation at Lot 436 Bayley Retreat, Port Hedland primarily based on unsuitable location and social integration measures. The applicant appealed the refusal at the State Administrative Tribunal (SAT) whereby mediation recommended the applicant submit a proposal for a new location to address the reasons for refusal relating to location, which has resulted in this application.

On 11 August 2022, the Town accepted a development application from Grounded Construction Group Pty Ltd, on behalf of MGM Group, for a workforce accommodation site at Lot 9008 Great Northern Highway, Port Hedland (**Attachment 2**). The Town remains the landowner, with the site currently being leased by the PHIA Asset Pty Ltd. The application is for a ten year time-limited approval and comprises of the following development:

- 222 single occupant rooms, with private ensuite, in the form of transportable buildings/construction;
- Shared facilities, including laundries, administration office and shop;
- Recreational buildings, including wet/dry mess, gym/recreational facilities and outdoor BBQ areas; and
- Screened service areas, including waste, maintenance, storage and loading areas.

### Local Planning Framework

Due to the location of the development being within a mapped Bushfire Prone area, State Planning Policy 3.7 applies. The site is also within the Port Hedland International Airport area and therefore Local Planning Policy 08 - Port Hedland International Airport (LPP/08) applies.

On 25 November 2020, Council adopted Local Planning Policy 05 Workforce Accommodation (LPP/05) and Local Planning Policy 06 Social Impact Assessments (LPP/06) to supplement the adoption of the Position Statement for Workforce Accommodation, endorsed on 24 June 2020. The proposed workforce accommodation has also been assessed against the Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings (LPP/03) due to all accommodation buildings being constructed as transportable buildings and Local Planning Policy 04 Percent for Public Art (LPP/04) due to the value of the development meeting the threshold listed under the policy. Local Planning Policy 11 - Stormwater Management (LPP/11) is also applicable.

On 28 July 2021, Council adopted Local Planning Policy 14 Design Review Panel (LPP/14). Subsequently, the Town appointed a Design Review Panel (DRP) to provide independent

expert and technical advice to applicants, Town Officers and Council in relation to the design of the development and other relevant matters. The proposal met the criteria to be presented to the DRP and was presented on two occasions for comments on the overall design of development, with details described under the LPP/14 heading of this report.

#### Local Planning Scheme No. 7

The subject site is located within Special Use Zone 1 Port Hedland International Airport as designated in the Town's Local Planning Scheme No. 7. Workforce accommodation is an 'A' use in this zone. This means the proposal can only be considered once advertised in accordance with clause 64 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposal has been advertised for a period of 21 days, between 26 August 2022 and 16 September 2022. Outcomes of the community consultation period are described under the Consultation heading of this report.

The land use itself is considered compatible with the surrounding development for the following reasons:

- It is a small scale proposal, in comparison with other workforce accommodation sites in the vicinity;
- The built form is not imposing in scale when viewed from Great Northern Highway and surrounding sites, subject to some modification to the landscaping on-site; and
- The use itself will not detrimentally impact on the nearby sensitive land use (workforce accommodation) or the operations of Port Hedland International Airport.

#### SPP 3.7 Planning in Bushfire Prone Areas

The proposal is located within the Bushfire Prone Area, as prescribed by Department of Fire and Emergency Services. *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP 3.7) requires all development applications for habitable buildings within the Bushfire Prone Area to provide a Bushfire Attack Level (BAL) Assessment or Contour Map, and depending on the outcome, additional information such as a Bushfire Management Plan and/or Risk Management Plan. The BMP contained in Local Planning Policy 10 - Highway Precinct Design Guidelines (the Design Guidelines) shows that a majority of the site is BAL-LOW with the design taking into consideration the BMP. A condition of approval ensuring the development complies with all actions required within the BMP is recommended.

#### Local Planning Policy 08 - Port Hedland International Airport (LPP/08)

The purpose of LPP/08 is to ensure development applications recognise and maintain the safe and efficient operation of the Port Hedland International Airport. As described under the Consultation heading of this report, the application was referred to the Port Hedland International Airport, with no submissions being received.

#### Local Planning Policy 05 - Workforce Accommodation (LPP/05)

##### *Demand Driven*

When considering applications for workforce accommodation, the applicant must demonstrate the demand for the proposed length of time in the current economic climate. The applicant has noted that the facility is for the exclusive use by MGM Group to provide "*a more consistent accommodation arrangement for their personnel and as such focus its resources in establishing better integration to the social fabric of the local community.*" No information has been provided as part of this application to further justify the length of time, however it is noted



that MGM Group provide operational bulk haulage business within Port Hedland since 2015 and service a number of mine sites out of the existing Wedgefield Depot. Figures provided by the applicant indicate that 244 operational employees (81.4 percent) of their workforce are Fly-In, Fly-Out (FIFO) to further demonstrate the demand for this facility. As such, the development is to make up for the shortfalls in accommodation within the townsite for its own workers.

The requested time-limited approval period is ten years. There is no information provided relating to the costs analysis for the ability for workforce accommodation to be provided within the Town's established residential areas. Although, there is limited information provided that indicates an emphasis on attracting a larger residential based workforce within Port Hedland, the establishment of a Local Workforce Development Strategy is proposed as an action to be undertaken as part of the proposed Social Impact Management Plan (SIMP).

#### *Location Suitability*

Clause 6.1 of LPP/05 detail the varying types of workforce accommodation, the relevant for this proposal being:

- 1) *short-term workforce accommodation* which is expected to be of a larger scale and used for project work with an expected project delivery of up to three years;
- 2) *intermittent workforce accommodation* which is typically associated with alternating shut down crews that may only be required for a short period of time; or
- 3) *long-term workforce accommodation* which is expected to be of a smaller scale and used for operational workforces with a lifecycle period of more than three years.

In accordance with Clause 6.3, the location of the site is appropriate in a short-term or intermittent capacity due to the disconnect (physically and socially) of the site from commercial land and town centres. This provides limited integration of facility residents with the remainder of Port and South Hedland, including local businesses and community groups. It is noted that the Design Guidelines have also identified this site as appropriate for short-term accommodation facilities for the purpose of housing construction workers required for large, strategic projects, rather than operational facilities as proposed. The application, being proposed for ten-years, is considered long-term workforce accommodation. The appropriate location for long-term workforce accommodation is prescribed in the policy as being located within the existing residential areas, such as town centres and surrounds. This is to facilitate the integration of a FIFO workforce within the Town's social fabric.

A Social Impact Assessment (SIA) and Management Plan (SIMP) has been provided to describe how the applicant will manage the impact of isolation via measures to integrate their workforce with the social fabric of the Town. The SIA and SIMP will be discussed further, under the Local Planning Policy 06 - Social Impact Assessment heading.

It is noted that the application is compatible and consistent with the existing uses within the highway precinct. Should the applicant demonstrate adequate social integration measures are to be implemented, Officer recommendation is that the location be considered suitable for a ten-year approval period.

#### *Design Standards*

Clause 6.4 of LPP/05 further designates the design standards required for short-term and long-term workforce accommodation, being Table 1 – Basic Design Standards and Table 2 – High Design Standards, respectively. The purpose is to provide a higher standard built form and liveability for residents in long-term facilities and when viewed from the public realm. Based on

the proposed ten-year time-limited approval period, the proposal was assessed against the High Design Standards.

*Site Rehabilitation*

Clause 6.5 of LPP/05 requires detail relating to site rehabilitation when time-limited approvals are issued for workforce accommodation. The applicant has not provided any information relating to the rehabilitation of the site, and as such, the Town recommends a rehabilitation plan be submitted to and approved by the Town of Port Hedland, no sooner than six months prior to the end of the recommended approval period.

The assessment against the departures to relevant criteria of LPP/05 is detailed below:

<b><i>Siting The Development</i></b>	<b><i>Officer Comments</i></b>
<p>Land uses which generate employment, such as an office, administrative building, cafe or restaurant should be sited and orientated towards street frontages to provide natural surveillance and allow for development to be adapted or repurposed.</p>	<p>Whilst the location of these buildings are fronting the street, there is limited opportunity for natural surveillance onto the street as the communal areas, and spaces where it is likely populated during work hours, turn away from the public realm.</p> <p>It is recommended that the administration building have openings to provide natural surveillance to street frontages and communal areas, and that any proposed screening on the dry mess does not obscure visual connection to the street.</p>
<b><i>Designing the Building</i></b>	<b><i>Officer Comments</i></b>
<p>The development shall address all street frontages through orientation of buildings, careful placement of entry points and landmarks. Façade, building materials and colours that are viewable from the public realm shall have good quality design components, articulation and vary in material. The design shall include:</p> <ul style="list-style-type: none"> <li>• Articulation and detailing that reflects the scale, character and function of the public realm.</li> <li>• Visual interest is achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.</li> </ul>	<p>As noted above, the design and site planning of communal areas limit passive surveillance of the public realm, particularly from the administration building.</p> <p>The application includes screening along the blank walls of the street fronting communal buildings with the potential for varying colours on the external facades to create visual interest. This screening is proposed to have some depth to provide articulation and building interest. There are alfresco areas internal to the communal facilities, which provide visual interest to workforce accommodation residents. There is opportunity for additional building articulation to be achieved through shading devices around openings including public facing windows and doors. Additional information is required on the materials and finishes proposed.</p>

	<p>There is a public art contribution proposed, however details of it are yet to be received. The applicant has indicated that it may be in the form of a mural on the main communal building, which would assist in creating interest in the development.</p>
<p>A shaded outdoor living area shall be directly accessible to each unit with a minimum area of eight square metres and a minimum dimension of two metres.</p>	<p>The breakdown of departures are:</p> <ul style="list-style-type: none"> <li>• There are no private outdoor living areas, with three shaded communal areas throughout the accommodation units and the large communal BBQ facilities adjoining the recreation and dining facility;</li> <li>• There is no variety of dwelling types, with the exception of two universal accommodation units;</li> <li>• Standard accommodation units have a maximum internal floor area of 10.5 sq metres inclusive of ensuite, and are 7.5 sq metres exclusive of ensuite; and</li> <li>• Floor to ceiling height of accommodation units are 2.4 metres</li> <li>• The exception being the two universal rooms, to allow access for people with a disability.</li> </ul> <p>It is considered that the cumulative impact of these design standards result in an unacceptable development outcome for a long-term, operational workforce accommodation facility. Whilst there are communal facilities, the private environment for employees (who predominately work in surface transport industry) is cramped. The lack of diversity in accommodation units doesn't allow for varying relationship make-up (i.e. two person per room) similar to other mine sites across the Pilbara.</p>
<p>A range of dwelling types, sizes and configurations shall be provided that caters for diverse household types. Developments of greater than ten accommodation units shall include at least 20 per cent of units of differing bedroom numbers.</p>	
<p>Each accommodation unit shall have a minimum floor area of 37 square metres.</p>	
<p>Habitable rooms shall have a minimum floor level to ceiling level height of 2.7m.</p>	
<p>Units shall have a minimum floor area and internal dimensions in accordance with the below: Master Bedroom – 10 square metres and minimum width of 3 metres</p>	
<p><b>Landscaping</b></p>	<p><b>Officer Comments</b></p>
<p>Landscaping shall be designed so that upon maturity, it will suitably shade or soften the appearance of vehicle parking, external storage areas, bin compounds, other structures and provide a suitable tree canopy within the site.</p>	<p>The proposed landscaping is presented to screen the car parking areas and provide shade opportunities within the outdoor communal areas. The location of trees does not extend to any of the waste laydown, bin compounds, service or external storage areas. In lieu of landscaping to provide soft, natural screening, there is 2.1 metre high colourbond fence screening the service and storage area. This area is fronting the street and adjoining the bus drop off location, which does not pose a well-designed street frontage.</p>

<b><i>Movement Network</i></b>	<b><i>Officer Comments</i></b>
<p>Proposals shall be accompanied by a Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA) in accordance with the Transport Impact Assessment Guidelines by the Department of Planning, Lands and Heritage.</p>	<p>The proposal provided a TIA, which provides justification for the proposed 97 car parking bays, location and frequency of use of bus drop-off/pick up location and loading areas in relation to the development, and traffic numbers as a result of the development. It determined that 88 light vehicles would be required on site at any one time, with an additional 9 car parking bays to accommodate site staff parking.</p> <p>The TIA does not mention the use of waste vehicles. This will need to be considered as it is expected that the bin compound provided will require regular pick up (at a minimum daily), however there is no indication the area is accessible by these vehicles.</p>
<p>Car parking areas and other hardstand areas are not located within the street setback and are not visually prominent from the street. Such areas shall either be located behind buildings or behind a well landscaped area.</p>	<p>The car parking area is located on the corner of the access road and Great Northern Highway. There is a landscaped mound along Great Northern Highway as well as a mix of trees and shrubs and a 2.4 metre high garrison fence to provide screening to this area.</p> <p>The proposed landscaping is sparse in nature and Officer recommendation is that a condition of approval be that the landscaping is reviewed to be more visually interesting and substantial in softening the development appearance from the street.</p>
<p>Secure bicycle parking shall be provided at a rate to the satisfaction of the Town and accessed via a continuous path of travel from the vehicle or cycle entry point. Footpaths shall connect to a footpath network if there is one in the area.</p>	<p>There are no bicycle parking or facilities (i.e. communal bicycles) to provide an alternative transport for residents that don't have access to work vehicles. In addition, no footpath connections are proposed. This further isolates residents to the physically remote location and does not allow opportunity for integration with the wider community.</p> <p>The applicant has advised that as part of their SIMP, a contribution is to be provided to the Town to facilitate the establishment of a shared path to connect the development to Town amenity and facilities.</p>

<b><i>Storage, Waste and Collection</i></b>	<b><i>Officer Comments</i></b>
Storage, waste and collection zones shall be fully screened from view from all public areas and set back to mitigate any observation or odour.	As noted above, the storage and service area is located so that it protrudes in front of the building setback along Great Northern Highway. Screening is proposed through a 2. metre high colourbond fence. It is noted that limited details including proposed colour was provided. Due to the prominent location of the service area fronting the street, Officer recommendation is that the screening type is revised to one that is visually appealing and reflects the architecture of the dry mess.
Air conditioning units and other utilities/infrastructure shall be screened from view.	Whilst air conditioning units are screened from the public realm, they are prominent along pedestrian movement networks throughout the site. This reduces the amenity for residents of the workforce accommodation.
<b><i>Drainage</i></b>	<b><i>Officer Comments</i></b>
Proposals shall be accompanied by a detailed stormwater management plan in accordance with the Town’s Stormwater Drainage Design Guidelines, and should ensure: <ul style="list-style-type: none"> <li>• A minimum of a 1:5 ARI event is contained on-site;</li> <li>• No standing water in excess of 72 hours to prevent mosquito breeding;</li> <li>• Sediment traps are included to prevent sediment entering the Town’s reserves and drainage infrastructure; and</li> <li>• Erosion control measures are incorporated to prevent the erosion of embankments, swales and other areas that are unsealed.</li> </ul>	<p>The applicant provided a concept stormwater management plan (<b>Attachment 3</b>). The applicant has not provided details relating to how the 1:5 ARI event is to be retained on site and be unlikely to result in standing water for an excess of 72 hours.</p> <p>The applicant has indicated that all proposed roads and car parking areas are to be sealed, lawn is proposed in communal green areas, and seeded grass be in all other locations. Additional information is required on the surface finishes proposed, including detailed sections to ensure that erosion and sediment control measures are satisfactory. Officer recommendation is that a revised detailed stormwater management plan be provided as a condition of approval.</p>

Further to the above comments, the applicant has attempted to offset these departures by providing smart landscaping concepts, varying building form height and roofline design, and ample shared facilities and outdoor green spaces.

Town Officers recommend the approval of the workforce accommodation facility for ten years satisfies the objectives of LPP/05 for the following reasons:

- The development is compatible with surrounding development;
- The proposal, subject to standard conditions of approval, is of a design standard which generally reflects the high design outcomes of the policy; and
- The SIA and SIMP (further described below) begin to demonstrate the social benefits of this facility to residents and the local community and provide some opportunity for integration with the wider community.

*Local Planning Policy 06 - Social Impact Assessment*

Clause 4.2 of LPP/06 requires an SIA and SIMP to be submitted with any proposed workforce accommodation. The intent of the SIA and SIMP is to provide a structured approach to planning for, and offsetting demand on the limited infrastructure and services on-site by considering the integration of the facilities residents with community social infrastructure. As part of this development application, the applicant has submitted a Social Impact Assessment and Management Plan for the workforce accommodation facility. The result of this is a set of social impact management commitments for the ongoing operation of the proposed workforce accommodation facility. The applicant has noted that all community organisations listed should be contacted on an on-going basis, in line with annual reporting on the Key Performance Indicators (KPIs), highlighting the adaptive nature of the SIA and SIMP. It is noted that not all key stakeholders were available for consultation at time of writing, and it is recommended that additional steps be taken to ensure additional and ongoing consultation occurs including a revised SIA be undertaken to include any additional engagement with key stakeholders. This will provide more detailed social management commitments that accurately reflect the context of the subject site.

The proposed approach to the SIA and SIMP heavily focuses on:

- Relationships with local businesses, and procurement within the Town;
- Employment and alternative education options for our Aboriginal population, and relationship building with Aboriginal Corporations;
- Establishment of a Workforce Development Strategy, to monitor the housing market and accommodation availability;
- Establishment of workforce policies and initiatives to address workforce physical and mental health, and wellbeing, alcohol and drug use and personal safety and security; and
- Continued focus on workplace diversity and support for residents to access existing social infrastructure and facilities.

In addition to the above, clause 6.5 of LPP/06 outlines the aspects to be covered by the SIMP, which includes the outlines of actions, responsibilities and timeframes required. The applicant has provided a more holistic approach to social impact management via the attached commitments however has not provided timeframes to undertake the proposed actions within. It is recommended that a revised SIMP be undertaken to include the timeframe that actions shall be undertaken in to allow the KPI's to be accurately reviewed.

The variations proposed to LPP/05, described above, are to be addressed through the SIA and SIMP with the aim to demonstrate the social benefits of this facility to residents and the local community and provide some opportunity for integration with the wider community infrastructure and facilities. The subject site is physically isolated from the Town centres, commercial areas and community infrastructure and facilities. Whilst the applicant has provided support for residents to use existing facilities, there are limited management strategies to facilitate a connection between workforce accommodation residents and surrounding amenity.

Including the subsequent results of extensive engagement and a Social Impact Management Plan being submitted to the Town, a monetary social contribution of \$72,735 will be paid to the Town for the purpose of installing shared paths connecting the development to amenities within close proximity of the development and to existing paths along Wallwork Road. Town Officers support the \$72,735 contribution to shared pathways as it will allow better access to

nearby amenities and local business, improve safety of pedestrians and cyclists along Great Northern Highway and increase the social connectiveness of the development.

The recommended condition of approval requires the additional engagement with key stakeholders be included within the SIA and the SIMP be amended to include timeframes of KPI's. The revised SIA and SIMP will be required to be submitted within six months of the commencement of operation or use of the development.

*Local Planning Policy 10 - Highway Precinct Design Guidelines*

The subject site is located within the Town's Highway Precinct as designated by LPP/10 and has been assessed against the relevant provisions, being:

<b><i>Landscaping</i></b>	<b><i>Officer Comments</i></b>
<p>Within the site's 15m Great Northern Highway setback area, the site shall be planted with a native buffer to screen views of the development and shall be wide enough for multiple rows of plants in a staggered layout, nominally 20 metres. Implementation of buffer plantings to coincide with development to ensure establishment and consistency of plantings. Reticulation and/or watering shall be required to ensure survival.</p>	<p>The proposed landscape areas are along the street frontage to both Great Northern Highway and the access road. The Landscape buffer within Great Northern Highway setback is 14.7 metres, while the landscape buffer to the access road is 2 metres.</p> <p>The 2 metre landscaping buffer in lieu of the 10 metres required along the access road is considered insufficient to ensure screening of the development. A condition of approval is recommended, requiring additional landscaping along the access road setback, as well as additional detail to landscape plan required including species proposed, mound height, areas to be reticulated/ irrigated, and any areas to be mulched.</p> <p>Should native plants be installed, there is opportunity to retain these through a rehabilitation plan due to the likelihood of survival after ten years of growth.</p>
<b><i>Building entries and address</i></b>	<b><i>Officer Comments</i></b>
<p>Buildings shall provide a legible and visible entry to the street.</p>	<p>Consider how the dry mess entrance on the north elevation can be designed as focus point, through an awning and other integrated building elements. This should provide weather protection for those catching a bus</p>
<b><i>Materials, finishes and colours</i></b>	<b><i>Officer Comments</i></b>
<p>Cladding and complementary materials and finishes to walls that would be visible from a street shall be incorporated. Use of external materials should help to break up the building mass and provide variation.</p>	<p>Although a full specification of all materials and finishes has not been provided, there is evidence that the applicant has considered the visual interest of materials and finishes.</p>
<b><i>Plant and equipment</i></b>	<b><i>Officer Comments</i></b>

Plant and equipment must be screened from the street view using roof structures, architectural elements, and screens.	Screening is proposed for the services area, although due to the prominent location of the area in front of the building setback, the applicant is encouraged to consider a more aesthetic screening method for service and loading area that addresses the street.
<b>Waste management</b>	<b>Officer Comments</b>
Waste and recycling storage areas are to be screened from all road frontages. The dimensions and location of rubbish bin storage areas will be at the discretion of the Town.  Rubbish bins and waste storage areas are to be sealed and covered / enclosed and provided with a bin wash down facility. If not fenced or otherwise enclosed, tie down points or alternative means of securing bins during cyclones must be provided	Limited information has been provided regarding the waste management of the site. This includes details of the waste collection area not being shown on the provided plans. Officer recommendation is that a waste management plan is provided to the Town as a condition of approval.

*Local Planning Policy 03 - Shipping/Sea Containers and Transportable Buildings*

Given the identified construction method is transportable buildings, the proposal has been assessed against the relevant provisions of LPP/03, being:

Design Standard	Officers Comment
New wall cladding affixed and freshly painted	The applicant has specified the wall and roof to be clad in 'Woodland Grey' Trimdeck profile Colourbond.
Screened air conditioners	There is no screening of air conditioners and utilities along the internal corridors. The Town would recommend that these be screened, to provide an overall greater amenity to residents of the development.
Screened subfloor void	The subfloor void to be screened from all sides facing streets and internal corridors, however the material and finish of the screening has not been specified.

The transportable buildings and the above departures could be appropriately conditioned for an approval.

*Local Planning Policy 14 - Design Review Panel*

Applications for workforce accommodation meet the criteria required to be presented to the Town's Design Review Panel (DRP). The application is presented to the DRP for consideration against the ten design principles listed under the State Planning Policy 7.0 Design of the Built Environment. The proposal was referred to the Town's DRP on 31 August 2022, with the comments summarised below and provided in **Attachment 4**:

- There is a strong logic in collocating the accommodation with other similar facilities and within a relatively short distance from the airport.



- The landscaping interface with the public domain as well as internally offers a significant opportunity to respond to the local sense of place and improve the mental wellbeing of the occupants. A detailed landscape plan, prepared by a Landscape Architect, is strongly recommended to be provided prior to consideration of the application.
- Consideration of the site planning and orientation of the development, to reduce inefficiency and increase the amenity is recommended.
- Whilst the panel had some concerns about the size of the accommodation rooms, it recognises that there is a trade-off between size and running costs/other amenity provisions and encouraged amenity improvements be made to offset any negative impacts of the room size proposed.
- Consideration to be given to how the development engages with, and connects to, the broader community.

The following amendments were made in a set of plans and additional information provided on 16 September 2022:

- Revision of site planning and layout including, but not limited to, staggering the accommodation units to off-set the opposing windows from each other, layout of service areas, and location of waste water treatment area.
- Additional landscaping throughout the site, including surrounding the development to be more compliant with the Design Guidelines.
- Additional covered walkways along internal pathways.
- Screening of service areas and plant such as air-conditioners from the streets.

The application was again referred to the DRP on 4 October 2022. The below table demonstrates how the proposal progressed through the DRP process in accordance with the design principles:

Design Review Progress		
Supported		
Pending Further Attention		
Not Supported		
	DRP Meeting 31 August 2022	DRP Meeting 4 October 2022
Principle 1 – Context and Character		
Principle 2 – Landscape Quality		
Principle 3 – Built Form and Scale		
Principle 4 – Functionality and Build Quality		
Principle 5 – Sustainability		
Principle 6 – Amenity		
Principle 7 – Legibility		
Principle 8 – Safety		
Principle 9 – Community		
Principle 10 – Aesthetics		

The comments made at the most recent Design Review Panel and the Applicants response are further detailed in **Attachment 5**. The Town notes that the applicant has addressed many of the DRP comments, however additional information including materials and finishes,

landscaping mulch and irrigation, and screening proposed requires more detail. The Officer recommendation is that this is provided as a condition of approval.

The following amendments were made in a set of plans and additional information provided on 10 October 2022 (**Attachment 6**):

- Revision of site planning and layout.
- Additional landscaping throughout the site, including surrounding the development to be more compliant with the Design Guidelines.
- Additional covered walkways along internal pathways.

The revised plans offer an improvement on the original application, with a range of changes introduced to increase the visual impact of the development from the street, as well as amenity to the on-site residents. It is the Officer's recommendation that the revised plans be approved subject to conditions.

#### Local Planning Policy 04 - Percent for Public Art

The value of the development triggers the need for a percent for public art contribution. The value of the development attracts an art contribution of \$86,500. The applicant is proposing a mural on the northern face of the dining facility building and artwork on selected sections of footpath. The Town would require further information to ensure that the appropriate budget is spent on the public art contribution in line with the policy.

#### Local Planning Policy 11 - Stormwater Management

All applications for development approval where the stormwater cycle may be affected are assessed against LPP/11 to ensure that the proposed development integrate suitable design measures into their stormwater systems and the negative impacts due to damaging effects of heavy rainfall are mitigated and managed. The applicant has provided a concept stormwater management plan; however, The Town would require further information to ensure that stormwater is managed on-site in line with the policy.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed workforce accommodation facility has the ability to cater for FIFO workforce which is at risk of being segregated from the Hedland community, leading to potential socio-economic impacts on the Town.

### **CONSULTATION**

#### *Internal*

#### Environmental Health

The proposal was referred to the Town's Environmental Health Officer's. It was advised that there are a number of further approvals that would be required to ensure compliance with:

- Food Act 2008, Food Regulations 2009 and Food Standards Code
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- Town of Port Hedland Health Local Law 2016.
- *Health (Public Building) Regulations 1992*
- *Health (Miscellaneous Provisions) Act 1911*

Building Services

The development requires a Building Permit Application for any structural works.

Technical Services

The proposal was referred to the Town's Project Engineer who has requested that additional information be provided, specifically relating to the Stormwater Management Plan.

Waste Services

The proposal was referred to the Town's Manager Waste and Services who has requested that additional information be provided, specifically a Waste Management Plan.

*External Agencies*Design Review Panel

The proposal was presented on two occasions, with the details being explained earlier in the report.

Main Roads

One submission was received from Main Roads requesting condition of approval be that no access to the lot will be allowed via Great Northern Highway. All access must be via the internal access road.

Water Corporation

No submissions were received

Horizon Power

One submission was received from Horizon Power requesting additional information on the electricity requirements posed by the application. This information was requested from the applicant, who advised that an electrical connection will be provided to the site via an internal extension of the existing network that currently services the Airport, with PHIA remaining in control of the internal network.

*Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal has been advertised for a period of 21 days, between 26 August 2022 and 16 September 2022. A letter was distributed to all adjoining landowners and operators, and details of the proposal were published on the Town's webpage on 26 August 2022, and on 31 August 2022 an advertisement was published in the North West Telegraph. The Town received no submissions regarding this application.

**LEGISLATION AND POLICY CONSIDERATIONS**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- State Planning Policy 7.0 – Design of the Built Environment
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Local Planning Policy 03 - Shipping/Sea Containers and Transportable Buildings
- Local Planning Policy 04 - Percent for Public Art
- Local Planning Policy 05 - Workforce Accommodation
- Local Planning Policy 06 - Social Impact Assessment

- Local Planning Policy 08 - Port Hedland International Airport
- Local Planning Policy 10 - Highway Precinct Design Guidelines
- Local Planning Policy 11 - Stormwater Management

## FINANCIAL AND RESOURCES IMPLICATIONS

The application for development approval fee was waived due to the applicant already have paid \$17,122.50 for the previous application for workforce accommodation at Lot 436 Bayley Retreat which was refused by Council and the current application being a result of SAT mediation.

Subject to approval of the extension, MGM Group will contribute **\$72,735** to the Town of Port Hedland, to be applied for the purpose of shared path infrastructure within the road reserve adjoining the facility. This is an important financial offset that will enhance social connectiveness of the workforce accommodation residents, improve safety of pedestrians and cyclists along Great Northern Highway and provide economic benefits to local business within the vicinity of the development.

The recommended conditional approval reflects a collaborative approach with industry that effectively balances economic imperatives with corporate social responsibility and achievement of the Town's growth vision. Community contributions recognise the dependency between host communities and owners of Workforce Accommodation that support resource sector activities and the individual and cumulative impacts of those developments on communities and local government infrastructure and services.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle
- 2.1 Effective advocacy and partnerships
- 2.3 An enabling, attractive business environment

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town's Strategic Community Plan states that a residential workforce should be promoted to industry as the preferred option, and the MGM Lodge Workforce Accommodation will enable continued FIFO workforces. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is mitigated with the current housing climate, as there is a demonstrated shortage of permanent residential accommodation making it difficult to obtain leases or purchase housing for housing permanent employees in Hedland.

The Town could argue that there is sufficient workforce accommodation in Town to negate the demand proposed by the applicant. However, the risks associated with the Town's rejection of the application on this basis is the matter to progress to SAT, which may result in SAT overturning the Town's decision and 'unconditionally' approving the application.

This risk will be mitigated by conditionally approving the development.

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

*Option 3 – Do not adopt officer’s recommendation*

**CONCLUSION**

This report requests Council consideration of an approval for workforce accommodation at Lot 9008 Great Northern Highway, Port Hedland for a period of ten years. This report has provided an assessment against the Town’s planning framework relating to workforce accommodation and the Highway Precinct. Due to the short-term nature of the ten year approval and consideration of social impact management strategies (including social contributions), the proposal is considered to be generally consistent with the objectives of the abovementioned policy framework.

It is recommended that Council approved the proposal for a period of ten years, subject to the conditions and advice notes outlined in the Officer Recommendation.

**ATTACHMENTS**

1. Location Plan (under separate cover)
2. Application Package (under separate cover)
3. Concept stormwater management plan (under separate cover)
4. DRP Meeting 31 August (under separate cover)
5. Applicants response to DRP Meeting 4 October (under separate cover)
6. Revised Plans 10 October 2022 (under separate cover)

**12.3.4 SAVING ANIMALS FROM EUTHANASIA (SAFE) SUPPORT AGREEMENT**

**Author:** Manager of Environmental Health and Community Safety  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council;

1. Authorises the Chief Executive Officer to enter into a 1 year service contract with Saving Animals From Euthanasia based on Attachment 1, including progress reporting and statistics, which provides for the rehoming of impounded animals determined as being suitable by Ranger Services;
2. Notes that the requested funding of up to \$95,000 is available in the 2022/23 Budget and will be aligned at the Q2 Budget Review; and
3. Notes that any future funding requests will only be considered upon receipt of a Business Plan detailing alternate future funding sources to reduce reliance on Town funding.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider a request from Saving Animals From Euthanasia (SAFE) to provide for the re-homing of companion animals, and enter into a 3 year contract for this service.

**DETAIL**

The Town of Port Hedland has long had a relationship with SAFE for the rehoming of impounded animals. At times this relationship has been challenging because of the difficulties in dealing with an agency staffed solely with volunteers combined with a lack of understanding of the regulatory requirements for the handling of impounded animals. In the 2021/22 financial year, 64 dogs and 108 cats were re-homed with SAFE. These numbers are considerably lower than previous years as a result of Covid operations limiting trapping and community migration, and thus pet migration, also being reduced. SAFE has requested formalising the current arrangements based on an existing arrangement with another Local Government Authority, together with funding support (refer to Attachment 1 and Attachment 2).

The Town's Ranger Service does not euthanise for convenience. Efforts are made to rehome any animal that meets adoption criteria (healthy, safe attitude, not a restricted breed). In the past animals have been kept for extended periods, well past the standard 3 and 7 day holding periods, to ensure that they had the best opportunity to either enter care or be adopted.

The Town has received criticism over the years as a result of Rangers being perceived as being too quick to euthanise or undertaking euthanasia without reasonable cause. The registration of animals rehomed through SAFE has also posed a significant challenge to the Town with multiple animals registered to carers houses and not updated with owner details when animals are finally adopted. The Town has had several meetings with SAFE coordinators over the years

to establish structure and procedure in the interests of creating a sound working relationship, which have seen temporary improvements, but with volunteer changes and time issues begin reoccurring.

A structured and procedurally backed working relationship is critical to ensure that the Town can provide 're-homable' impounded animals the best opportunities at adoption, while still maintaining regulatory compliance. By establishing a contract with SAFE that sets clear expectations, the two agencies can work in partnership. There are also additional promotional benefits which can improve the Town's reputation and show the Town's Ranger Service in a positive light.

For this relationship to work effectively it is clear that a permanent FTE needs to be established within SAFE to ensure that they have the ability and capacity to handle animals as they arise and without placing unreasonable delays on the Town. SAFE has also requested a financial contribution per animal to assist with consumables related to the housing and rehoming which, if a contract is established, is a reasonable expectation.

SAFE has had an ongoing MOU/contract and funding support with City of Karratha to provide a re-homing service that has both structured the working relationship and provided a reasonable funding model that will support SAFE and secure their services into the future. A review of their contract has found that it:

1. Sets terms to ensure that Towns regulatory compliance is maintained.
2. Establishes how the partnership will be governed
3. Identifies liability and indemnity
4. Establishes the services being provided and how
5. Establishes the contractor's obligations
6. Conflict management
7. Quality management
8. Sets the terms of the financial arrangement
9. Establishes the criteria for the recruitment and management of the funded FTE

There are benefits for staff involved in this project in that Rangers will not have to euthanize healthy domestic dogs and cats which could be rehomed. Euthanasia of animals is a very emotive topic within the community and while there are some dogs and cats that will be euthanised due to their feral and aggressive nature (because they are a safety issue for rangers and vets), this is counterbalanced by promotion of the MOU within social media and the wider community. The Town's Ranger Service does not have sufficient room in the pound or staffing to undertake a re-homing service.

The proposed service contract will support positive opinions of the Town within the larger community, with residents being aware that if a dog or cat is surrendered for what-ever reason, it may be rehomed rather than being euthanised. If Council determines not to support this initiative, Ranger Services will continue to work with SAFE to rehome animals where possible, however due to time and management requirements placed on SAFE volunteers, this will likely result in an increase in euthanasia.

A template service contract exists and will be modified to suit the Town of Port Hedland.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because Rangers can continue to fulfill their animal management roles, irrespective of any formal agreement or funding arrangements with SAFE.

## CONSULTATION

### *Internal*

10. Executive Leadership Team
11. Manager Financial Services
12. Ranger Services Co-ordinator
13. Briefing to Council 14 September 2022

### *External Agencies*

14. Saving Animals From Euthanasia (SAFE)

### *Community*

15. Nil

## LEGISLATION AND POLICY CONSIDERATIONS

The *Dog Act 1976* and subsidiary legislation includes obligations for the management and disposal of impounded dogs. The *Cat Act 2011* and subsidiary legislation includes obligations for the management and disposal of impounded cats. The *Animal Welfare Act 2002* requires the prevention of unnecessary harm, pain or suffering to an animal.

## FINANCIAL AND RESOURCES IMPLICATIONS

Funding support is not currently provided for within the Town's 2022/23 budget, however there is an underspend in the Rangers Staffing budget that can be reallocated, ensuring that there is no net impact on the Town's budget. SAFE is the sole provider of this service within the region.

SAFE's request for funding includes:

Full time Employee per year	\$80,000 (plus CPI)
Contribution to animals per year	\$5,000 - \$15,000 (approx.) dependent on animals processed (plus CPI).
Expected total commitment for the duration of the 3 year service contract	\$300,000 (approx).

It is proposed that an adjustment be made at the Q2 2022/23 Budget Review to formalise the above. Any future requests for funding is unbudgeted, therefore additional budget will be sought if Council approves any further requests.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued



*Note: This report was prepared prior to the adoption of the Town's 2022-2032 Strategic Community Plan, therefore the references contained within refer to the previous version.*

### *Social*

Formalisation of the relationship and provision of funding for SAFE will have a social benefit due to suitable companion animals being re-homed rather than euthanised.

There are no identified economic or environmental impacts relating to this item.

### *Corporate Business Plan*

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

- 2.b.5.1 – Work with stakeholders to enhance the reputation of the Town

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because of the unstructured relationship between the Town and SAFE. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). By establishing a formalised agreement that manages everything from expected quality of service to communications, the Town can move forward with SAFE in a positive manner, and minimise this risk

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

**That Council;**

1. Authorises the Chief Executive Officer to enter into a 3 year service contract with Saving Animals From Euthanasia based on Attachment 1, which provides for the rehoming of impounded animals determined as being suitable by Ranger Services; and
2. Notes that the requested funding of up to \$95,000 pa. pro-rata is available in the 2022/23 Budget and will be aligned at the Q2 Budget Review, with future funding to be budgeted for the duration of the contract.

***SIMPLE MAJORITY VOTE REQUIRED***

*Option 3 – Do not adopt officer's recommendation*

## **CONCLUSION**

Formalising the relationship between the Town and SAFE can benefit both parties and provide greater re-homing opportunities for suitable companion animals. This can provide an alternative to euthanising animals and reduce the administration burden on the Ranger Service.

## **ATTACHMENTS**

1. SAFE Letter to ToPH - Confidential (under separate cover)

**12.3.5 FINAL ADOPTION OF LOCAL PLANNING POLICY 06 SOCIAL IMPACT ASSESSMENTS**

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

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**OFFICER'S RECOMMENDATION**

That Council, pursuant to Clause 3(b)(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopts Local Planning Policy 06 Social Impact Assessment included as Attachment 1 without modification; and
2. Advertises the adopted Local Planning Policy 06 Social Impact Assessment, in accordance with Clause 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider the final adoption of amendments to Local Planning Policy 06 Social Impact Assessment.

**DETAIL**

On 7 September 2022, Council resolved the following:

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

- 1. Initiates amendments to Local Planning Policy 6 Social Impact Assessment as presented in Attachment 1 of this item, for the purpose of public consultation; and*
- 2. Advertises Local Planning Policy 6 Social Impact Assessment, as presented in Attachment 1 of this item, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*

The proposed amendments are outlined in **Attachment 1** and relate only to proposals subject to approval under the *Mining Act 1978*. Key changes include modifications to Clause 4.4 and introduction of a table which clarifies types of community benefit which could be derived from a proposal. Updated references are provided to State Planning Policy 3.6 – Infrastructure Contributions and relevant sections of the *Mining Act 1978* which are applicable. The amended policy provides greater clarity to proponents of projects who may have an unclear understanding of what the Town considers an appropriate community benefit to offset negative social impacts of a proposal.

The Town advertised the amendments between 8 September and 6 October 2022 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Town did receive a request from the Port Hedland Industries Council (PHIC) for an extension of time to provide a submission, which was granted. The outcomes of community consultation are detailed under the Consultation heading and in Attachment 2. Comments received were in relation to whether a local planning policy is the best avenue for considering mining tenement applications.

PHIC submitted that there are well established processes, benefits, rights and obligations of proponents under the Mining Act 1978 and for regulators under the Planning and Development Act 2005. The Town does not necessarily agree that there are 'well-established processes, benefits, rights and obligations of proponents under the Mining Act and for regulators under the Planning and Development Act 2005', particularly in respect of mining proposals which may have adverse planning impacts on the Town, and which may be contrary to relevant planning frameworks. There is limited guidance available to local governments in respect of the interplay between the Mining Act and Planning and Development Act. The proposed amendments to Local Planning Policy 06 seek to incorporate consideration of mining proposals, in addition to planning proposals, particularly to ensure that planning considerations, such as social impacts to the community, are taken into account by the Minister for Mines pursuant to, for example, sections 91(10) and 120 of the Mining Act, when mining proposals are granted.

In particular, in the context of mining tenement applications, the Minister for Mines, the ultimate decision maker in respect of these applications, is only required to liaise with relevant planning authorities (including local governments) and to consider relevant planning considerations that can be identified in the planning framework. In the absence of a position in planning framework documents relevant to mining proposals, it is possible that the Minister for Mines would not have regard to the Town's position in respect of the impact that these mining projects have on the Town. It is the Town's position that land use considerations (to which Local Planning Policy 06 applies) are relevant to all proposed land uses, including mining proposals. The purpose of amending Local Planning Policy 06 in the manner proposed (i.e. to refer to both planning and mining proposals) is to provide the Town with a uniform position and an outline of when a Social Impact Assessment is required for a planning or a mining proposal, based on real planning considerations, what it should address, and the ongoing management and implementation of a Social Impact Management Plan. In essence, the amendments to Local Planning Policy 06 serve to provide clarity on these planning considerations and their application to mining proposals (noting that the Town is not the decision maker in that respect).

On that basis, the Town considers that Local Planning Policy 06 is the appropriate policy to support planning submissions made to the Minister for Mines in relation to a mining proposal.

This has been given careful consideration by the Town's Planning and Development team and is considered the most appropriate method available to assess development applications or mining tenement applications which cause significant social impact to the residential community.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it provides a framework for the provision of social contributions for any applications under the *Mining Act 1978*.

## CONSULTATION

### *Internal*

- Manager Town Planning and Development

The Town Planning and Development team are responsible for the review of mining tenement application referrals and to provide comment to Department of Mining, Industry Relation and Safety. As the amendments relate exclusively to mining tenement applications under the Mining Act 1978, the amendments were not referred to other internal teams.

### *External Agencies*

The Town received a submission from Port Hedland Industries Council. The details of the submission are in Attachment 2 and have been addressed under the Details heading.

### *Community*

The local planning policy was advertised for a period of no less than 21 days and between 8 September and 6 October 2022, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, by means of:

- A notice of the proposed draft local planning policy being published on the Town's website inviting submissions; and
- A notice of the proposed draft local planning policies being published in the North West Telegraph, providing details on:
  - The subject and nature of the proposed policy;
  - The objectives of the proposed policy;
  - Where the proposed policy may be viewed; and
  - To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the proposed local planning policy was made available at the Town's Civic Centre for the duration of the community consultation period. The Town received no submissions from community members.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Mining Act 1978*;
- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Scheme) Regulations 2015*; and
- Town of Port Hedland Local Planning Scheme No. 7

## FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the adopted Policies in the North West Telegraph with an approximate cost of \$300.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle

- 1.4 Well utilised and valued community facilities and services
- 2.3 An enabling, attractive business environment
- 2.5 Improved infrastructure development

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

## **RISK MANAGEMENT CONSIDERATIONS**

There is a health risk associated with this item because social impacts on the community can result as a consequence of development and/or use of land for certain activities. The assessment of potential social impacts would be considered reasonable for certain developments, based on their potential impacts, just as proposals are considered and assessed for their potential environmental impacts. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). To mitigate this risk, the amended policy provides opportunities to increase the liveability and health of the Hedland residential community.

There is a reputational risk associated with this item because the requirement to undertake social impact assessment or additional design requirements has a time and cost implication for a proponent. It is anticipated that there will be submissions received arguing for the fair and reasonable application of the local planning policy in terms of when social impact assessments are necessary, and the form and content of the assessments. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The above 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**

This report has outlined the purpose of the amendments to Local Planning Policy 06 Social Impact Assessment, at its biannual review. It is recommended that Council adopt the Officer's recommendation and approve the Local Planning Policy 06 Social Impact Assessment for final adoption.

## **ATTACHMENTS**

1. Attachment 1 - LPP/06 - Social Impact Assessment - Final for Adoption (under separate cover)
2. Attachment 2 - Schedule of Submissions (under separate cover)

**12.3.6 INITIATION OF AMENDMENT NUMBER 1 (OMNIBUS AMENDMENT) TO LOCAL PLANNING SCHEME NUMBER 7**

**Author:** Planning & Development Support Officer  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

1. That Council Adopt proposed Scheme Omnibus Amendment No. 1 ( Amendment No. 1) to the Town of Port Hedland Local Planning Scheme No. 7 (LPS7) without modification, pursuant to section 75 of the *Planning and Development Act 2005* (PD Act) and Part 5 regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
2. Determine that the Amendment No. 1 is a standard amendment pursuant to regulation 35(2) of the Regulations for the following reasons:
  - a) Amendment No. 1 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and
  - b) Amendment No. 1 will have minimal impact on land in the scheme area and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
  - c) It will not result in any significant environmental, social, economic or governance impacts on the land in the scheme area.
3. Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be referred to the Environmental Protection Authority (EPA) pursuant to section 81 of the PD Act, to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986*.
4. Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be advertised for public inspection pursuant to section 81 and 82 of the PD Act and in accordance with the procedure set out in regulation 47 of the Regulations.

**SIMPLE MAJORITY VOTE REQUIRED**

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**PURPOSE**

The purpose of this report is for Council to consider adoption of a proposed omnibus amendment to the Local Planning Scheme No. 7 (LPS 7) for the purposes of advertising.

**DETAIL**

Development within the Town is controlled and guided by Local Planning Scheme No. 7 (LPS 7) which became operational in 2021.

It is common practice to undertake periodic, relatively minor, reviews of local planning schemes with the first usually undertaken as an 'omnibus amendment'. An omnibus amendment is the

most efficient means to put into place a group of mostly unrelated, minor amendments which don't require processing separately.

The proposed amendment will be the first to LPS 7 and has been prepared with the assistance of the Department of Planning, Lands and Heritage (DPLH). The amendment proposes a number of changes to the Scheme Text and Scheme Maps, aiming to correct anomalies and ensure that the Scheme Text and Scheme Maps are appropriately updated to align with LPS 7, the adopted strategic planning framework, adopted structure plans and the applicable legislation.

The Amendment Report at **Attachment 1** provides a detailed explanation of each of the proposed amendments and their justification and includes the proposed mapping changes. The intent and scope of the changes proposed in the amendment are broadly grouped into the following categories:

- Correcting minor text errors and omissions that were not identified when LPS 7 was first gazetted;
- Updating the zoning table to review the permissibility of certain land uses, and
- Addressing a number of mapping errors that have been identified through the process of adopting LPS 7 and other minor modifications to the LPS 7 maps.

An explanation of the key changes are outlined below.

### Correction of Minor Text Errors and Omissions

The deemed provisions have been substantially updated since LPS 7 was gazetted. As such it has been necessary to revise the Scheme to ensure that it is consistent with current legislation in particular the latest version of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

Other changes seek to simply development standards for minor works with the intent of reducing administrative requirements, unnecessary costs and project delays.

### Land Use – Permissibility

Two amendments are proposed to the zoning table, as described in Section 2 of the Scheme Amendment Report. In relation to permissibilities the symbols represent the following:

*'P'* means that the use is permitted if it complies with all relevant development standards and the requirements of this Scheme.

*'I'* means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards or requirements of this Scheme.

*'D'* means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

*'A'* means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

*'X'* means that the use is not permitted by this Scheme.

The changes to the zoning table are as follows:

- Within the 'Centre Zone' change 'Dwelling (grouped)' to 'A' use. The current 'X' use for grouped dwellings limits the options for residential development. Other residential developments in the locality including the BHP Quattro complex indicate a preference for this type of housing for families.
- Within zones where 'Family Day Care' is a 'P' use change to 'D' use. To clarify when a development application is required and to complement Local Planning Policy 1 (which addresses applications for up to 7 children in 'Residential' zones).

### Mapping Modifications

A number of changes are proposed to the Local Planning Scheme maps, as described in Section 4.5 of the Scheme Amendment Report. These changes are all administrative in nature, ensuring that the zoning on the Scheme maps reflects the current on-ground use, adopted structure plan proposals and infrastructure requirements.

### Statutory Implications

#### Planning and Development Act 2005:

Clause 75 Amending scheme:

*A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –*

- a) Prepared by the local government, approved by the Minister and published in the Gazette; or*
- b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.*

Clause 81 Proposed scheme or amendment to be referred to the Environmental Protection Authority (EPA).

*When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –*

- a) Written notice of that resolution; and*
- b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.*

#### Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)

Under the LPS Regulations the amendment is considered to be a standard amendment and to progress the amendment the Council must resolve to prepare an amendment to the local planning scheme. The amendment must be referred to the EPA and then advertised to the public in accordance with the regulations.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. LPS 7 provides an overarching framework within which land use related decisions are made. The Omnibus Amendment represents an update of LPS 7 which



was gazetted in 2021. The Amendment will ensure that LPS 7 is consistent with current State planning legislation and adopted structure plans and that it continues to remain relevant and responsive to needs of the Port Hedland community.

## CONSULTATION

### *Internal*

Planning and Development Team

### *External Agencies*

Department of Planning, Lands and Heritage

### *Community*

If Council resolves to advertise the omnibus amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 42 days and consisting of:

- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any public authority the Town considers will be affected by the amendment; and
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.

Submissions received during the public advertising period will be presented back to Council for its consideration.

- Prior to advertising, the omnibus amendment is required to be referred to the EPA under section 81 of the Planning and Development Act 2005, for the EPA to assess under Section 48A of the Environmental Protection Act, and determine whether an environmental review is required. Given the nature of the proposed omnibus amendment, an environmental review is unlikely to be required, however advertising cannot be undertaken until written notification advising this has been received from the EPA to confirm this

## LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7

## FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.4 Business approval processes are transparent and pathways streamlined
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

#### *Environmental*

The amended Local Planning Scheme will contribute to the protection and enhancement of the natural environment and improve access to natural habitats, parks and open space.

#### *Economic*

The amended Local Planning Scheme will contribute towards having a more streamlined development approval process and encourage investment and economic growth.

#### *Social*

The amended Local Planning Scheme will assist with the planning for and provision of future community facilities.

#### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because Local Planning Scheme No. 7 needs to be kept up-to-date with the latest Regulations and ensure it is responsive to current projects and market trends. 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 will be mitigated by progressing the Omnibus Amendment and endorsing the Officer Recommendation.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

### **CONCLUSION**

This amendment addresses matters that were not identified when LPS 7 was first gazetted, including: minor text errors and omissions; updates to the zoning table in relation to the permissibility of certain land uses; updated references to legislation and structure plans and minor modifications to the Scheme maps to reflect current land use and infrastructure requirements.

The proposed amendment is classified as a 'standard amendment' under the LPS Regulations as it is consistent with the Local Planning Strategy. It is not considered to have any significant environmental, social or economic impacts and the proposed changes to the zoning table, maps and development standards are considered to reduce the likelihood of incompatible land uses/development being located within close proximity to one another.

The proposed amendment is largely to correct anomalies within the scheme and ensure alignment with the adopted strategic framework, whilst ensuring efficient and effective administration of the scheme.

In light of the above, it is recommended that Council resolve to adopt the proposed Scheme Amendment No. 1 for the purpose of public advertising.

#### **ATTACHMENTS**

1. **Attachment 1 - LPS7 Omnibus Amendment Report (under separate cover)**
2. **Attachment 2 - LPS7 Omnibus Amendment - Mapping (under separate cover)**

## 12.4 Infrastructure Services

### 12.4.1 HEDLAND KART CLUB LEASE RENEWAL

<b>Author:</b>	<b>Leasing Officer</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>Disclosure of Interest:</b>	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to negotiate and enter in a Community Lease agreement in accordance with 3.58 of the *Local government Act 1995* with Hedland Kart Club over Reserve 33497 – Lot 2529 on Deposited Plan 181206 being the whole of the land comprised in Crown Land Title Volume LR3147 Folio 946.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider entering into a lease with the Hedland Kart Club over Reserve 33497 – Lot 2529 on Deposited Plan 181206 being the whole of the land comprised in Crown Land Title Volume LR3147 Folio 946.

#### DETAIL

The Hedland Kart Club (HKC) is a local organisation established in 1970 and is the only go kart racing track in Port Hedland governed by the Australian Karting Association (AKA) The club currently provides an operational go kart track and a licensed facility for the coordination and provision of race competitions and the hire of go karts. The club actively encourages the broad community to participate in go kart racing in a safe and controlled environment.

The HKC is a not for profit organisation depending heavily on sponsorship from local business; all donations contribute to the funding of events and operations of the association.

HKC have occupied these premises pursuant to a lease arrangement granted on the 8<sup>th</sup> October 1991 for a period of 21 years. This lease agreement formally expired on 7<sup>th</sup> October 2012. The further term of 5 years commenced on the 8<sup>th</sup> October 2012 and is due to expire on 7<sup>th</sup> October 2022 with no further terms.

Consultation with the HKC has confirmed the club wish to continue to lease the allocated land area and have requested to enter into a new lease arrangement with ToPH.

An onsite inspection with Planning and Building Management identified compliance issues which the HKC are working to rectify. Regulatory Services supports the lease renewal in order to enable the HKC to achieve compliance and continue to run the Club for the benefit of the community.

Officers are now seeking Council's approval to execute a new lease agreement comprising of one (1) three (3) year term with two (2) further one (1) year terms.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance as this matter does not meet any of the policy's criteria of significance.

## CONSULTATION

### *Internal*

- Director of Infrastructure Services
- Development Services Officer
- Manager Town Planning and Development

### *External Agencies*

- McLeod's Barristers and Solicitors

### *Community*

- Club President Hedland Kart Club
- Club Treasurer Hedland Kart Club

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.258(5)(d) of the Local Government Act 1995 and regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 exempt the lease from ordinary requirements of the disposal of land as the lessee is not for profit organisation with recreational objects and for which the members have no entitlement to receive any pecuniary profit from the bodies' transactions.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications. The rent for the lease will be charged in accordance with the Town's Community Leasing Policy, which references the Fees and Charges for community leases currently set at \$200 per annum and payable annually in advance with the first payment due on the Commencement Date and each anniversary of the Commencement Date thereafter.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.1.6 Town-wide, health, safety, recreation and sporting activities and services.

## RISK MANAGEMENT CONSIDERATIONS

It is recommended that Council support the request to formalise this new lease agreement to HKC as the club is a well-established sports club that provide opportunities for residents to engage in Kart racing in a safe and controlled riding environment. The club currently has a committed member base and is focused on the promotion of all aspects of kart racing. The clubs continued growth and popularity engages families, community groups and tourists in Port Hedland.

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 3 – Do not adopt officer’s recommendation*

## CONCLUSION

The adoption of this item would allow the Hedland Kart Club to continue to operate and provide a sporting and recreational activity to the wider community.

## ATTACHMENTS

Nil

**12.4.2 SILVERCHAIN GROUP LEASE**

<b>Author:</b>	<b>Leasing Officer</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>Disclosure of Interest:</b>	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council authorises the Chief Executive Officer to negotiate and enter into a Lease agreement in accordance with the 3.58 of the *Local Government Act 1995* with Silverchain Group over 20 Logue Court South Hedland, Lot 5768 on Deposited Plan 188071 being a portion of the land comprised within Certificate of Title volume 1824 Folio 163.

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider renewing the lease with Silverchain Group over Lot 5768 on Deposited Plan 188071 being a portion of the land comprised within Certificate of Title volume 1824 Folio 163.

**DETAIL**

Silverchain Group (SCG) is a not for profit organisation that provides a high-quality range of services to the Port Hedland Community in their homes including, palliative care, aged care, allied health and social support, hospital in the home, wound clinic and much more.

SCG have occupied the premises of 20 Logue Court, South Hedland pursuant to a lease arrangement granted on the 8<sup>th</sup> October 1991 for a period of 21 years.

A further lease was agreed upon and formally expired on 31<sup>st</sup> December 2019 with no further terms available.

SCG have been in a holdover lease since the expiration of the lease due to the subdivision of the property now 20 Logue Court and 18 Logue Court respectively.

The subdivision and the required compliance check of the facility by the Planning Department and Property Management has been completed with no compliance issues requiring any form of rectification.

SCG have confirmed that they wish to proceed with a Lease renewal being for a term of one (1) year with two (2) additional one (1) year terms.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance as this matter does not meet any of the policy's criteria of significance.

## CONSULTATION

### *Internal*

- Director of Community Services
- Director of Infrastructure Services
- Manager Town Planning and Development
- Development Services Officer

### *External Agencies*

- Henry Mathews - LPC Consultants
- McLeod's Barristers and Solicitors

### *Community*

- Silverchain Group

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.58(5)(d) of the Local Government Act 1995 and regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 exempt the lease from ordinary requirements of the disposal of land as the lessee is not for profit organisation and for which the members have no entitlement to receive any pecuniary profit from the bodies' transactions.

## FINANCIAL AND RESOURCES IMPLICATIONS

Silverchain Group currently pay \$2,500.00 per annum in rent for the facility. This amount will remain as the annual rental fee payable by Silverchain Group for the duration of the renewal of the agreed lease. The amount of \$2,500 will be payable annually in advance with the first payment due on the Commencement Date and each anniversary of the Commencement Date thereafter.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.
- 1.1.2 Community needs and gaps in health provision are identified and delivered.

## RISK MANAGEMENT CONSIDERATIONS

It is recommended that Council support the request to formalise the renewal of this lease agreement with Silverchain Group. They are a well-established service with an expert team of allied health professionals supporting people of all ages in the community. Silverchain Group provide comprehensive healthcare safely in the privacy of client's homes, assisting in recovery from illness, injury or surgery, helping to avoid unnecessary hospitalisation taking the pressure of the Hospital system and managing long-term conditions at home.



## **OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 3 – Do not adopt officer’s recommendation*

## **CONCLUSION**

The adoption of this item would allow Silverchain Group to continue to operate and provide comprehensive healthcare to the wider community.

## **ATTACHMENTS**

Nil

12.5 Executive Services

12.5.1 CONFERENCE - DECEMBER 2022

**Author:** Executive Assistant to the CEO  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council

1. Nominate and approve the Mayor and Cr XXXX to attend The Australian Hydrogen Conference (West) 2022 on behalf of the Town of Port Hedland from 6<sup>th</sup> to 7<sup>th</sup> December 2022 in Perth.
2. Note that the CEO may appoint Officers to attend The Australian Hydrogen Conference (West) 2022 on behalf of the Town of Port Hedland; and
3. Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to 6 January 2023.
4. Approve the reallocation of \$9,000.00 from the Consultants budget line as per the following table to ensure correct costing and that Elected Members are able to attend The Kimberley Economic Forum 2022 and the Australian Hydrogen Conference (West) 2022 on behalf of the Town.

Budget Line	Amount Requested	Revised Budget Amount
Elected Members – Individual Training and Development	\$3,000.00	\$19,800.00
Elected Members – Accommodation and Travel Expenses	\$6,000.00	\$22,800.00
<b>TOTAL</b>	<b>\$9,000.00</b>	

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider the Mayor, a Councillor, Chief Executive Officer and relevant Officers attend the Australian Hydrogen Conference (West) 2022 in December 2022.

**DETAIL**

This event will bring together the hydrogen sector’s most eminent energy leaders to explore the latest emerging projects, challenges, opportunities and lessons and help shape the future

of this rapidly expanding sector not only in Australia’s West, but also across the nation and overseas. This is particularly relevant to the Town of Port Hedland due to the increased activity and investment in the hydrogen sector in the North West of Western Australia

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION**

*Internal*

- Consultation with internal or external parties in the preparation of this report has been limited to information gathering.

*External Agencies*

- Nil.

*Community*

- Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 2.1.4 ‘Conference, seminars and forums’ in the Town’s policy 4/010 ‘Elected Member Professional Development’ is applicable as it sets out parameter the ongoing professional development of the Elected Members in their role.

Section 2.1.5 ‘Funding’ of the Town’s policy 4/010 is applicable as it sets out how Council allocates funds in the Town’s budget to meet the costs of attendance, registration fees, travel and accommodation for Elected Members to participate in conferences.

There are no legislative considerations in relation to this agenda item.

The recommended decision is not a ‘Major Policy Decision’ within the context of Council Policy 4/006 ‘Elections – Caretake Policy’.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The following table outlines the approximate costs for attending the above conferences:

<b>Recommendation 1</b>		
<b>The Australian Hydrogen Conference (West) 2022 – 6 – 7 December 2022</b>		
Detail	Approximate Total Cost	Notes
Accommodation	\$900	Accommodation for 3 x nights 6 – 7 December 2022
Flights	\$950	Flight Costs Port Hedland to Perth return
Registration Fee – Two Day Conference	\$3,595.00	Registration Fee \$3,594.00 per person
Meals / Incidentals	\$219.25	Monday 5 December 2022 (Travel Port Hedland to Perth)

		Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35  <u>Tuesday 6 December 2022</u> Breakfast <i>Included in room package</i> Lunch <i>Provided</i> Dinner <i>Conference Dinner included</i> Incidentals \$19.35  <u>Wednesday 7 December 2022</u> Breakfast <i>Included in room package</i> Lunch <i>Provided</i> Dinner \$51.85 Incidentals \$19.35  <u>Thursday 8 December 2022</u> Breakfast <i>Included in room package</i>
<b>TOTAL</b>	<b>\$5,664.25</b>	<b>Total approximate cost + GST per person to attend</b>

At the time of writing this report, the following budget balances are noted:

Budget Line (General Ledger)	Annual Budget Total	Remaining Balance at time of Report
Elected Members – Individual Training and Development	\$16,800.00	\$-2,588.28
Elected Members – Group Training	\$16,800.00	\$12,188.64
Elected Members – Accommodation and Travel Expenses	\$31,300.00	\$3,543.79

Estimated Costs of Previously Approved Conferences (CM202122/241 Council Decision) yet to be attended and not included in above costs.

Name of Conference – Kimberley Economic Forum	Approved Budget per person + GST	Approx TOTAL for three Councillors + GST
Elected Members – Group Training	\$680.00	\$2,040.00
Elected Members – Accommodation and Travel Expenses	\$450.00	\$1,350.00
<b>TOTAL</b>	<b>\$1,130.00</b>	<b>\$3,390.00</b>

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.1 Effective advocacy and partnerships
- 2.3 An enabling, attractive business environment
- 2.4 Marketing and promotion
- 4.1 A global, national, state and local presence and voice

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 the risk is considered to be Low (2) for this agenda item. This is calculated as an insignificant consequence and unlikely likelihood. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

The Town of Port Hedland will benefit from attending the above conference. It allows the Town to gain insight into the unique factors in relation to the development of hydrogen power and the investment in the North West of Western Australia.

## ATTACHMENTS

Nil

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**Item 13 Motions of which Previous Notice has been given**

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

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

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**Item 16 Closure**

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**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 November 2022 commencing at 5:30 pm.

**16.2 Closure**

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