



**EAST PILBARA SHIRE COUNCIL**

# **LATE REPORTS**

**ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
Ordinary Meeting of the Council will be held  
in Council Chambers, Newman,  
on **FRIDAY 30 JUNE 2023** and will commence at the conclusion  
of the Shire of East Pilbara Annual Electors Meeting.

A handwritten signature in black ink, appearing to read 'S. Harding', is written over a horizontal line.

**Steven Harding**  
**CHIEF EXECUTIVE OFFICER**



# DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara 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 or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

## WRITTEN CONFIRMATION

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application.

Please be advised this Agenda may include the names of people who are deceased.

Signed:  
Steven Harding  
Chief Executive Officer

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**11.5.1 DEVELOPMENT APPLICATION P002/23 – EXTENSION OF USE NOT LISTED: WORKFORCE ACCOMMODATION – LOT 44 GREAT NORTHERN HIGHWAY, NEWMAN (OASIS @ NEWMAN)**

<b>Attachments:</b>	<a href="#">Appendix 1 Overall Plan</a> <a href="#">Appendix 2 Compressed Site Plan</a>
<b>Responsible Officer:</b>	<b>Vic Etherington</b> <b>Director Aviation and Regulatory Services</b>
<b>Author:</b>	<b>Malcolm Somers</b> <b>Manager Strategic and Statutory Planning</b>
<b>Proposed Meeting Date:</b>	<b>30 June 2023</b>
<b>Location/Address:</b>	<b>Lot 44 Great Northern Highway, Newman</b>
<b>Name of Applicant:</b>	<b>Oasis @ Newman Pty Ltd</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**EXECUTIVE SUMMARY**

The purpose of this application is to seek development approval to extend the existing workforce accommodation village at Lot 44 Great Northern Highway - known as *Oasis @ Newman* - to provide a further 293 rooms, replace 48 existing rooms, plus laundry facilities, sport and exercise facilities and additional car / bus parking. It is also proposed to create a new road access easement from Great Northern Highway to Lot 44.

Key considerations for this proposal include:

- Suitability of the proposed land use (use not listed);
- Bushfire risk;
- Proposed access through Crown land;
- Parking;
- Environmental considerations;
- Availability of services and service infrastructure; and
- Visual amenity and screening.

The application was advertised to adjoining landowners and the broader community for a period of 28 days. At the end of the advertising period, no submissions had been received. The application was also referred to the Department of Planning, Lands and Heritage, Department of Health, Department of Water and Environmental Regulation and Main Roads WA for comment.

The subject site is located within an area defined as bushfire prone and is therefore required to comply with the bushfire protection criteria as described in WAPC State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7). A Bushfire Management Plan and Bushfire Emergency Evacuation Plan have previously been prepared and are considered suitable. The recommendations arising from these reports have been included as recommended conditions of approval.

Given the application is essentially an extension and continuation of the existing use, and that outstanding matters can be addressed via appropriate planning conditions, the application is recommended for approval.

### **REPORT PURPOSE**

The purpose of this report is to seek the Council's determination of a development application to upgrade and extend the existing workforce accommodation facility at Lot 44 Great Northern Highway, Newman.

This application requires Council's determination as no delegation exists for applications for uses not listed within the Shire.

### **BACKGROUND**

The purpose of the application is to seek development approval to extend the existing accommodation village at Lot 44 Great Northern Highway - operating as *Oasis @ Newman*. The development will provide an additional 293 new rooms and replace 48 existing rooms for workforce accommodation, plus laundry facilities, sporting and exercise facilities and additional car and bus parking.

Lot 44 Great Northern Highway is zoned 'Rural' under the Shire of East Pilbara Local Planning Scheme 4 (LPS4), and has an extensive planning history, having been the subject of a range of development approvals since 2005 for various iterations of an accommodation village including both workforce and tourist accommodation, including a caravan park.

The subject site currently comprises an accommodation facility comprising 672 rooms, along with associated amenities (pool, gym, dining room, recreation area and laundry facilities), parking, and a self-contained wastewater treatment facility. The caravan park which has been the subject of previous development approvals is not currently operational.

The application proposes to develop the areas to the south east, south west and north east of the existing accommodation facility, within Lot 44. These areas are largely cleared, unimproved and level.

Access to the site is currently obtained from Great Northern Highway via a sealed driveway / crossover. There is a 70m (approximate) deceleration lane for southbound traffic seeking to access the site, and localised widening of the road pavement of the highway adjacent to the access point to allow for through-traffic as well as right turning traffic in the northbound lane. It is proposed to close this access and create a new road access easement to Lot 44.

### **COMMENTS/OPTIONS/DISCUSSIONS**

#### **DESCRIPTION OF APPLICATION**

An application to extend the existing workforce accommodation facility was received by the Shire on 3 March 2023. The original proposal sought approval for the development of workforce accommodation on both Lot 44 and the adjoining Lot 351. In response to comments received from the Shire and State referral agencies, the application was amended and a revised scaled down proposal with new accommodation proposed only on Lot 44 (the subject of this application) was received on 26 May 2023.

The application proposes to extend the existing workforce accommodation facility through the following:

- Five new double storey transportable accommodation buildings, comprising 293 new rooms and 48 replacing existing rooms on site.
- Addition of 6 new laundry/linen storage buildings.
- New recreation room (to have 3 recreation rooms in total on site) plus a sports oval and 2 sports and exercise areas.
- 426 new sealed car parking bays and 57 new bus/small truck bays.

With 672 rooms and 209 car parking bays currently approved, the proposed development would bring the total amount of rooms on site to 965 rooms with 635 car parking bays. No more than 965 guests and staff will be accommodated on site at any one time.

All rooms contain separate ensuites, beds, desks and televisions, and the majority are 4m x 4.8m in size. The configuration of the workforce accommodation has rooms back to back, with front verandahs facing out onto a connected series of walkways leading to the parking areas and proposed/existing communal facilities.

The predominant use proposed is that of workforce accommodation. This is not a defined use in LPS4, however is described in the Model Scheme Text as:

*...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 associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

All other uses and development described above are considered to be incidental to the predominant use of workforce accommodation.

## **ADVERTISING AND SUBMISSIONS**

The proposal is required to be advertised in accordance with clause 3.4.2 (b) of LPS4 and clause 64 of the Deemed Provisions for Local Planning Schemes. The application was advertised for a period of 28 days, commencing on 11 April 2023 and concluding on 10 May 2023. The advertising occurred via a letter to the owners and occupants of the adjoining residential property at Lot 69 Great Northern Highway, and a public notice displayed on the Shire's website. At the end of the advertising period, no submissions had been received.

In addition to the public advertising, the application was referred to Main Roads WA, the Department of Health, Department of Planning, Lands and Heritage as well as the Department of Water and Environmental Regulation in accordance with clause 66 of the Deemed Provisions for Local Planning Schemes. Relevant comments are provided below:

### Main Roads WA

The subject site gains access from Great Northern Highway – a regional highway and road train transport route under the care and control of Main Roads WA. Given that the application proposes to increase the intensity of the use within the site, it is

considered appropriate to consult with Main Roads WA in order to determine any traffic implications.

The application was first referred to Main Roads WA on 13 March 2023, and the updated proposal, subject of this application forwarded for comment on 29 May 2023.

In correspondence dated 9 June 2023, Main Roads WA wrote to the Shire advising that the existing access point (located at the southern end of the development area) is not a suitable location for either the current or proposed future traffic volumes, and should be relocated.

The proposed development seeks to address this by proposing a new road access easement from Great Northern Highway to Lot 44. The location proposed for the new access point is approximately 750m to the north towards Newman and has been deemed suitable (pending formal assessment from Main Roads WA).

Main Roads WA have also advised that they will require formal agreement with the developer for the new access points and a commitment to remove the existing access as a condition of the development. The closure and rehabilitation of the existing access will need to be reflected on future plans. These matters will be included as a condition in the event of an approval.

In light of the above, Main Roads WA advised that they have no objections to the proposed development subject to the following conditions:

- 1. The current access located to the south of the development site must be permanently closed and the new northern access created in accordance with Main Roads WA requirements.*
- 2. The new proposed access must receive formal approval through the access application process.*
- 3. A new permanent access shall be constructed to the adjoining land parcel (though not necessarily by the applicant) to facilitate safe access to the lot.*
- 4. A traffic impact assessment is required for the anticipated impact of the developments ultimate design configuration.*
- 5. All storm water from the development site must not impact Great Northern Highway.*

It is noted that recommended Condition 3 relates to access to the adjoining Lot 69 and does not form part of this application. The comments received by Main Roads WA and the proposed response to those comments is set out in the discussion section of this report.

#### Department of Planning, Lands and Heritage

Given that a new road access easement to Lot 44 is proposed through Lot 351 (Crown land), consultation with the Department of Planning, Lands and Heritage (DPLH) is required.

The application was first referred to DPLH on 18 April 2023, and the updated proposal, subject of this application forwarded for comment on 29 May 2023.

In correspondence dated 12 June 2023, DPLH wrote to the Shire advising that on the basis that no Crown land is impacted by new development and Lot 44 is held in freehold, the Department has no comments on the proposed expansion of Oasis

Newman. DPLH also advised that no changes can be made to the current easement to Lot 69 that is proposed to be relocated, without the consent of the parties involved. It is noted that the relocation of the easement to Lot 69 does not form part of this application.

In relation to the proposed new road access through Lot 351 (Crown land) from Great Northern Highway to Lot 44, it is important to note that Lot 351 does not form part of this application. Furthermore, DPLH has advised that they cannot provide any specific comments until their investigations have been completed and tenure arrangements between them and the applicants have been reached.

The comments received by DPLH and the proposed response to those comments is set out in the discussion section of this report.

#### Department of Health

The subject site accommodates a Waste Water Treatment Plant (WWTP) with a capacity of 250kL, which recycles water for use by people on site as well as for irrigation. Given that the application proposes to increase the number of people on site, it is considered appropriate to consult with the Department of Health (DoH).

The application was first referred to DoH for comment on 15 March 2023 and the updated proposal, subject of this application forwarded for comment on 29 May 2023. In correspondence dated 9 June 2023, DoH wrote to the Shire advising that:

*The land is subject to DoH Recycled Water Scheme Approval H58/00000, which was issued on 16 May 2023. DoH will maintain oversight on the development that the conditions of approval are being adhered to on an ongoing basis. The approval allows 250kL a day through the WWTP and a 6.76 ha irrigation area for recycled water reuse.*

*As the irrigation area remains unchanged to what DoH has approved, DoH has no objections to the development subject to ongoing compliance with recycled water scheme approval H58/00000. An additional assessment and approval would be required should the applicant increase the irrigation area from 6.76 ha or if they increase the throughput through their WWTP beyond the approved 250kL / day.*

*A permit to operate the WWTP may still be required to be issued by the Shire of East Pilbara to close out any residual conditions within the previous construct and install approval for the WWTP.*

The comments received by DoH and are reflected in the recommended conditions.

#### Department of Water and Environmental Regulation

Given the location of the proposed development within a Public Drinking Water Source area as well as the potential for flood risk, it is considered appropriate to consult with the Department of Water and Environmental Regulation (DWER).

The application was first referred to DWER for comment on 13 March 2023 and the updated proposal, subject of this application forwarded for comment on 29 May 2023. In correspondence dated 14 June 2023, DWER wrote to the Shire advising the following:



Flood Risk

*The Department expects the 1 in 100 Annual Exceedance Probability (AEP) level at the Oasis@Newman accommodation to be approximately 521m AHD. Consequently, the Department recommends minimum habitable floor levels of 521.5m AHD.*

*The existing accommodation is located on a narrow (natural) flood levee of higher ground along the bank of the Fortescue River. This higher ground is likely to overtop in large events (1 in 100 AEP and larger) and isolate the area from Newman due to floodwaters overtopping Great Northern Highway.*

*From the site survey provided by the proponent, land at the accommodation adjacent to the mini sports oval is approximately 519m AHD. There are restrictions on the type of fill that can be used within Public Drinking Water Source Areas (PDWSA).*

Newman Water Reserve – Priority 3 Area

*The new accommodation, sports ovals, landscaping, carparks and other proposed facilities on Lot 44 are located within a Priority 3 Area (P3) of the Newman Water Reserve Public Drinking Water Source Protection Area (PDWSA). The aim of P3 areas is to manage water quality risks.*

*Water Quality Protection Note (WQPN) 25 Land Use Compatibility Tables for public drinking water source areas (LUCT) provides guidance on land use activities within PDWSA's to protect drinking water quality and public health.*

In that regard, WQPN25 provides the following guidance:

- “Workforce accommodation” and “recreational oval” uses are considered compatible with conditions.
- “Recreation club room” is considered an acceptable use, with Sewerage disposal to be in accordance with the Government sewerage policy.
- “Car park” is considered compatible with conditions because the associated land use is compatible.

The relevant conditions and advice notes outlined in WQPN25 are recommended in the event of an approval.

Newman Water Reserve – Priority 1 Area

DWER have identified that the new access road easement is proposed to be located within a Priority 1 (P1) Newman Water Reserve Public Drinking Water Source Protection Area (PDWSA). The aim of P1 areas is to avoid water quality risks. The use of an “Access Road” is considered compatible with conditions, which are recommended in the event of an approval.

It is noted that the P1 status of the land where the new access is proposed is being considered by DPLH in their assessment of that proposal.

Industry Regulation Approvals

*The revised DA was reviewed in relation to works approval and licence requirements under Part V Division 3 of the Environmental Protection (EP) Act.*

*Works Approval W6586/2021/1 granted on 22/03/2022 for category 54 (sewerage facility) activities with a capacity 250 m3 per year expires on 21 March 2025 and an application for a licence was received on 29 May 2023, both of which are consistent with the proposed development.*

Summary

DWER have advised that the proposed land uses are considered compatible. Public drinking water source protection risks and flood risk needs to be addressed through best practice design and management consistent with the advice provided above and the recommended conditions and advice notes.

**INTERNAL REFERRALS**

No comments which have a material bearing on the assessment or recommendations of this planning application have been received from internal departments. It is noted that the appropriate building, health, waste and engineering approvals will be required from the Shire should this development application be approved.

**OFFICER'S ASSESSMENT**

A detailed assessment of the proposal against the applicable statutory and policy framework has been completed. The key planning considerations of this proposal are as follows:

- Suitability of the proposed land use (use not listed);
- Bushfire risk;
- Proposed access through Crown land;
- Parking;
- Environmental considerations;
- Availability of services and service infrastructure; and
- Visual amenity and screening.

Clause 67 (2) of the Deemed Provisions for Local Planning Schemes requires the Shire to have due regard for a range of considerations including but not limited to the environmental impacts of the development, the likely effect of the development on the natural environment or water resources, landscaping, the suitability of the land for the proposed development as well as the adequacy of the proposed means of access and egress from the site.

Discussion on each of these key considerations is set out below.

Land Use

As noted above, the proposed land use of 'workforce accommodation' does not fit within any of the land uses defined in LPS4. As such, it must be considered as a

'use not listed' and determined in accordance with the process set out in clause 3.4.2 of LPS4:

- 3.4.2 *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*
- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
  - b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for planning approval; or*
  - c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Whilst the proposal is not strictly in accordance with the objectives of the 'Rural' zone, the Shire of East Pilbara has approved various types of tourist and workforce accommodation on the site previously. Given this application is essentially an extension and continuation of the existing approved use, it is appropriate that the Shire exercise its discretion and consider the application for the proposed use in this instance.

#### Bushfire Risk

The subject site is located within a bushfire prone area, and as such, the level of risk to the proposed development requires further assessment.

The application is supported by a Bushfire Management Plan ("BMP"). As short stay accommodation uses are listed as a "vulnerable" use under SPP 3.7, a Bushfire Emergency Evacuation Plan ("BEEP") has been prepared as an appendix to the BMP. The BMP has been prepared by a qualified bushfire expert, and is considered to be acceptable and appropriate. The BMP includes a number of recommendations to achieve an adequate level of safety, most of which are the responsibility of the owner / operator of the facility, including:

- Adoption and implementation of the BEEP;
- No buildings within 9m of the northern and eastern boundaries;
- Landscaping maintained as 'low threat';
- Maintenance of the driveway as an emergency egress point;
- Installation of a 3m perimeter firebreak around the site; and
- Provision of a suitable water supply for firefighting purposes.

The application proposes a 9m setback to the northern and eastern boundaries and is therefore consistent with the recommendations of the BMP in this regard. It should be noted that the buildings in closest proximity to the boundaries will still require additional construction standards in order to meet the Australian Standard AS 3959. This will be addressed further at building licence stage.

Appropriate conditions have been included in the recommendation to address the remainder of these obligations.

### Proposed Access

The proposed development will result in an increase to the intensity of the land use, and will result in an increase of light vehicle, bus and heavy vehicle traffic seeking to enter and exit the site. As such, it is necessary to consider the adequacy of the existing access arrangements to Great Northern Highway.

The existing workforce accommodation is accessed directly from Great Northern Highway. Main Roads WA have advised that the existing access is not a suitable location for either the current or proposed future traffic volumes, and requires relocation.

A new road access easement is proposed through Lot 351 (Crown Land) to access Lot 44. Main Roads WA have advised that the new access point (with vehicle entry and drop off) is suitable subject to conditions and pending formal assessment from Main Roads WA. A key condition is the closure of the existing access and approval of the new access.

As the proposed access traverses Crown land, DPLH have been consulted. DPLH have advised that they cannot provide any specific comments until their investigations have been completed and tenure arrangements between them and the applicants have been reached.

Concerns are shared by the Shire and Main Roads that the current and proposed use will continue to operate out of the existing access indefinitely if approval for the new access is not ultimately granted. Main Roads has advised that the current location is not suitable for current vehicle volumes so they do not support any additional development using the existing access.

Furthermore, Lot 351 is not subject to this application as DPLH have not signed the application as 'owner' of the land. Any decision on this application cannot include access works on Lot 351 until these matters are resolved.

Therefore, in the event of an approval, a condition has been recommended, requiring that the existing access be closed and approvals gained for the new access road to be constructed to the satisfaction of Main Roads WA, prior to development.

### Parking

The application proposes a substantial increase in the number of parking areas / bays available across the site, including additional areas for the parking of buses and heavy vehicles, as well as light vehicles. When considering the number of bays proposed (426 new bays, 635 bays in total) against the total number of accommodation units (965 rooms total) the parking requirement equates to approximately 1 bay for every 1.5 rooms (or 0.65 bays per room). This is a vast improvement on the current situation with 209 car parking bays servicing 672 rooms.

The Shire's Local Planning Policy No.4 – Vehicle Parking Standards ("LPP4") does not specify a particular standard or ratio for workforce accommodation or similar. By comparison, for a 'motel' use, LPS4 specifies a ratio of 1.5 spaces per unit, while LPP4 requires 1 bay per single bedroom unit. This ratio is considered excessive for a workforce accommodation use, as a significant number of the occupants do not have their own vehicles, as they fly into Newman Airport, and are transported by bus to and from work each day.

When considering the new parking areas and the number of occupants who travel via plane and bus, the parking provision is considered appropriate.

Section 3.7(d) of LPP4 requires that:

*The entire parking area, including parking spaces and manoeuvring lanes required by this or any other relevant policy shall be paved with either asphalt, concrete or brick paving or other sealed surfacing acceptable to the Council. The standard of paving shall be in accordance with specifications approved by the Council.*

In relation to the standard of the parking bays, the application proposes that the 426 new parking bays be sealed which is supported to allow the new bays to be easily identifiable and to help reduce dust impacts.

#### Environmental Considerations

DOH has provided detailed comments in relation to the proposal as well as the existing WWTP and recycled water approvals applicable to the site. Any change to irrigation areas and capacity will require separate approvals to be obtained. Furthermore, DWER has advised that the proposed land uses are compatible subject to compliance with their requirements and conditions.

#### Other Considerations

*Landscaping* – The application does not include any details in relation to proposed landscaping across the application area. Landscaping is an important aspect of a use such as this with respect to visual amenity, screening, dust management, shade, and the amenity of the occupants of the accommodation and adjoining properties.

In particular, with additional vehicle parking proposed closer to Great Northern Highway, the use of landscaping as screening is required.

The nature of the landscaping must be considered in the context of the limited availability of water, the use of recycled water and the need to minimise bushfire hazards. It is recommended that a condition be imposed requiring provision, approval and implementation of a landscape plan prior to commencement and occupation respectively.

*Building materials* – A condition is recommended requiring all new buildings to be clad and finished to a high standard such that they blend in with the existing buildings on site.

*Provision of services* – Appropriate conditions have been included to ensure that the development is connected to an adequate potable water supply, and is connected to an approved wastewater treatment system prior to occupation.

#### Conclusion

The proposed use and development is considered to be appropriate in the context of the planning framework and the previous approvals granted over the site, subject to the provision of subsequent details as outlined in the recommended conditions.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Council will determine this application in accordance with its powers under the Planning and Development Act 2005 and the Shire of East Pilbara Local Planning Scheme No.4.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC COMMUNITY PLAN**

**3: Built Environment**

Connected and accessible communities.

B2 Plan for the future.

B2.1 Create liveable places through local area planning.

**5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

**RISK MANAGEMENT CONSIDERATIONS**

Council will be making a lawful discretionary decision in accordance with its powers under the Planning and Development Act 2005. There is no additional organisational risk caused by Council carrying out its powers in this manner.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That Council grants development approval in accordance with clause 68(2)(b) of the Deemed Provisions for Local Planning Schemes subject to the following conditions:**

**Administrative Conditions**

- 1. Development shall be in accordance with the approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the Shire of East Pilbara.**
- 2. This approval is to remain valid for a period of 24 months if development is commenced within 12 months. Otherwise this approval remains valid for 12 months only.**

Land Use

3. Use of the development hereby permitted is restricted to “Workforce Accommodation” as defined by the model scheme text in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015. Any change to the approved use will require further approval from the Shire of East Pilbara.
4. No more than 965 guests and staff shall be accommodated on site at any one time.

Road Access

5. Prior to the lodgement of a building permit application, the current access located to the southern extent of the development at the Great Northern Highway shall be permanently closed. An access point application and intersection concept design shall also be submitted with the Shire of East Pilbara and approved by Main Roads WA for a new northern access road, to be constructed in accordance with Main Roads WA requirements.
6. Prior to the lodgement of a building permit application, a Traffic Impact Assessment is required to be prepared and submitted for Main Roads WA to determine the anticipated impact of the developments ultimate design configuration.

Additional Information to be Provided

7. Prior to the lodgement of a building permit application, a detailed landscaping plan including location of landscaped areas, screening measures, details of plant species, size, ‘low threat’ varieties, retention of existing vegetation, method of irrigation and treatment of hard surfaces is to be prepared for the approval of the Shire of East Pilbara prior to commencement of development. The landscaping is to be installed in accordance with the approved plan prior to occupancy and maintained thereafter.
8. Prior to the lodgement of a building permit application, detailed designs for all stormwater drainage, internal roads, vehicle circulation areas and vehicle parking areas as depicted on the approved site plan are to be submitted to and approved by the Shire of East Pilbara prior to commencement of development. The approved plans are to be implemented prior to occupation and maintained thereafter.
9. As depicted on the stamped and approved plans, prior to occupation, the 426 new car parking bays are to be sealed, linemarked and constructed to the satisfaction of the Shire of East Pilbara.

Bushfire

10. Prior to occupation, the Bushfire Emergency Evacuation Plan is to be implemented in accordance with the recommendations of the Bushfire Management Plan (Envision, January 2021).
11. Prior to the lodgement of a building permit application, the Bushfire Management Plan (Envision, April 2021) is to be updated to the

satisfaction of the Shire of East Pilbara, to reflect the most recent development plans.

12. Setbacks are to be in accordance with the provisions of the updated Bushfire Management Plan and the stamped and approved plans.
13. Prior to occupation, internal site vehicle access is to be designed, constructed and maintained in accordance with Element 3, Table 6 column 3 in the *Guidelines for Planning in Bushfire Prone Areas V1.3*.
14. Prior to occupation, a minimum 3m wide traversable firebreak shall be installed around the internal perimeter of the site and maintained thereafter to the satisfaction of the Shire of East Pilbara.
15. Prior to occupation, an adequate water supply of sufficient capacity and pressure for fire fighting purposes shall be provided, with external hoses shielded from radiant heat, and capable of applying water safely onto all external surfaces of each building and for 10m around each building for a period of no less than 30 minutes at each building, to the satisfaction of the Shire of East Pilbara.

#### Services

16. Prior to occupation of the development, an adequate potable water supply shall be made available and thereafter maintained to the satisfaction of the Shire of East Pilbara and the Department of Health.
17. Prior to occupation, the development hereby permitted shall be connected to an approved wastewater management system, and the approved system thereafter maintained to the satisfaction of the Shire of East Pilbara and the Department of Health.
18. Should the applicant seek to increase the irrigation area from the approved 6.76 ha and/or the wastewater treatment plant throughput above the approved 250kL per day, a new application to the Shire of East Pilbara and/or relevant state government agencies shall be required.
19. Sewerage disposal shall be in accordance with the State Government Sewerage Policy.
20. All stormwater from the site must not impact Great Northern Highway.

#### Environment

21. The development must achieve minimum habitable floor levels of 521.5m AHD to the satisfaction of the Shire of East Pilbara.
22. Native vegetation between the existing development and the Fortescue River shall be maintained.
23. In accordance with the *Health (Miscellaneous Provisions) Act 1911*, all sewerage to be disposed of onsite shall occur within the same lot in which it is produced.

#### Visual Appearance

24. All new buildings are to be clad and finished such that they integrate and blend in with the existing buildings on site.
25. All bin / waste storage areas shall be screened from view of public areas where practicable.



**ADVICE NOTES**

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. 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 Development Act 2005* Part 14. A review application must be made within 28 days of the determination.
4. This development approval does not extend to any other approval required from the local government under other legislation, such as (but not necessarily limited to) a Building Permit, bushfire construction standards or Approval to Construct or Install an Apparatus for the Treatment of Sewerage. The applicant and/or owner is advised to contact the local government to ascertain whether any other approvals are required prior to works commencing.
5. All building, health, environmental and waste management works are to comply with applicable legislative requirements.
6. In relation to Condition 3, please note the definition of 'Workforce Accommodation' is primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis. Any change to this land use will require a separate application to the Shire of East Pilbara.
7. Please note any development on site that is not subject to this approval or previous approvals are considered 'unauthorised development' and are required to be removed from site.
8. In relation to Condition 6, in accordance with the recommendations of the Bushfire Emergency Evacuation Plan, the closed access is to be signposted, gated and padlocked so as to only be available for emergency access and egress.
9. In relation to Condition 6, the new proposed access must receive formal approval through the Main Roads WA / Department of Planning, Lands and Heritage access application process. It is noted the location and geometry of the ultimate access will require Main Roads WA approval.
10. In relation to Condition 6, the closure and rehabilitation of the existing access will need to be reflected on future plans.
11. All works within the Great Northern Highway road reserve require the prior approval of Main Roads WA.
12. No changes can be made to the current easement to Lot 69, without the consent of the parties involved.
13. Refuse should be stored appropriately and removed on a regular basis to an approved offsite waste management facility.

14. Flood risk must be considered to ensure risk to the health and safety of people occupying the accommodation can be adequately managed. The Department of Fire and Emergency Services may be able to provide further advice on preparing a flood plan.
15. There are restrictions on the type of fill that can be used within Public Drinking Water Source Areas (PDSWA). For more information please refer to *DWER Water Quality Protection Note 24 – Landfilling with Inert Materials*.
16. For guidance on drinking water supplies please refer to *DWER Water Quality Protection Note 9 – Community Drinking Water Sources* and *DWER Water Quality Protection Note 41 – Private Drinking Water Supplies*.
17. Fertilisers should be applied in accordance with best management practices. For information on fertiliser management refer to DWER brochures: *Fertiliser application on pasture or turf near sensitive water resources*, *Liquid chemicals on agricultural land* and *WA environmental guidelines for the establishment and maintenance of turf grass areas*.
18. Hydrocarbons, chemicals and other toxic or hazardous substances shall be stored so there is no discernible risk of contamination of groundwater or surface water. This should include effective secondary barriers to contain the system, such as double-walled tanks and bunding. Restrictions apply for storage tanks as explained in *DWER WQPN 56: Tanks for fuel and chemical storage near sensitive water resources*. A contingency plan for managing and responding to spills should be in place, as per *DWER WQPN 10: Contaminant spills – emergency response plan*.
19. Pesticides should be applied in accordance with best management practices (i.e. in accordance with label directions). For more information see DWER brochure: *Liquid chemicals on agricultural land* and the Department of Health's website *Guides on pesticide use for industry and local government* and *Circular PSC88: Use of herbicides in water catchment areas*.
20. A nutrient and irrigation management plan should be prepared. Please refer to *WQPN 33: Nutrient and irrigation management plans* and *WQIS 4: Nutrient and irrigation management plan checklist*.
21. In accordance with *DWER Roads to reuse: Product specification – recycled road base and recycled drainage rock*: Recycled drainage rock shall not be used in PDWSAs.
22. Stormwater management systems should be designed and constructed in accordance with our *Stormwater management manual and Decision process for stormwater management in Western Australia*.

**15.1.2 MARBLE BAR HERITAGE ITEM**

**Responsible Officer:** Steven Harding  
Chief Executive Officer

**Author:** Joshua Brown  
Manager Governance, Risk and Procurement

**Proposed Meeting Date:** 30 June 2023

**Location/Address:**

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REASONS FOR CONFIDENTIALITY**

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

**15.1.3 AWARD OF TENDER - RFT 12-2022/23 – MARBLE BAR AIRPORT  
OPERATIONS MANAGEMENT**

**Responsible Officer:** Vic Etherington  
Director Aviation & Regulatory Services

**Author:** Dawn Ronchi  
Coordinator Procurement

**Proposed Meeting Date:** 30 June 2023

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REASONS FOR CONFIDENTIALITY**

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.