



# 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, 23 March 2022, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in cursive script, appearing to read "Carl Askew".

Carl Askew  
Chief Executive Officer

18 March 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 his respects 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

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)  
Joyce Routledge (Acting Manager Governance)  
Jenna Brown (Governance Officer)

### 3.2 Attendance by Telephone / Instantaneous Communications

### 3.3 Apologies

3.4 Approved Leave of Absence

Councillor Eckhart – 15 April 2022 to 25 April 2022

Councillor Bennett – 8 April 2022 to 19 April 2022

3.5 Disclosure of Interests

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**Item 4 Applications for Leave of Absence**

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Nil.

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**Item 5 Response to Previous Questions**

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Nil.

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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 meetings from the month of February:

Date	Meeting	Meeting Details/Comments
1/02/2022	Lynette Ramirez	Meeting
1/02/2022	Confidential Briefing	As per agenda
2/02/2022	Confidential Briefing	As per agenda
3/02/2022	Weekly radio chat with Ecky	Radio interview
4/02/2022	More Than Mining Steering Group meeting	Mayor and CEO committee members
8/02/2022	Elected Member Training	As per agenda
8/02/2022	Minister Templeman Media Event Sod Turning for PHISH	Attended as speaker
8/02/2022	Minister Templeman visit to JD, Wangakurra Stadium re SHISH Masterplan	Attended as guest
10/02/2022	Weekly radio chat with Ecky	Radio interview
10/02/2022	ABC Pilbara fortnightly chat	Phone interview
11/02/2022	Rovers Football Club - Colin Matheson Oval	Site inspection and meeting with Club
14/02/2022	Last Chance Tavern	Meeting
14/02/2022	ToPH - City of Bunbury	Meeting
14/02/2022	Strategic Community Plan Workshop Review	As per agenda
16/02/2022	Agenda Feedback Session	as per agenda
17/02/2022	Weekly radio chat with Ecky	Radio interview
17/02/2022	Pilbara Country Zone Meeting	Meeting
17/02/2022	RCAWA Meeting	Meeting
18/02/2022	ToPH/PHCCI Business Breakfast	Attended as guest
21/02/2022	Confidential Briefing	As per agenda
22/02/2022	PHIA meeting	Meeting
23/02/2022	Mara Park Pop Ups - BHP Filming	Attended as guest
23/02/2022	Ordinary Council Meeting	As per agenda

25/02/2022	Hedland Community Road Safety Action Group Meeting	Attended as speaker
25/02/2022	Hedland Community Safety Advisory Forum - Agenda meeting	Meeting
25/02/2022	Attending Radius 3.0 Alana Hunt exhibition - Courthouse Gallery	Attended as speaker

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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, in relation to report 11.1.3 of 23 February 2022 – Adoption of the Town of Port Hedland Waste Amendment Local Law 2022, note that due to error by the Department of Water and Environmental Regulation, it has been requested to amend it's motion OCM2021/131 as follows;

That Council, under the power conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, resolved on 23 February 2022 to make the above Local Law.

**ABSOLUTE MAJORITY VOTE REQUIRED**

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### OFFICER'S RECOMMENDATION

That Council confirm that the amended Minutes of the Ordinary Council Meeting held on Wednesday 23 February 2022 are a true and correct record.

**SIMPLE MAJORITY VOTE REQUIRED**

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## Item 11 Reports of Officers

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### 11.1 Corporate Services

11.1.1	PROPOSED TOWN OF PORT HEDLAND PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022
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Author: 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

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

1. Adopt the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022, as per Attachment 1:
  - a) The purpose of this local law is to provide for the regulation, control and management of activities in public places and thoroughfares, and the regulation, control and management of activities and facilities on local government property within the district;
  - b) The effect of this local law is the control of the use of local government property and activities and trading in thoroughfares and public places. Some activities are permitted only under a licence or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.
2. Authorises the Chief Executive Officer to:
  - a) Authorise the affixing of the Common Seal to the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022;
  - b) Publish the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022 in the Government Gazette;
  - c) Provide a copy of the gazetted Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022 to applicable State Government Ministers;
  - d) Give local public notice after gazettal of the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022; and
  - e) Provide a copy of the gazettal of the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022, together with any explanatory documents required, to the Joint Standing Committee on Delegated Legislation for review.

**ABSOLUTE MAJORITY VOTE REQUIRED**

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## PURPOSE

The purpose of this report is for Council to consider the minor edits made to the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022 as requested by the Minister for Housing and Local Government who received a copy of the proposed Public Places and Local Government Property Amendment Local Law 2022 in August 2021.

## DETAIL

At its Ordinary Council Meeting on 28 July 2021, Council resolved the following to progress the development of the Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022:

### CM202122/007 COUNCIL DECISION

That Council:

1. Commences the process to adopt the proposed Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2021.
2. Pursuant to section 3.12(3) of the Local Government Act 1995 gives local public notice to make the proposed Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2021 as per Attachment 1.

**CARRIED BY SIMPLE MAJORITY (9/0)**

Due to competing election and statutory priorities in 2021 this Local Law is now being gazetted in the 2022 calendar year, therefore, the Town is proposing to update the title from “Public Places and Local Government Property Amendment Local Law 2021” to “Public Places and Local Government Property Amendment Local Law 2022”. As this is not a significant change for the purposes of s.3.12(4) of the *Local Government Act 1995*, there is no need to re-advertise.

The Public Places and Local Government Property Amendment Local Law 2022 was advertised state-wide in the ‘North West Telegraph’ newspaper on Wednesday, 25 August 2021. The advertisements invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Thursday, 7 October 2021. No submissions were received. Copies of the advertisement were displayed on the Town of Port Hedland’s (Town) notice boards at both libraries and on the Town’s website.

A copy of the proposed Public Places and Local Government Property Amendment Local Law 2022 and copies of the advertisements were sent to the Minister for Housing and Local Government.

The Minister requested the following minor edits to the amendment local law:

- Clause 4(1): change “include” to “insert”.
- Clause 4(2)(e): Change “drug.” to “drug;”
- It appears that the City is intending to add a new paragraph after clause 5.1(2)(b). This means the full stop currently at the end of 5.1(2)(b) will need to be changed to “; or”.

- Clause 4(3): Change “subclause (b)” to “paragraph (b)” and replace “new clause” with “new paragraph”.

(See attachment 1)

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because it effects all residents within the district of Port Hedland in the terms of the regulation, control and management of activities and facilities on local government property

## CONSULTATION

### *Internal*

- Executive Leadership Team

### *External Agencies*

- Notification of the proposed Local Law has been sent to the Minister for Local Government

### *Community*

- Public notices were issued in both state-wide and local newspapers, at libraries, Town website and the civic centre inviting public submissions. No submissions were received.

## LEGISLATION AND POLICY CONSIDERATIONS

- Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.
- The process of adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995*.
- Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2016
- Government of Western Australia Department of Health
- Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities [January 2020]
- Royal Life Saving Society Guidelines for Safe Pool Operations

## FINANCIAL AND RESOURCES IMPLICATIONS

There are financial and resource implications associated with making Public Places and Local Government Property Amendment Local Law 2022 which includes a gazettal fee that is approximately \$2,000. Funds are available in the 2021/2022 budget for the projected cost.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities



### *Social*

The proposed Local Law will assist in educating the community by providing a clear guideline relating to unaccompanied entry to Aquatic Facilities under the Local Government Act 1995.

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process

### *Corporate Business Plan*

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

- 1.a.5 - Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety

## **RISK MANAGEMENT CONSIDERATIONS**

There is a health risk associated with this item that minors should be accompanied by a parent or guardian at all times when using the aquatic facilities. The risk rating for unaccompanied entry is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

Adoption of the proposed Local Law amendment will enable the Town to effectively address the risks of unaccompanied minor to the Town's aquatic facilities.

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

The proposed Local Law allows Council the opportunity to amend the current Local Law to ensure a safe, secure and comfortable environment for all members of the community and mitigate highlighted risk factors associated with the unaccompanied entry to the Town's Aquatic Facilities.

## **ATTACHMENTS**

1. Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022 (under separate cover)

**11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JANUARY 2022**

**Author:** Senior Financial Accountant  
**Authorising Officer:** Manager Financial 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 31 January 2022;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for the period ended 31 January 2022; and
4. Receive the Credit Card Statements for the period ended 31 January 2022.

*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 31 January 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 31 January 2022, with financial results included in *Attachment 1. Statement of Financial Activity inclusive of Notes 1-16* prepared by the Town of Port Hedland (Town).

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 2021/22 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. 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 (\$3.374M) presented in YTD Actual on the Statement of Financial Activity is as per the closing deficit of the audited June 2021 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 January 2022 is \$22.92M.

The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$237.3M
Restricted Cash – Reserves	\$214.6M
<b>Unrestricted Cash Position as at 31 January 2022</b>	<b>\$22.7M</b>

### *Previous Decisions*

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

### LEVEL OF SIGNIFICANCE

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

### CONSULTATION

#### *Internal*

- All consultation and engagement is conducted internally.

#### *External Agencies*

- Nil

#### *Community*

- Nil

### LEGISLATION AND POLICY CONSIDERATIONS

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

### FINANCIAL AND RESOURCES IMPLICATIONS

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

- 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.

The bank transaction history report excludes transactions of a credit card closed during the period. For transparency purposes the transaction record is enclosed for the excluded card.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned to the risk, as a reduction in income or increase in expense throughout the 2021/22 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure it aligns to budget and amend as needed through the scheduled budget review process.

## OPTIONS

### *Option 1 – Adopt officer's recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 January 2022 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

### *Option 2 – Amend officer's recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 January 2022 and request further information or clarification.

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

That Council do not note or receive the Statement of Financial Activity for the period ended 31 January 2022.

## CONCLUSION

The opening funding deficit of (\$3.37M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the audited financial statements from June 2021. The net current funding position is \$22.92M.

## ATTACHMENTS

1. Monthly Financial Statements - January 2022 (under separate cover)
2. Material Variance Report - January 2022 (under separate cover)
3. List of payments made under authority January 2022 (under separate cover)
4. Credit Cards January 2022 (under separate cover)

**11.1.3 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS**

**Author:** Governance Officer  
**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 notes the proposed changes to the Town of Port Hedland Policy 1/017 *Order of Business for Council and Committee Meetings* and adopts the amended policy as per Attachment 1.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to change *Policy 1/017 Order of Business for Council and Committee Meetings*. The changed order of business will allow Reports of Committees to be heard ahead of Reports of Officers. This is also the recommended order of business by *DGLSC Local Government Model By-Law (Standing Orders) No 4*.

**DETAIL**

The recommendation aligns with the *Local Government Model By-law (Standing Orders) No.4*. Council committees are a part of the local government's decision-making process providing leadership and guidance to Council. Committees provide reports to Council with recommendations and information that often needs to be addressed prior to officers' reports.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the items in the agenda will be addressed without this change however on occasion a motion would be required to bring matters forward in the agenda.

**CONSULTATION***Internal*

Governance

*External Agencies*

Department of Local Government, Sport and Cultural Industries

*Community*

Community consultation not required

**LEGISLATION AND POLICY CONSIDERATIONS**

Policy 1/017 Order of Business for Council and Committee Meetings

The recommendation requires an absolute majority vote as changing the order of business is changing a previous decision of council

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### *Strategic Community Plan 2018-2028*

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

- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws

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

### *Disability Access and Inclusion Plan*

There are no outcomes that relate to outcomes in the DAIP

### *Corporate Business Plan*

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

- 4.b.3 Ensure all governance statutory requirements are met

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the order of business impacts the order councillors address council matters. The risk rating is considered to be low (1), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

Committees provide guidance, recommendations, information and leadership to Council to assist councillors in their decision making.

## ATTACHMENTS

1. Policy 1.017 Order of Business Council & Committee Meetings draft (under separate cover)
2. Policy 1.017 Order of Business Council & Committee Meetings with mark-up (under separate cover)

## 11.2 Community Services

### 11.2.1 HEDLAND ARTS AND CULTURE PRECINCT

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

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#### OFFICER'S RECOMMENDATION

That Council:

1. Note the engagement undertaken as outlined in the Officer Woods/ RFF Arts and Culture Strategy report as per Attachment 1.
2. Note the preferred location of the Arts and Culture Precinct at Lot 500, Forrest Circle.
3. Endorse the programming elements of the Return Design Brief as per Attachment 3.
4. Note that Officers will prepare and present a further concept for an integrated Civic and Arts Hub on the selected site using the Return Design Brief.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to note and endorse the feasibility study, needs analysis, and return design brief undertaken by the consultants for a consolidated Arts and Culture Precinct on the selected South Hedland site – Lot 500 Forrest Circle. This report also requests the CEO (or his delegate) to allow further development of the return design brief concept integrating a Civic and Community function on the selected site.

#### DETAIL

Dedicated Arts and Cultural Precincts hosting a vibrant program of cultural and arts programs and public engagement have proven to be remarkable assets around Australia and internationally. The Town acknowledges the value that Hedland's arts scene brings to the social fabric of the community and the limitations of the existing arts and cultural infrastructure. The *Arts and Culture Strategy 2019-2022* highlighted that Hedland's arts and cultural infrastructure was spread out and that there was a need for one centralized hub. Key Town-owned facilities are aging and no longer fulfilling their role in being able to provide appropriate spaces for performance and community use.

The Town engaged Officer Woods Architects and RFF Consultants in July 2021 to undertake an investigation and evaluation of options for a consolidated arts and cultural precinct in Hedland. The preferred site option was to:

- be informed by benchmarking arts and cultural precinct approaches in a range of comparable regional cities and towns
- be informed by engagement with and feedback from identified stakeholders
- can meet best-practice requirements and environmental parameters for arts and cultural facilities



- consider the potential of co-located complimentary cultural infrastructure, commercial and civic uses
- increase the capacity for public engagement with and participation in arts and cultural activities
- be accompanied by a robust feasibility study.

The immediate aim was to engage with a wide range of stakeholders to understand the gaps and propose development options for selected sites using design, feasibility, and business expertise. The longer-term aims were strategic, encompassing strengthening and building Hedland's cultural capacity, participation, inclusivity and exchange, activation of town sites, enhanced and co-located cultural infrastructure and precinct development. The project envisioned a vibrant, integrated arts and cultural precinct with spaces available and welcoming to all, ranging from performing arts, cultural immersion makers spaces to Performing Arts Schools and business tourism.

This was reflected in the key findings that emerged from the Community engagement including;

- There's a lot to be proud of in Hedland
- Arts and Events are front of mind, but there's more to Hedland's culture
- We should be telling our unique stories, but also creating shared ones
- People are keen to participate, not just attend
- Empowering locals to contribute to the creative scene is essential
- We should be looking for ways to amplify the local vernacular
- There's opportunity in unexpected places
- The right infrastructure will help enable outcomes.

### Site Selection

In January 2022, the Town of Port Hedland conducted an assessment of identified potential sites. Each site was measured against a set of agreed evaluation criteria that was developed collaboratively between Officer Woods/ RFF and the Town. It was determined that the minimum land size required for an Arts and Culture Precinct was approximately 15,000m<sup>2</sup>. Members of the review panel scored seven sites against the evaluation criteria which were weighted to achieve a total score. Site 2 – Lot 500 Forrest Circle was selected with a total score of 14.5.

Some of the key findings included:

- The site size is significant at 101,780m<sup>2</sup>, therefore consideration of co-located infrastructure would be of benefit
- The former TAFE site is mostly vacant and underutilised although some TAFE activities and a childcare centre does occupy a portion of the site
- The site is well serviced with service connections to existing buildings, including an on-site substation
- Great potential lies in re-use and re-programming existing building stock.
- The large site area allows for incorporation of extensive landscaping and green space into precinct
- The Town does not have tenure of the site and it would need to be acquired.

### Return Design Brief

The brief was developed to include a Programming Brief which considered what elements would make up an Arts and Culture Precinct. This further developed into a Concept Spatial

Diagram. Both were intended to encourage thinking about ways program might be clustered – the adaptive and flexible use of space, what elements might compliment others and how we think about the internal/ external relationships. The diagram is utilised as a tool for discussing organisational layout and should not be taken in a literal sense or as an architectural plan of building. The Return Design Brief is categorised into five key areas including:

- Entertainment;
- Community;
- Everyday;
- Back of House (BOH); and
- External.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because there are considerable long-term implications of the decisions including an impact on the Strategic Community Plan and Corporate Business Plan. It required community consultation and engagement.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Director Community Services
- Director Infrastructure
- Manager Community Development
- Senior Arts, Culture and Events
- Senior Engagement Officer - Community and Place
- Projects Officer – Community Development
- Aboriginal and Torres Strait Islander Engagement Officer
- Manager Town Planning and Development
- Manager Communications
- Senior Sports and Recreation
- Senior Libraries
- Leisure Events and Bookings Officer

### *External Agencies*

- Officer Woods Architects
- RFF Consultants
- PCC Productions
- North West Entertainment
- Onex
- Wrapped Creations
- PAC Australia
- Circuit West
- Pilbara Development Commission
- DLGSC Pilbara Office
- FORM Spinifex Studio
- Industry – BHP, FMG, Roy Hill Mining Companies
- Pundulmurra Campus – North Regional TAFE
- Hedland Senior High School

- All Port and South Hedland Primary schools

### *Community*

Arts and Culture User Groups as below:

- HATch Hedland Amateur Theatre Children
- Alliance Dance
- Hedland School of Dance
- JaBAT
- INDA
- Set The Stage
- Junction Co
- 101.3 Hedland Community Radio
- HART's
- Port Hedland Historical Society
- Hedland Camera Club
- Regular Cinema Goers
- Mums and Bubs Groups

There has been significant community consultation. Over 30-hours of consultation was undertaken with more than 50 people and 25 groups.

### **LEGISLATION AND POLICY CONSIDERATIONS**

- 1/019 Confidential Briefings
- Local Scheme Reserve
- West Australian Environment and Planning Codes and Standards 2000
- Western Australian Region Planning Scheme Maps and Policies 2002
- National Heritage list
- Native Title Act 1993

### **FINANCIAL AND RESOURCES IMPLICATIONS**

- |  |             |                 |
|--|-------------|-----------------|
| 1. Procurement of Tender for Officer Woods and RFF (GST) | \$78,000.00 | (excluding GST) |
|--|-------------|-----------------|

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented

- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social, or economic impacts relating to this item, however there will be significant impacts if the Council determine to move ahead with contract variations or further tenders for the development and detailed schematic design of an integrated Civic and Arts & Culture Precinct.

#### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 6 - Consultation Process

#### *Arts and Culture Strategy*

The following priorities from the Town's Arts and Culture Strategy 2019-2022 apply in relation to this item:

South Hedland locations through programming and investment in additional infrastructure as required.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because this item relates to the provision of adequate services and support for the Arts and Culture, Recreational and Community sector. In addition, the time spent to communicate and consult internally, externally and with the community during the feasibility and needs phases of the project.

The risks will be eliminated if the Town of Port Hedland is transparent in communicating to all stakeholders the next steps forward in the development of the project. The development of the precinct must be done so in parallel with a comprehensive programming and content delivery strategy. It will assist in further refining design and ensure the spaces being created will be utilised as much as possible, creating the vibrancy needed and enhancing the operational viability of the facility through enhanced utilisation. In addition, Arts and Cultural infrastructure require a high level of analysis and technical expertise and therefore should be the primary consideration with an integrated Civic and Arts/ Culture precinct.

The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## CONCLUSION

The Town acknowledges the value that Hedland’s arts scene brings to the social fabric of the community as well the limitations of the existing arts and cultural infrastructure. This investigation and evaluation aim to assist with decision making and identification of the best use of assets and resources to further the Town’s cultural and asset management aims. An opportunity exists for a more coordinated approach to engage local people, the broader region, visitors, and tourists of all ages with an increasing range and scope of arts and cultural activity belonging to Hedland and its people. The right cultural infrastructure will enable these outcomes to become a reality.

## ATTACHMENTS

1. Cultural Strategy Report (under separate cover)
2. Panel Site Selection Outcome (under separate cover)
3. Return Brief Presentation (under separate cover)

## 11.3 Regulatory Services

11.3.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR DEVELOPMENT APPROVAL - UTILITY SCALE BATTERY 2021/250
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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 recommends the Regional Joint Development Assessment Panel approves DAP Application reference DAP/22/02165 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

1. This decision constitutes planning 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.
2. All development and use of the land must be carried out in accordance with the approved plans as listed below, unless otherwise approved in writing by the Town of Port Hedland:
  - a) Site plan, 1 of 4, 10 December 2021;
  - b) Transformer bay plan and section, 2 of 4, 10 December 2021;
  - c) Switchyard bay elevation, 3 of 4, 10 December 2021; and
  - d) Control building elevation, 4 of 4, 10 December 2021
3. Prior to commencement of works, a plan shall be submitted to and approved by the Town of Port Hedland that demonstrates the development will be suitably protected from storm surge and river flooding.
4. Prior to commencement of works, a public art concept plan shall be submitted to the specification and satisfaction of the Town of Port Hedland for approval. This shall have details of proposed public art to a minimum value of \$150,000 in accordance with Local Planning Policy/04 Percent for Public Art (LPP/04). The approved artwork shall be completed prior to the occupation or use of the development, to the specification and satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development. Alternatively, an equivalent cash-in-lieu contribution shall be paid in full to the Town of Port Hedland prior to commencement of works in accordance with LPP/04.
5. Prior to the submission of the Responsible Authority Report to the Joint Development Assessment Panel, the applicant shall submit to the Town of Port Hedland a Bushfire Attack Level Assessment and if necessary, a Management Plan and/or Risk Management Plan (specifically relating to Bushfire Management) which demonstrates compliance with appropriate Bushfire Protection Criteria.

### Advice Notes

1. The applicant shall gain approval from the Town of Port Hedland for the installation of any new on-site effluent disposal system, prior to the commencement of site works for the infrastructure.
2. In relation to Condition 3, the minimum finished levels of development and infrastructure at risk is recommended to be at least 0.5m above the Annual Exceedance Probability (AEP) of 1% (one in 100 year event) of the modelled inundation level for the site, in relation to both storm surge and river flooding.
3. Any transportation of oversized objects that may impact the Great Northern Highway must be approved by Main Roads WA prior to commencement of works.

*SIMPLE MAJORITY VOTE REQUIRED*

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### PURPOSE

The purpose of this report is for Council to make a recommendation to the Regional Joint Development Assessment Panel (JDAP) for the proposed Battery Energy Storage System (BESS) located at the Port Hedland Power Station (PHPS) at Lot 255 Boodarie Station Access Road, Boodarie. The Town of Port Hedland (the Town) must make a recommendation to the JDAP by 29 March 2021.

### DETAIL

The site is located approximately four kilometres to the south-west of the South Hedland town site and west of the Great Northern Highway (see Attachment 1 – Location Plan). It has direct frontage and access to the Boodarie Station Access Road. The subject site is comprised of Crown Land, measuring 20.5 hectares and is leased to Alinta DEWAP Pty Ltd and Alinta DEWAH Pty Ltd, known as Alinta Energy, until 6 April 2030. The permitted use of the Crown Lease is:

*“Construction, provision, use, operation and maintenance of a power plant and for ancillary and incidental purposes.”*

A sublease has been granted to APA for the ownership and operation of a gas yard in the eastern corner of the site. This allows the delivery of gas to the power station via the Pilbara Energy Pipeline (PEPL).

The power station is an integral part of the power supply for the resource industry of the Pilbara, connecting to the North West Interconnected System (NWIS) and supplying BHP and Fortescue. The power station was originally commissioned in 1995 and is licenced to generate 150MW from gas turbines and diesel generators. Alinta Energy is licenced to retail electricity and intends to supply commercial and industrial customers in Port Hedland and Karratha.

The application seeks approval for an expansion of the power station by the addition of a utility scale Battery Energy Storage System (BESS). Alinta Energy has advised that the expansion of the power station will allow the provider to offer more competitively priced, reliable, and lower

carbon electricity to customers within the area. The proposed BESS will also directly support the future introduction of high levels of solar photovoltaic and other intermittent renewable energy.

The application seeks approval to install new plant and equipment within the existing yard, which is not anticipated to require any new fill or regrading. The main components proposed in this application include:

- Battery energy storage system with a capacity of approximately 60MW / 120MWh;
- Control room and ancillary equipment; and
- New switchyard bays.

Indicative plans of the proposed development are contained within Attachment 2 – Development Plans. The applicant has advised that the site plan and elevations are indicative and will be finalised during detailed design after a contractor is selected through a competitive procurement process. This is due to alternative plant and equipment options that are available to meet the energy needs. Details of each of the components is expanded on in more detail below.

#### Battery Energy Storage System

The storage system is proposed to be largely containerised with no moving parts, no air or odour emission and no significant noise emitting components. Battery systems are typically modular and will be designed to allow additional storage capacity to be added over time, should demand necessitate it. Each module of battery capacity is typically comprised of:

- One 12m container of battery units;
- One 12m container of inverters and power electronics;
- One coupling transformer; and
- One Heating, Ventilation and Air Conditioning (HVAC) system.

The final layout and configuration of this equipment is dependent upon the final supplier selected. A similar arrangement at the Newman Power Station, which was completed in 2017, has a capacity of 35MW and is made up of five modules and ten containers.

#### Control room and ancillary equipment

A control room is required to collect, direct, condition and monitor the operating performance of plant and equipment and associated auxiliary systems and electrical panels. The control room is a single building and contains control and communication systems and electrical panels. The proposed control room will be located within approximately 200m from the existing control rooms and integrated with the system. This will be designed and constructed to withstand cyclonic conditions and will appear similar to the existing buildings on-site.

#### Switchyard bays

The existing switchyard at the power station contains six bays and there is sufficient space to install several more bays. The application requires additional infrastructure in the switchyard to accommodate the additional connections. These new bays are expected to be constructed to the east of the existing bays and will be similar in design. All new infrastructure is expected to fit within the existing fenced area and on the yard.



Development footprint

The site comprises of 20.5 hectares and the filled yard (bench) makes up approximately eight hectares. Of the eight hectares, there is two hectares which is unoccupied and contained within an existing site security fence. The benched area available is more than sufficient to support the proposed development and provide a safe operational environment and no additional fill or modifications to the natural ground level are anticipated to be required.

Zoning

Development Scheme	Local Planning Scheme No. 7
Zoning:	'Strategic Industry'
Use Class:	Industry
Lot Size:	20.5 hectares
Existing Land Use:	Infrastructure (power station)

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance because the proposed development is considered to have an impact on the main gateway to the Town of Port Hedland as experienced by visitors. The proposed development is located within the footprint of the existing power station and is not anticipated to have any additional adverse visual impact in the context of the existing development.

**CONSULTATION***Internal*

The proposal was advertised to the following internal departments via email on 19 January 2021:

- Technical Services; and
- Environmental Health Services.

Comments received have been considered and included as advice notes contained within the Officer's recommendation.

*External Agencies*

The proposal was advertised to the following agencies and departments via email on 19 January 2022:

- Department of Planning, Lands and Heritage;
- Department of Water and Environmental Regulation;
- Department of Jobs, Tourism, Science and Innovation; and
- Horizon Power.

Comments were invited to 4 March 2021 and the following is a summary of responses received.

Department of Planning, Lands and Heritage

No submission has been received.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation recommends that the Town of Port Hedland address any potential flooding management measures appropriate for this site.

Department of Jobs, Tourism, Science, and Innovation

No submission has been received.

Horizon Power

No submission has been received.

A summary of all submissions received by the State Government Departments are contained within Attachment 3 – Schedule of Submissions.

*Community*

The proposal is not required to be advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or Local Planning Scheme No. 7. Given that the proposed development is ancillary to the existing power station, in addition to no sensitive land uses and compatible industrial uses in proximity, the Town did not advertise the proposal.

**LEGISLATION AND POLICY CONSIDERATIONS**Local Planning Scheme No. 7

- The land is zoned 'Strategic Industry'.
- It is mapped as being within Special Control Area 1 – Boodarie Industrial Buffer and Special Control Area 2 – Gas Power Station.
- The proposal is compatible with both of the Special Control Areas' purpose to ensure there is compatibility of land use and development within the control areas and a separation between industry and other essential infrastructure services from sensitive land uses. The proposal meets all applicable 'additional provisions' as outlined in Local Planning Scheme No 7.
- The surrounding land is compatibly zoned 'Strategic Industry' and 'Rural'.
- The proposed development is best defined as Industry, which means:  
*"Means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –*
  - (a) The storage of goods;*
  - (b) The work of administration or accounting;*
  - (c) The selling of goods by wholesale or retail;*
  - (d) The provision of amenities for employees;*
  - (e) Incidental purposes."*
- Part 3 – Zones and use of the land applies to development proposals. The objective of the zone is "To designate industrial sites of State or regional significance." Industry is a Discretionary use under the Zoning Table and is capable of approval.
- The proposed development is consistent with the purposes for which the land is zoned for.

Boodarie Strategic Industrial Area Structure Plan

- The land is identified as suitable for 'utilities'.
- The proposal will not prejudice the future development of infrastructure corridors.

State Planning Policy 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.

- All development applications for habitable buildings (including any building in which any person will use for work) within the Bushfire Prone Area require a Bushfire Attack Level (BAL) Assessment or Contour Map.
- A BAL Assessment or Contour Map is required, and depending on the outcome, additional information such as a Bushfire Management Plan and/or Risk Management Plan may be required to manage any potential bushfire risk.

Town Officers recommend that Council resolve to condition that this information be provided to the satisfaction of the Town and a JDAP recommendation include a condition that all Bushfire Protection Criteria listed in any required Bushfire Management Plan and/or Risk Management Plan be implemented in full for the duration of the development.

#### Local Planning Policy/04 – Percent for Public Art

The intent of the Policy is to protect and enhance the amenity and identity of public spaces such as commercial nodes, entry points and squares. The Policy aims to achieve the following objectives:

1. Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;
2. Acknowledge and celebrate Indigenous culture and heritage;
3. Develop and promote community identity within the Town to bridge communities;
4. Establish new design partnerships between artists, architects and other professionals;
5. Celebrate environment, industry, and lifestyle; and
6. Increase public awareness of the value of art, design and culture.

The Policy requires that development applications exceeding \$2 million are to set aside a minimum of one percent of the total project cost for the development of public art. This is capped at \$150,000. This development application is not exempt from contributing to public art under Clause 3.1.2 *Developments excluded from the requirement to contribute*.

The total cost of development is \$70 million. Accordingly, it is recommended that a condition be imposed that requires public art to be provided to the effect of \$150,000, or alternative cash-in-lieu contribution.

### OFFICER COMMENTS

#### Community impact – Noise

As the proposed Battery Energy Storage System (BESS) has no significant noise emitting components and given the location of the site and distance from sensitive land uses, noise emissions are not expected to be a significant issue. During construction, the contractor would only be permitted to work within the time windows specified in the *Environmental Protection (Noise) Regulations 1997*, unless an exemption is sought and granted by the Town.

#### Community impact – Odour

The proposed BESS will not cause any new emissions to air. There are not expected to be any adverse odour impacts as a result of the proposed expansion.

#### Community impact – Heritage and Native Title

The project does not require any new land tenure as the development footprint is entirely within the existing Crown Lease area. There will be no additional disturbance beyond the existing cleared and benched area within the site security fence. Negotiations and consultation with Traditional Owners regarding Native Title rights are directly related to the granting of tenure

which is not necessary for the application. Separate from and prior to the development of this Project, Alinta Energy and the Kariyarra People completed negotiations and entered into an Electricity Infrastructure Agreement on 11 September 2018. This Agreement contemplates the granting of a crown lease to Alinta Energy for land around the Boodarie turbines as well as future development projects in Kariyarra country.

#### Community impact – Visual amenity

To assess the potential visual amenity impact of the proposal, consideration was given to the sensitivity of the site, i.e., the capacity to absorb the proposed development, and the magnitude of the potential impact, specifically the scale, form and character of the proposal. The focus of the assessment was the impact on the locations most accessible to the public. In this instance the most frequented public areas with a view of the site are along the Great Northern Highway.

Landscape sensitivity refers to the extent to which a proposed change can be absorbed by the existing landscape without having an unacceptable adverse impact on the character of that landscape. The key inputs for consideration of landscape sensitivity included:

- Existing conditions of the site and surrounds;
- Local planning policies and controls; and
- Photographs and aerial images.

The scale of the visual impact is based upon the distance of the viewer and the largest visual component in the viewshed from a given viewpoint. Four primary viewpoints with regular and/or likely public accessibility were considered. These being:

1. The entrance to the site;
2. Intersection of Boodarie Station Access Road and Great Northern Highway;
3. North of the site along the Great Northern Highway; and
4. South of the site along the Great Northern Highway.

The proposed development is located amongst a range of existing electricity infrastructure. Not only is the existing power station a major component of the existing viewshed, there are also a number of transmission towers and the adjacent power station owned by TransAlta.

From all considered viewpoints the proposed development would be largely blocked from view by existing infrastructure. In most cases the viewshed is dominated by other, taller and/or larger components such as bulk diesel storage tanks or the exhaust stacks and cooling tower associated with the nearby TransAlta power station. The tallest components on the adjacent TransAlta site are two exhaust stacks which are approximately 35m above ground level. The third exhaust stack and the cooling tower structure are approximately 25m above ground level. All of these structures, as well as the interconnection transmission towers are taller than the development proposed in this application.

Considering the relevant viewpoints, the distance of the likely views, the potential number of viewers and the current composition of the viewshed, there will be no material impact to visual amenity as a result of the proposed development.

#### Traffic and Transport

Construction of the project will require approximately 100 full time workers over the course of the construction period. It is estimated that construction will occur over a period of approximately 12 months. There will be an increase in light vehicle traffic to and from the site

during the construction period as the construction workers commute from their accommodation to the work site and back. The volume of traffic that will be associated with the proposed expansion is expected to be negligible, and the road to access the site was recently sealed to RAV10 standard as part of DevelopmentWA's Boodarie Entrance Road project.

There are currently seven Alinta Energy personnel attending the power station on a daily basis with car parking spaces for up to 20 vehicles. The regular number of vehicles on site during a typical day is five. Additional operations personnel will be employed to support the increased asset base at the power station. There is ample space to serve the needs for parking of an increased operational workforce.

#### Stormwater management

Stormwater at the site is currently directed to one of two destinations. Stormwater that falls across the broad areas of the site and on the internal roads is collected in spoon drains and discharged off the edge of the pad into the vegetated areas surrounding the power station.

There are five primary stormwater discharge locations. Stormwater that falls within bunded areas or other locations where there is the potential for hydrocarbon spills or contamination is captured in the oil water containment system. This water is directed to the oil water separator, cleaned and then discharged into the evaporation pond at the north of the site. The proposed development is not expected to change the volume or treatment of stormwater from the site. Areas of the proposed development which are bunded or potential sources of hydrocarbon contamination may be connected to the existing oil water treatment system if the capacity is adequate. If a new system is needed to accommodate the additional volume of oil water, then that system will be designed and installed by the contractor as part of the contract works. Construction activities are not expected to change the requirements for stormwater management.

#### Storm surge and river flooding

Department of Water and Environmental Regulation (DWER) noted that the site is 'low risk' of being impacted by storm surge and river flooding, and recommended the Town of Port Hedland obtain information from the developer to confirm the development is not at risk of flooding. As the development is within the existing footprint of the power station, it is likely that the levels are satisfactory to address storm surge and flooding issues, to protect existing infrastructure. However to avoid any element of doubt, a condition of development approval is recommended to require submission of this information prior to commencement of works to address DWER's concerns.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed

3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item as Alinta Energy requires the utility scale battery in order to directly support the future introduction of high levels of solar photovoltaic and other intermittent renewable energy, and the Town/JDAP's approval for the development shows support for sustainable energy initiatives. 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 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**

The proposal will provide more efficient, dispatchable power with the ability to offer network support for power quality and reliability should more renewable energy or other intermittent energy sources connect to the network in the future. An increase in the efficiency of operations facilitate improved electricity supply offerings to future customers in the region. The proposed development will be fully contained within the existing site boundary and will not change the current purpose, amenity, land use or impact on neighbouring landowners.

Based on the provisions of Local Planning Scheme No. 7 and the Boodarie Strategic Industrial Area Structure Plan, the subject site is an appropriate location for the proposed Battery Energy Storage System (BESS) and it is recommended Council recommends JDAP approves the application.

### **ATTACHMENTS**

1. Location Plan (under separate cover)
2. Development Plans (under separate cover)
3. Schedule of Submissions (under separate cover)

**11.3.2 HOUSING SOLUTIONS SUMMIT**

<b>Author:</b>	Administration Officer – Regulatory Services
<b>Authorising Officer:</b>	Director Regulatory Services
<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:

1. Considers the submissions received for the draft Housing Solutions Summit priorities in Attachment 1;
2. Endorses modification to the draft Housing Solutions Summit priorities proposed in response to those submissions, as outlined in Attachment 2;
3. Adopts the modified Housing Solutions Summit priorities in Attachment 3; and
4. Authorises the Mayor and Chief Executive Officer or his delegate to advocate with relevant stakeholders to assess the feasibility of the priorities and actions, or alternative approaches, and potential delivery options.

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the draft summary priorities arising from the Housing Solutions Summit.

**DETAIL**

The Town of Port Hedland convened a Housing Solutions Summit (Summit) on Friday 3 December 2021 in Port Hedland, facilitated by the Director of Shape Urban Pty Ltd. The Summit, a collaborative forum comprising organisations with a key role in housing, land or regional development and peak bodies for business and social services sectors, aimed to deliver practical, innovative and cost-effective strategies to address an identified crisis in land supply and housing affordability in Port Hedland.

The social and economic costs of a lack of social and affordable housing in the Pilbara are well-documented and fluctuate in line with an upturn in the economy driven by commodity pricing and demand, predominantly iron ore. Data from the Real Estate Institute of Western Australia (REIWA) evidenced growth in the Town of Port Hedland as 45.5% in the 12 months to December 2021 and 7.1% in the year-to-date quarter, predominantly driven by growth in South Hedland which recorded 54.2% for the period. South Hedland was also listed by Realestate.com.au as having the 7<sup>th</sup> largest growth in estimated unit value nationally for that period. Realestate.com.au for December 2021 estimated median weekly rent at \$850 in Port Hedland suburb and \$600 in South Hedland. In December 2020, Realestate.com.au estimated house rents at \$675 in Port Hedland and \$450 in South Hedland, indicating a percentage increase of 25.9% and 33.3% respectively in 12 months. While there is an absence of available rental vacancy data for Port Hedland, Regional Capitals Alliance Western Australia reports the

vacancy rate across major regional local government authorities as well below 3%, which is considered a constrained rental economy.

The timely supply of affordable land and different housing typologies aligned to the demands of the Pilbara is key to managing distortions in the housing market. While the Town through its Town Planning and Development and Community Development functions can support housing market growth, many levers for the housing market are outside its control. The provision of social and affordable housing is inherently complex given the myriad of policy, economic and consumer influences that inform the housing market. Social and affordable housing relies on the collaboration of multiple agencies and organisations and necessitates relevant agencies advocating, supporting and working together on key activities as part of a cohesive plan to effectively influence the housing market, including with the State and Federal Governments. With significant potential to realise social and affordable housing outcomes, this approach can also realise cost benefits for agencies associated with lack of housing security.

Six key priorities (and formative actions) were developed, summarised as follows:

- The establishment of a Steering Committee with prescribed terms of reference to manage the project and guide delivery of the priorities, with lead agencies designated delivery responsibility.
- Auditing and repurposing vacant underutilised properties with preference for transition of Government Regional Officer Housing (GROH) and industry from Osprey Village.
- Identifying properties under management of the Hedland Maritime Initiative for short-term accommodation or transitional housing.
- Facilitating agreement for a multi-party land and housing development and leveraging funding sources and underwriting opportunities to de-risk investment to deliver affordable land and housing supply.
- Identifying innovative, affordable, and sustainable housing supply, supported by construction workforce and supply chain opportunities (based on economies of scale).
- Supporting pathways to home ownership by promoting personal and business loan products, negotiating employer and rates incentivisation, and considering wraparound services to secure tenure.

The priorities have dependencies including, successfully advocating with senior executive of key agencies such as government and industry, for agreement to assess the feasibility of these priorities and options for implementation.

The data is also caveated as the Housing Solutions Summit worksheets in some instances included more substantial detail on which the Town could rely, whilst other commentary required further investigation and qualification. A suggested governance structure was included to guide further investigation of the feasibility of the strategies and delivery of confirmed actions. Maintaining feedback loops to key stakeholders and the community and ensuring appropriate evaluation frameworks are incorporated in the final plan, will be key to success.

The priorities were compiled and circulated for comment to the attendees of the Summit on 25 January 2022 and closed 15 February 2022, with one late submission accepted. Nine submissions were received with the details provided at Attachment 1. As a result of these submissions, minor modifications have been made to the priorities which can be found at Attachment 2. The most notable changes are:

- Deleting priority 3 as the arrangement for auditing properties for potential release to market are captured under priority 2, and priority 3 does not accord with the intended



use of HMI properties under the West End Improvement Scheme No.1 and the Port Hedland Maritime Precinct Masterplan.

- Strengthening the Town's advocacy role in securing agreement from relevant organisations to participate in feasibility assessment of the proposed options and delivery mechanisms (where relevant).
- Acknowledging the important role that the Port Hedland Chamber of Commerce and Industry has in securing housing for its member base.

The modified Housing Priorities are included as Attachment 3 for Council's endorsement.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because a significant number of stakeholders have invested in informing the plan, and the housing shortage remains a critical issue preventing further development and expansion of the Town.

## CONSULTATION

### *Internal*

Councillors, Town of Port Hedland;  
Executive Leadership Team;  
Management Team;  
Infrastructure Services;  
Community Development Team;  
Planning and Development Team; and  
Partnerships Officer.

### *External Agencies*

#### *Government*

Department of Communities (Housing and KeyStart);  
Hedland Maritime Initiative;  
DevelopmentWA;  
Department of Jobs, Tourism, Science and Innovation;  
WA Country Health Service;  
Department of Finance; and  
Pilbara Development Commission.

#### *Other*

Hon Stephen Dawson MLC, Electorate Officer

#### *Regional Development*

Regional Development Australia Pilbara

#### *Peak representative bodies*

Shape Urban Pty Ltd (Western Australia)  
Pilbara Chamber of Commerce and Industry  
Port Hedland Industries Council  
Western Australian Council of Social Services  
Shelter WA

*Community*

Private Sector developers/builders and operators of affordable housing

**LEGISLATION AND POLICY CONSIDERATIONS**

Town of Port Hedland Local Planning Strategy – incorporates summary of housing demand and supply and prioritises release of land in Port Hedland and South Hedland based on different growth scenarios.

Town of Port Hedland Local Planning Scheme – it zones land within the Scheme area, including zoning for, or that incorporates, residential; controls and guides development; and facilitates infrastructure delivery.

*WA Housing Strategy 2020-2030* – states that Government will “assist local government authorities to develop and implement housing strategies that support affordable housing outcomes.”

*Draft Infrastructure WA Strategy* – acknowledges the increasing difficulty of housing security and its critical role in “economic and community participation and wellbeing”; the need to consider preparation and publishing of individual housing plans for the ten regions; and to facilitate further investment in social and affordable housing.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Council will need to consider budgetary matters for implementation of actions directly aligned to the housing priorities as recommended by the Steering Committee or other governance structure instituted, as appropriate.

In implementing social and affordable land and housing priorities, Summit stakeholders have recommended leveraging State and Federal Governments’ funding programs which include concessional loans, grants, equity finance, housing investment funds and recovery packages, and loan products for individuals/families, to deconstrain and service land and facilitate social and affordable housing investment.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town’s developments, programs and policies

*Environmental*

The priorities consider climate responsive design for housing, predominantly with the aim of increasing affordability for owners/renters, which will also impact the environmental footprint of the development.

### *Economic*

An upward shift in the economy drives demand for housing and amplifies sales and rental costs, with the issue cyclical. Lack of market diversification, legislative and policy impediments (i.e. commercial hurdle rates for Government land development and FBT concessions for FIFO), and fluctuations in housing values, impedes land development and private investment which balances risk and return.

High cost of land development and construction costs, coupled with cost-of-living challenges makes it difficult for lower to middle income earners to access housing within their financial means. This impacts the availability of workforce, predominantly in the local economy, viability and diversification of business enterprises, sustainable population growth, economic development, and community amenity.

On the corollary, supply of social and affordable housing supports economic participation and sustainable communities and facilitates local supply chains.

### *Social*

Housing security is key to psychosocial wellbeing and community participation and supports productivity and equity.

### *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 6 - Consultation Process

### *Corporate Business Plan*

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

- 1.b.2.1 Engage with key stakeholders to promote a residential first approach for workforce accommodation.
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders.
- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification.
- 2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges.
- 3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions.
- 3.c.1.1 Liaise with industry, developers, business and community to provide advice on planning, building and land matters.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because failure to adopt the priorities could adversely impact the Town. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## CONCLUSION

The report outlines the outcomes of the consultation period for the Housing Solutions Summit priorities. While the Town and its partners will need to assess the feasibility of the strategies within the priorities’ document, it provides a preliminary framework informed by collective expertise for addressing a critical shortage in social and affordable land supply constraining economic participation, community wellbeing and population and economic growth.

## ATTACHMENTS

1. Schedule of submissions (under separate cover)
2. Schedule of modifications (under separate cover)
3. Housing Priorities - Modified (under separate cover)
4. Housing Solutions Summit Record, Shape Urban (under separate cover)

**11.3.3 INITIATION OF LOCAL PLANNING POLICY 13 SOUTH HEDLAND TOWN CENTRE DESIGN GUIDELINES**

**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 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Initiates Local Planning Policy 13 South Hedland Town Centre Design Guidelines, as presented in Attachment 2 of this Item for the purpose of public consultation; and
2. Advertises Local Planning Policy 13 South Hedland Town Centre Design Guidelines, as presented in Attachment 2, in accordance with 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 initiation of Local Planning Policy 13 South Hedland Town Centre Design Guidelines (**Attachment 2**).

**DETAIL**

On 31 July 2013, Council, on behalf of Landcorp (Development WA), initiated the South Hedland Town Centre Development Plan (Structure Plan). The intent of this Structure Plan was to set out the statutory guide for development with the defined South Hedland Town Centre. The approved Structure Plan was later endorsed by the Western Australian Planning Commission in June 2014. On 24 June 2015, Council, on behalf of Development WA, adopted South Hedland Town Centre Design Guidelines (**Attachment 1**) to provide a local level planning and design framework for the South Hedland Town Centre. The Design Guidelines were adopted into the local planning framework as a local planning policy to guide the Town when determining development applications in the South Hedland Town Centre.

Since the introduction of these Design Guidelines, the South Hedland Town Centre has not managed to attract significant investment, with the only private development being the car sales facility and one mixed use development along the periphery of the Structure Plan area. Further, there has been no new private development or development applications within the Town Centre in the past four years. On 23 February 2022, Council resolved to adopt the South Hedland Place Plan to assist in addressing the lack of economic investment, activation and amenity of the South Hedland Town Centre. One of the adopted Milestone Actions was the review of these Design Guidelines and incorporate a User Experience Guide to promote high quality private development whilst streamlining approval processes for developers and fosters the place-led approach by utilising engagement outcomes from our local community.

The vision of the drafted Local Planning Policy 13 South Hedland Town Centre Design Guidelines (LPP13) (**Attachment 2**) promotes a more appropriate town centre development based on the current contextual climate of South Hedland and community engagement outcomes during the South Hedland Place Plan:

*“The South Hedland Town Centre is an oasis that offers comfortable and safe places to meet and connect, conduct business and have a really good time. It’s a place that supports and welcomes all cultures with open arms and celebrates our history and diversity through dance, music, art, laughter and even tears. South Hedland is a place we’re proud to call our living room and we are working hard to make it meaningful.”*

The purpose of LPP13 is to guide private development in the South Hedland town centre through the place-led approach. LPP13 is based on the findings of the User Experience Guide (**Attachment 3**), which was prepared as part of the South Hedland Place Plan and highlights the result of community engagements, presenting what the South Hedland residents and businesses envision for the South Hedland Town Centre. This fosters the grass-roots, place-led approach by directly responding to our community.

Should Council resolve to initiate and, ultimately approve, LPP13, the existing South Hedland Town Centre Design Guidelines will be rescinded.

The most notable changes to the existing Design Guidelines are:

#### *Structure*

LPP13 replaces the Design Objectives, Development Controls and Design Guidance headings with the following to provide:

1. Element Objectives – the objectives that outline the intent of each element in the Draft Design Guidelines;
2. Development Controls – which are the mandatory requirements for development in the Town Centre. Where there are alternative design solutions proposed, they will be assessed against the relevant Element Objective;
3. Design Suggestions and supporting images and diagrams – to provide assistance and recommendations to developers to meet and achieve the element objectives of each element in the guidelines.

LPP13 has removed duplicate provisions that are contained within State Planning Policy 7.3 Residential Design Codes – Apartments (SPP7.3) as they will continue to apply to all mixed use development.

#### *Landscaping and Shade*

Engagement identified the community’s desire to incorporate more shade and increased amount of landscaping (both shading and biodiversity intent) to provide a more comfortable micro-climate in the South Hedland Town Centre. Some new elements include:

- Car parking located towards the rear of buildings to provide more pedestrian friendly streetscapes;
- Landscaping as an alternative to providing built shade structures;
- Variety and alternative shading options for pathways and internal to private developments; and
- Alternatives to the built form design requirements to provide alternative and affordable sustainability options.

In relation to any prospective residential and mixed-use development, sustainability elements from SPP7.3 will remain. These will continue to require the developer to consider local climate context for comfortable and sustainable residential accommodation.

#### *Building Design and Identity*

The design elements and identity to be more reflective of the South Hedland community and heritage. This is highly influenced by the User Experience Guide to demonstrate the perceived identity from the community. A number of images have been included in LPP13 which reflect the existing identity, rather than trying to create a new identity through built environment.

#### *Temporary approval*

Opportunity to streamline temporary approval processes to activate vacant land without the stringent development approval requirements. This will assist in the activation of vacant land with temporary structures

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because this policy is introducing a set of development controls and element objectives for design and approval standards within the South Hedland Town Centre.

### CONSULTATION

#### *Internal*

- Manager Town Planning and Development
- Senior Planner
- Town Planner
- Graduate Planner

Should Council resolve to initiate the local planning policy, the policy will be provided to other, relevant internal teams for comment.

#### *External Agencies*

- Development WA

Development WA were consulted early in the drafting process, given the Draft Design Guidelines will supersede the existing guidelines prepared by Development WA. The Town received comments relating to the geographical area LPP13 applies to, the consistency with the State Planning Policy 7.3 Residential Design Codes – Apartments, size of trees required at planting, extent of shade required over footpaths and allowing air conditioner units on balconies.

The Town amended the Draft Design Guidelines to reflect these comments, with the exception of consistency with SPP7.3. This is because, pursuant Clause 4 of Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Draft Design Guidelines are required to be referred to the Western Australian Planning Commission to assess the suitability of the Draft Design Guidelines where it differs from SPP7.3. This will occur during consultation of the Draft Design Guidelines, if initiated by Council.

Development WA will continue to be consulted throughout the community consultation period.

### *Community*

During the community engagement workshops for the South Hedland Place Plan, the Town received feedback based on what our community envisions for the Town Centre. This has been used to draft the User Experience Guide and Draft Design Guidelines.

### **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**

Should Council resolve to initiate advertising of the local planning policy, an advert will be placed in the North West Telegraph at a cost of approximately \$300.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 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
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the Town Centre is currently perceived as unattractive and desolate, with limited private investment. The risk rating is considered to be low (4), which is determined by a likelihood of likely (4) and a consequence of insignificant (1). The risk of this reputation continuing is mitigated through the initiation of the local planning policy.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

The Draft Design Guidelines provide a place-led, more streamlined approach to statutory approvals process for private development in the South Hedland town centre. It is recommended that Council resolve to initiate the local planning policy procedure allowing advertising of the Draft Design Guidelines to the community and relevant external agencies.



## ATTACHMENTS

1. Current South Hedland Town Centre Design Guidelines (2015) - to be rescinded following adoption of new guidelines (under separate cover)
2. Draft New Local Planning Policy 13 South Hedland Town Centre Design Guidelines (under separate cover)
3. User Experience Guide (under separate cover)

11.3.4	DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM SHORT STAY ACCOMMODATION TO WORKFORCE ACCOMMODATION AT LOT 2053 (NO. 77-95) HAMILTON ROAD, SOUTH HEDLAND.
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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 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* approves the application for a change of use to Workforce Accommodation on Lot 2053 (No. 77-95) Hamilton Road, South Hedland subject to the following Conditions and Advice Notes:

#### CONDITIONS

1. The approved development 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.
2. The approved development is valid for a period of 10 years from the date of the decision, expiring on 23 March 2032, with any further period subject to demand being proven and update of social impact assessment. A further approval period may be requested through an application pursuant to Clause 77 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and a Council decision.
3. The 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*.
4. The development shall make 99 rooms available to the general public at all times to the satisfaction of the Town of Port Hedland.
5. Social Impact Assessment
  - 4.1 Within six months of the date of the approval, 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, the following:
      - i. Local resident groups and businesses and local stakeholder groups, listed under Section 3 Community and Stakeholder Engagement of Part A Summary SIAMP; and
      - ii. Existing Club Hamilton residents, to be undertaken within six months of the occupation or use of the development;

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- b) Provide confirmation of monetary and non-monetary social contributions;
  - c) Additional management strategies as identified by the SIA and abovementioned community consultation outcomes; and
  - 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 Club Hamilton's operations. 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.
- 4.2 Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2022 and be reported on 1 July each year thereafter, for the duration of the approval.

6. Cyclone Management Plan

The Cyclone Management Plan, dated 29 July 2021 and prepared Fortescue Metals Group Ltd, is to be implemented in full, as required, for the duration of the approval to the satisfaction of the Town of Port Hedland.

7. Site Rehabilitation Plan

6.1 By no later than 23 September 2031, a Site Rehabilitation Plan shall be submitted to and approved by the Town of Port Hedland for the rehabilitation or repurposing of the subject site following the end of approval period and cessation of the land use.

6.2 The Site Rehabilitation Plan is to be implemented at the end of the approval period to the satisfaction of the Town of Port Hedland.

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. If after ten years the proponent intends to seek an extension to the Development Approval, based on the Social Impact Assessment, a further developer contribution may be considered.
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- d. 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.
  - e. 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.
  - f. 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. 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 the proposed development application for change of use to workforce accommodation at Lot 2053 Hamilton Road, South Hedland (**Attachment 1**). The application is being presented to Council for determination as it is for workforce accommodation facility that is located within the townsite boundaries and proposes more than 16 beds.

## DETAIL

On 22 June 2011, Council approved a development application for short stay accommodation on Lot 2053 Hamilton Road, South Hedland (the subject site), subject to conditions including the requirement to provide 99 rooms for community use. The land use definition for short-stay accommodation only permits visitors to stay at the facility for a maximum of three months of every 12 month period. This land use definition does not conform to standard Fly-In, Fly-Out (FIFO) rosters. The Town became aware of works being undertaken on-site and within the public drainage network without the relevant approvals and permits. As part of the compliance undertaken, it was noted that the 99 community rooms conditioned as part of the original approval were not being advertised as being available for community use and the land use is more accurately defined as Workforce Accommodation. All other previous conditions of approval have been met. The Town recommended that an application be made to change the land use definition to ensure on-going compliance.

On 26 October 2021, Resolve Group Pty Ltd, on behalf of Fortescue Metals Group Ltd (FMG), submitted a development application for a change of use from short stay accommodation to workforce accommodation to reflect the use of the site more accurately. The proposal includes 893 room workforce accommodation capacity, dining facilities, gym and recreation facilities and meeting room space. The application proposes the land use to be in perpetuity, includes a Social Impact Assessment (SIA) and Management Plan (SIMP), and to maintain community access to 99 rooms (**Attachment 2**). There are no works proposed as part of this development application.

## Local Planning Scheme No. 7

The subject site is zoned 'Urban Development' in the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). The Town considers the objectives of the zone when assessing the suitability of proposed land uses in the 'Urban Development' zone. The land use is considered appropriate in the location for the following reasons:

- The land use has been operating since 2007 with no community concerns raised over the location and impact on the surrounding community;
- The land use provides accommodation for the FIFO community and alternative, short stay options with the provision of 99 community rooms;
- The built form is not imposing by scale and surrounded with mature landscaping.

### Local Planning Framework

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 on 24 June 2020. It is noted that the built form is existing, meaning that only the relevant provisions have been considered and discussed in this report.

### Local Planning Policy 05 Workforce Accommodation

#### *Demand Driven*

When considering applications for workforce accommodation, including previously approved facilities, the Town must consider the demand for the workforce accommodation in the current economic climate. The sole occupant of the development is FMG, which is broken down into rail operations, port operations and village hospitality business partner, and it is currently used for its FIFO workforce. There are also construction workers based out of the Iron Bridge Project location using the facility until December 2022. It is recognised that the demand for workforce accommodation is higher when there are periods of maintenance work and shutdown, FMG have estimated close to 100 percent occupancy during these periods which span across approximately four months of every twelve-month period. The submitted documentation demonstrates that the site maintains on average 52.5 percent occupancy rates over the past six years. Additionally, the applicant is proposing the continuation of 99 rooms for community use, to be included as a condition of approval.

#### *Time Limit*

FMG has significant investment in the Town which suggests that there is likely to be a demand to house FIFO workforce for the next ten years. A long-term, ten-year approval is consistent with the approach taken for Gateway Village which is located within close proximity of the current application.

This is considered an appropriate approval period for the following reasons:

- The location close to urban settings and commercial centres which provides access opportunities for FIFO workforce to integrate with the South Hedland community; and
- The workforce accommodation is required for FMG to meet operational requirements over the approval period.

It is noted that in accordance with Clause 77 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the applicant has the right to apply for an amendment to the approval for an extension of time. A permanent approval for the "Workforce Accommodation" use is not appropriate as the existing built form does not meet the 'high design standards' as outlined in the Town's policy.

#### *Location Suitability*

The subject site is located along one of the major entrances to the South Hedland Town Centre. There are community facilities, infrastructure and access surrounding the development, which

provides opportunities for community integration and contribution to local businesses. The Town supports a long-term, ten-year approval period for this location as it provides on-going opportunities for community integration of the FIFO workforce.

#### *Design Standards*

The subject site is located in the 'Urban Development' zone, which the Workforce Accommodation Policy prescribes to be assessed against the 'high design standards'. Given the development is existing, a Social Impact Assessment has also been submitted to address the negative impact of isolation, social well-being and local economy for the lifetime of the approval. This is discussed further below.

#### *Cyclone Management*

The application includes a Cyclone Management Plan to satisfy that provides an appropriate response to cyclone activities. The Cyclone Management Plan is considered adequate and a condition of approval shall be implemented to ensure the implementation of the plan for the duration of the approval.

#### *Site Rehabilitation*

The Town's Workforce Accommodation Policy requires a Site Rehabilitation Plan, which can be either the removal of infrastructure and reinstating the site to its pre-development condition or the repurposing of the building to alternative short- or long-term residential purposes. A standard condition of approval is recommended to address this towards the end of life of the facility.

#### Local Planning Policy 06 Social Impact Assessments

Clause 4.2 of the Town's Social Impact Assessment Policy requires a Social Impact Assessment be submitted as part of any application for 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 Club Hamilton residents with community social infrastructure. The applicant provided a Social Impact Assessment and Management Plan which addresses the key phases of the Town's Social Impact Assessment Policy and provides a summary of social impact analysis and responsive management measures for a range of social issues resulting from workforce accommodation.

The SIA indicates that not all stakeholders were able to contribute prior to the submission of the development application, additionally there was limited engagement with the existing FIFO workforce residing at Club Hamilton. The Town recommends that an amended SIA and SIMP be submitted within six months of the approval to include comments from all identified stakeholders and engagement with the existing workforce to understand the social impacts of the workforce accommodation facility.

The SIA and SIMP has set out Key Performance Indicators (KPI) for community integration including local and Aboriginal training and employment, business contracting and local procurement of goods and services, diversity within the workplace and resources to address social cohesion and negate the risk of mental health. Similarly, to other workforce accommodation approvals, the KPI's outlined in the SIA and SIMP will be subject to on-going annual reporting. This is included as a condition of approval as part of the Officer Recommendation.

The Social Impact Assessment does not include existing agreements with FMG relating to gym membership passes which provide their workforce access to Wanangkura Stadium or the 99 community rooms that will be conditioned as part of this approval. These will be subject to ongoing operational negotiation with the Town's Community Services team and compliance with conditions of approval.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the application is to bring the operations of the site into compliance with the Town's LPS7.

### CONSULTATION

#### *Internal*

- Director Community Services
- Manager Community Development (Acting)
- Manager Leisure Facilities
- Manager Town Planning & Development

#### *External Agencies*

Nil

#### *Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal was advertised for a period of 14 days between 10 November 2021 and 24 November 2021. The Town received one submission in support of the 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
- Local Planning Policy 05 Workforce Accommodation
- Local Planning Policy 06 Social Impact Assessments

### FINANCIAL AND RESOURCES IMPLICATIONS

The application for development approval attracted a fee of \$295. The cost of advertising the application was \$270.89.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.b.4 Business approval processes are transparent and pathways streamlined

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

### RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town's Strategic Community Plan states that a residential workforce should be promoted to industry as the preferred option. 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 development application is for the purpose of bringing the subject site into compliance with how it is currently operating.

There is a compliance risk associated with this item because the applicant may continue to not make the rooms readily available to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is mitigated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

### OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### CONCLUSION

This report requests Council consideration of an approval for workforce accommodation at Lot 2053 Hamilton Road, South Hedland for a period of ten years. This report has provided an assessment against the Town's planning framework relating to workforce accommodation. The officer recommendation is consistent with other workforce accommodation sites in the locality and the proposal is considered to be generally consistent with the objectives of the abovementioned policy framework.

It is recommended that Council approves 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. Development Application Package (under separate cover)



## 11.4 Infrastructure Services

### 11.4.1 PORT HEDLAND SPORT AND COMMUNITY HUB MASTERPLAN

**Author:** Senior Project Officer  
**Authorising Officer:** Director Infrastructure 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 endorse the revised masterplan for the Port Hedland Sport and Community Hub as per Attachments 1 and 2.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider the revised masterplan proposed for the Port Hedland Sport and Community Hub (PHSCH).

#### DETAIL

Council endorsed the Port Hedland Sport and Community Hub Masterplan (PHSCH) at the August 2019 Ordinary Council Meeting (OCM). Since then, the Town has progressed with Stage 1 of the masterplan, with design completed and works awarded for the construction of the Port Hedland Community Centre at the January 2022 OCM.

At the February 2022 OCM Council voted to enter into its first Indigenous Land Use Agreement with the Kariyarra Aboriginal Corporation (KAC). This sets out compensation and non-financial benefits KAC are to receive in return for the Town's development of PHSCH.

While in discussions with KAC, the Town had the opportunity to challenge the needs and assumptions of the existing PHSCH masterplan with NORDA Architects. The resultant masterplan concept is largely similar to the existing masterplan, with the following changes implemented.

**Childcare:** The proposed Childcare Centre (18) has been retained near the community centre at the westerly side of the precinct. The proposed Dog Park (19) has been relocated near the Sports Oval Area (1), so that the childcare facility has the capacity to expand from 50 to 100 places.

**Pretty Pool Stables:** A future location for Pretty Pool Stables has been considered. The area immediately south of the proposed Sports Oval Area is the logical location for such a facility, given its proximity to the Turf Club track. An access road is proposed along the eastern boundary of the precinct, where an existing gap in the rock outcrop (which holds significance to the local Kariyarra people) can be utilised to access the site.

**BMX and Flexible Use Turf Area:** Provision has been made for a new BMX facility should it ever be required to relocate from the West End, and the local BMX club has expressed an interest in one day relocating to the PHSCH site.

The Running Track proposed in the original Masterplan was identified as too small to meet the needs of little and senior athletics, and an increased footprint is now shown over the Flexible Use Turf Area / Future Development site (7).

**Other:** The areas previously identified as 'Future Senior Accommodation' and 'Future development' have been shifted to the Western-most side of the precinct (24). This is seen as a more beneficial location, given its higher elevations and close proximity to the Port Hedland Shopping Centre. The future location for the RV park is now being considered for the Spoilbank site, as part of the Port Hedland Marina Development.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because minor amendments are proposed to the existing endorsed masterplan.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- ILUA Working Group
- Infrastructure Projects and Assets
- Planning and Development
- Sport and Facilities
- Community Development
- Corporate Affairs

### *External Agencies*

- NORDA Architects
- Kariyarra Aboriginal Corporation
- BMX

### *Community*

Extensive community consultation and need analysis identification was undertaken in 2019 in the development of the PHSCH masterplan. Further consultation will be undertaken when the project enters the design phase of its various stages.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Native Title Act 1993 (Cth)*

### *Local Government Act 1995 (WA), s5.23(c) and (e)(ii)*

## FINANCIAL AND RESOURCES IMPLICATIONS

PHSCH Stage 1 construction has commenced with a projected cost of \$19.4 million. The remaining stages (Stage 2 – 4) are estimated to cost \$68 million (Attachment 3).

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.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
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

#### *Corporate Business Plan*

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

- 3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational and service delivery risk associated with this item because failure to enter into the ILUA may postpone the delivery of the PHSCH. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

#### **CONCLUSION**

This latest iteration of the PHSCH Masterplan meets more community need, while retaining all the amenity of the original masterplan. Need and assumptions have been challenged and refined through this process of revision. Endorsement of this latest concept will allow officers to deliver design in the 22/23 Financial Year and begin construction of future stages in 23/24.

#### **ATTACHMENTS**

1. Proposed Revised PHSCH Masterplan (zoomed in) MP2.2 Rev E (under separate cover)
2. Proposed Revised PHSCH Masterplan (zoomed out) MP2.1 Rev E (under separate cover)
3. Cost Plan Port Hedland Sport and Community Hub - Confidential

**11.4.2 AWARD OF TENDER RFT2122-08 'A PANEL OF PROJECT MANAGEMENT CONSULTANTS FOR THE TOWN OF PORT HEDLAND'**

**Author:** Project Manager  
**Authorising Officer:** Director Infrastructure 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 awards the following successful tenderers to the panel of pre-qualified suppliers for RFT2122-08 'A Panel of Project Management Consultants for the Town of Port Hedland' for a maximum period of three (3) years:

- a) XXXXXXX;
- b) XXXXXXX;
- c) XXXXXXX;
- d) XXXXXXX; and
- e) XXXXXXX.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is to provide a summary of the assessment of submissions received for RFT 2122-08 A Panel of Project Management Consultants for the Town of Port Hedland and to endorse the evaluation panel's recommendation for the preferred panel.

**DETAIL**

The Town of Port Hedland (the Principal or Town) is seeking to appoint a panel of professional Project Management Consultants possessing appropriate expertise to assist with various projects including, but not limited to, road construction and upgrade, civil and earth works, drainage design and construction, conceptual design, drafting and architectural projects within the town boundaries.

The Contract will be awarded to a panel of suppliers who best demonstrates the ability to provide quality products and or services at a competitive price. The quoted prices will be assessed together with the qualitative and compliance criteria to determine the most advantageous outcome to the principal.

The Principal has adopted the best value for money approach to this Request. This means that, although price is considered, the Response containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the Qualitative Criteria.

A scoring system will be used as part of the assessment of the Qualitative Criteria. Unless otherwise stated, a Response which provides all the information requested will be assessed as satisfactory. The extent to which the Respondent demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Response will be used as one of the factors in the final assessment of the Qualitative Criteria and in the overall assessment of value for money.

*Request for Tender*

The RFT 2122-08 was released on Vendorpanel (the Town's e-tendering portal) on 8<sup>th</sup> December 2021 and was advertised in the West Australian and the North West Telegraph on with a closing date of 22<sup>nd</sup> December 2021.

*Addendum Details*

During the tender period three (3) addenda were issued:

Addendum No	Released	Summary
1	08/12/2021	"Draft" watermark removed from contract attachment
2	13/02/2021	Clarifications on RFT document
3	21/12/2021	Clarifications on RFT document

*Tender Assessment*

The Town received nineteen (19) submissions for RFT 2122-08. The respondents were as follows:

1. Aie Engineering And Construction Management
2. App Corporation Pty Limited
3. Baltic Projects Pty Ltd
4. Cushman & Wakefield
5. Engineering Project Management Pty Ltd
6. Ghd Pty Ltd
7. H+H Architects
8. Jdsi Consulting Engineers
9. Jj Ryan Consulting Pty Ltd
10. Lackon Pty Ltd
11. Lupo Co Pty Ltd
12. Milo Geotechnical Pty Ltd
13. Morne Van Der Berg
14. Msc Consulting And Project Services
15. Norda
16. Pro Earth Civil
17. Saba Civil Management And Consultancy Pty Ltd
18. Successful Projects
19. Talis Consultants

Of the submissions received, one was rejected due to being a non-compliant response and not as per the request for tender. The remaining respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

- a) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;

- b) Ensure adherence to Local Government policies and legislation;
- c) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented; and
- d) Make a recommendation to the Council.

The Town’s Senior Procurement & Contracting Advisor facilitated the evaluation meeting held on Tuesday 25<sup>th</sup> January 2022.

The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	40%
Capacity to Deliver & Resources	30%
Key Personnel & Skills	30%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

**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*

- Infrastructure Operations team
- Infrastructure Projects team
- Infrastructure Assets team
- Procurement team

*External Agencies*

Nil

*Community*

The RFT was publicly released via Vendorpanel (the Town’s e-tendering portal) and was advertised in the West Australian and the North West Telegraph.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 ‘Purchasing’
2. 2/016 ‘Regional Price Preference’

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

### FINANCIAL AND RESOURCES IMPLICATIONS

By establishing a panel of pre-qualified suppliers, the Town is supporting efficiencies in financial management and resourcing. It will create a readily available resource pool of consultants.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.c.3 Local procurement is prioritised and promoted across industry and agencies

4.b.1 Sound long-term financial planning is implemented

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

#### *Corporate Business Plan*

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

2.c.3.1 – Promote Town of Port Hedland procurement activities

4.b.2.1 - Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.

### RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item as the town will be required to use alternative procurement methods that require additional time and resources to complete.

The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

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

### OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### CONCLUSION

The evaluation panel recommends awarding RFT2122-08 'A Panel of Project Management Consultants for the Town of Port Hedland' to the preferred tenderers as listed in the attached evaluation report.

### ATTACHMENTS

1. Evaluation Report - Confidential

**11.4.3 AWARD OF TENDER RFT2122-12 'A PRE-QUALIFIED PANEL FOR THE CONCRETE PLACEMENT PROGRAM FOR THE TOWN OF PORT HEDLAND'**

**Author:** Senior Project Officer – Business  
**Authorising Officer:** Director Infrastructure 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 awards the following successful tenderers to the panel of pre-qualified suppliers for RFT2122-12 'A Pre-Qualified Panel for the Concrete Placement Program for the Town of Port Hedland' for a maximum period of three (3) years including options for annual extensions at the discretion of the Town:

- a) XXXXXXXX;
- b) XXXXXXXX;
- c) XXXXXXXX;
- d) XXXXXXXX; and
- e) XXXXXXXX.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-12 'A Pre-Qualified Panel for the Concrete Placement Program for the Town of Port Hedland' endorse the evaluation panel's recommendation for the preferred panel.

**DETAIL**

The Town of Port Hedland (the Town) is seeking to establish a panel of suitably experienced and qualified civil construction contractors to demolish, remove, dispose non-compliant and damaged footpath followed by the construction of new compliant concrete footpath. So as not to restrict this panel to footpath works only, a broader title of concrete placement will allow other renewal works such as crossovers, slabs, floodway crossings and similar works to be captured within this contract.

The Town's previous panel of pre-qualified suppliers for the concrete placement program expired on 28 February 2022 after being active for a period of three (3) years.

*Request for Tender*

The Town released a Request for Tender (RFT) on Wednesday 2 February 2022, requesting suitably experienced and qualified civil construction contractors to apply to join the panel.

The RFT was released on Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph with a closing date of Wednesday 23 February 2022.



*Addendum Details*

There were four (4) addenda issued in relation to this tender, detailed as follows:

Addendum	Date released	Details
1	02/02/2022	Draft contract released to market
2	22/02/2022	Response to query from tenderer
3	22/02/2022	Extension of closing date from 23/02/2022 to 25/02/2022
4	24/02/2022	Response to query from tenderer

*Site Inspection/Briefing details*

Due to the nature of this tender being the establishment of a panel, a site briefing was not held.

*Tender Assessment*

The RFT closed on Friday 25 February 2022, with eight (8) submissions received from the following respondents (in alphabetical order):

1. Dowsing Group
2. Everything Earth Pty Ltd
3. Gingers Grano Services
4. Helpcon Enterprises Pty Ltd
5. JSB Constructions (Aust) Pty Ltd
6. KAT 5 Kerbers
7. RCG Concreting WA
8. Supercivil Pty Ltd

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

- a) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- b) Ensure adherence to Local Government policies and legislation;
- c) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented; and
- d) Make a recommendation to the Council.

*Evaluation*

The Town's procurement team facilitated the evaluation meeting which was held on Thursday 3 March 2022.

The Town has adopted the best value for money approach to this Request. This means that, although price is considered, the Response containing the lowest price will not necessarily be accepted, nor will the offer rank the highest on the Qualitative Criteria. Of the eight (8) responses received, all were deemed compliant and were evaluated against the qualitative criteria as listed in the below table:

Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	30%
Key Personnel & Skills	20%
Local content	20%

Contracts may be awarded to a single or multiple respondent(s) who best demonstrates the ability to provide quality products and or services at a competitive price. The responses will be assessed together with the qualitative and compliance criteria to determine the most advantageous outcome for the Town.

A summary of the assessment results of each submission received is included in the attached confidential evaluation report.

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Infrastructure Operations team
- Infrastructure Projects team
- Infrastructure Assets team
- Procurement team

### *External Agencies*

Nil

### *Community*

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'
3. 2/022 'Panels of Pre-Qualified Suppliers'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## FINANCIAL AND RESOURCES IMPLICATIONS

By establishing a panel of pre-qualified suppliers, the Town is supporting efficiencies in financial management and resourcing. It will create a readily available resource pool of qualified contractors to undertake concrete placement for varying types of renewal works.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 4.b.1 Sound long-term financial planning is implemented

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

### *Corporate Business Plan*

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

- 2.c.3.1 – Promote Town of Port Hedland procurement activities
- 4.b.2.1 - Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item. Without access to pre-qualified supplier panels, the ability of the Town to deliver annual low risk renewal works will be impeded with need to use alternative procurement methods that require additional time and resources to complete.

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 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

The evaluation panel recommends awarding RFT2122-12 'A Pre-Qualified Panel for the Concrete Placement Program for the Town of Port Hedland' to the preferred tenderers as listed in the attached evaluation report.

## ATTACHMENTS

1. Evaluation Report - Confidential

**11.5 Executive Services****11.5.1 ENDORSEMENT OF THE ECONOMIC DEVELOPMENT AND TOURISM STRATEGY**

**Author:** Manager Corporate Affairs

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER'S RECOMMENDATION**

That Council

1. Considers the submissions received on the Draft Economic Development and Tourism Strategy.
2. Endorse the Town of Port Hedland Economic Development and Tourism Strategy.
3. Notes that the implementation of the Economic Development and Tourism Strategy will be funded through Council's budget process and sourcing external funding such as grants.
4. Request the CEO to provide a bi-annual reports to Council on actions from the Economic Development and Tourism Strategy.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

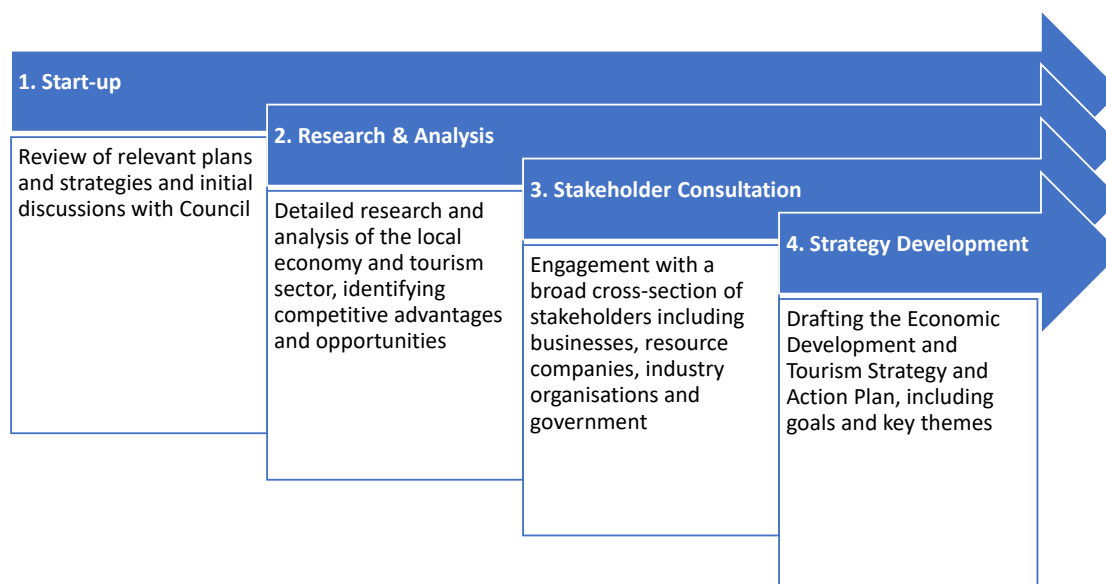
The purpose of this report is for Council to consider endorsement of the Economic and Tourism Development Strategy following public advertising.

**DETAIL**

The Economic Development and Tourism Strategy provides long-term direction for economic and tourism development and is based around achieving three aspirational goals of: over \$200 million in investment, over 10,000 new jobs and 700,000 new visitors by 2041.

The Strategy sets out a range of strategic initiatives to drive the activities for the Town to grow economic and tourism development. It is supported through a detailed action plan and will be reviewed on an annual basis. The review will not only track progress towards aspirational goals but will also monitor the health of the economy and tourism sector as well as identifying emerging trends and areas for new focus.

A staged approach was adopted in the formulation of the draft Strategy (see figure below) and incorporated detailed research, analysis, and stakeholder consultation. The strategy will guide the Town in supporting future economic development and tourism growth within the district.



Priorities in this draft Strategy have been developed with input from relevant stakeholders and align with strategic findings and directions in key strategic documents targeting economic growth in the town.

The Town’s Economic Development team will lead the implementation of this strategy in partnership with the WA Government, the Australian Government, regional development bodies, business and industry and other supporting partners. Internal and external reference groups and working committees will be established when required and resourced to ensure ownership of the strategy and a commitment to its implementation. The Town will report on the outcomes of the Strategy through its Integrated Planning and Reporting Framework.

At its meeting held on 15 December 2021, Council endorsed the Economic and Tourism Development Strategy for public advertising. The Strategy was advertised from 16 December – 29 January.

During that time, the draft strategy was available on the Town’s website, and a hard copy was available for viewing at the Civic Centre.

A social media campaign was run, which reached 1,492 people. A media article was also published in the North West Telegraph on 19 January 2022.

The Town received written submissions from Pilbara Ports Authority and BHP, which have been included as an attachment to this report. The submissions have been considered, and modifications have been made to the draft strategy where appropriate.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because the final strategy, once endorsed, will be the leading document for strategic economic growth and business support for the Town.

**CONSULTATION**

*Internal*

- Executive Leadership Team;

- Senior Leadership Team;
- Senior Communications Officer;
- Senior Partnerships Officer; and
- Principle Project Manager.

### *External Agencies*

Interviews were conducted with over 60 stakeholders from industry, business, associations and government. Stakeholders were asked what they thought were the key competitive advantages and issues in the region, key opportunities for growth and the role the Town should play in terms of economic development and tourism.

### *Community*

The Strategy was advertised to the community from 16 December – 29 January

## LEGISLATION AND POLICY CONSIDERATIONS

Nil

## FINANCIAL AND RESOURCES IMPLICATIONS

Once endorsed unfunded actions in the Economic Development and Tourism Strategy will be considered as part of Council's annual budget planning process. The Town may also seek external funding to deliver actions in the Strategy.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.5 Business opportunities and major projects are promoted online and at relevant national and international
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
- 2.d.2 The development of industry specific value chains are encouraged and supported
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted

### *Economic*

The final strategy, once endorsed, will be the leading document for strategic economic growth and business support for the Town.

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 6 - Consultation Process

### *Corporate Business Plan*

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

- 2.a.2.1 Develop Master Plans and business cases for future project implementation, in line with the Town's strategic direction and needs.
- 2.a.4.1 Increase educational offerings by lobbying for secondary, Tertiary and higher learning facilities and services through facilitation with key stakeholders.
- 2.b.1.1 Provide local procurement forums, support and training.
- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification.
- 2.b.5.1 Work with stakeholders to enhance the reputation of the town.
- 2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges.
- 2.c.3.1 Promote Town of Port Hedland procurement opportunities.
- 2.d.1.1 Lobby State and Federal Government to invest in port infrastructure.
- 2.d.2.1 Advocate and encourage key stakeholders to have locally based supply chains and service providers.

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the community and stakeholders have been engaged throughout the development of the draft Strategy. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## **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 detailed the outcomes of the advertising period for the draft Economic Development and Tourism Strategy.

The Strategy seeks to harness the potential of the Town of Port Hedland and guide the organisation to encourage investment, support local jobs and attract more visitors through actions and initiatives over the next five years.

#### ATTACHMENTS

1. Economic Development and Tourism Strategy (under separate cover)
2. Economic Development and Tourism Strategy Submissions (under separate cover)



**11.5.2 DESIGNATED AREA MIGRATION AGREEMENT FUNDING MODEL**

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

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**OFFICER'S RECOMMENDATION**

That Council

1. Consider and endorse the funding model to administer the proposed Pilbara Designated Area Migration Agreement (DAMA) as per Attachment 3.
2. Refer for consideration in the 2022/23 Budget an allocation of \$52,000 to support the DAMA.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the funding model being proposed to support the operation of the DAMA which is anticipated to become live in the first half of 2022. In anticipation of the Pilbara DAMA application being approved, the Town, City of Karratha, and Regional Development Australia (RDA) Pilbara have prepared a funding model to support the operation of the DAMA.

**DETAIL**

At the OCM on 3rd June 2021, Item 11.2.2 Designated Area Migration Agreement, Council endorsed the investigation of, and potential application to, the Federal Government for a Designated Area Migration Agreement (DAMA).

While initially raised as a means to potentially support key areas such as the child care sector, during business surveys that were conducted, and in cooperation with the City of Karratha, numerous business sectors were identified that are experiencing persistent and increasingly pressing issues with the attraction, supply and retention of labour.

Under the DAMA framework, employers in designated areas experiencing skills and labour shortages can sponsor skilled and semi-skilled overseas workers. Individuals cannot directly access a DAMA. Individuals need to be sponsored:

- By an employer operating in a designated region; and
- For an occupation that is specified in the head agreement.

Among other things, employers must demonstrate a genuine attempt to recruit Australians prior to getting access to a DAMA labour agreement. DAMA's ensure employers recruit Australian citizens and permanent residents as a first priority.

Since June 2021, in conjunction with Regional Development (RDA) Pilbara, the City of Karratha and the Town of Port Hedland have been working with their respective Chambers of

Commerce, to identify local businesses and localised labour issues and shortages for inclusion in the Pilbara DAMA.

On 21st October 2021, a Pilbara DAMA Business Case was lodged with the Department of Home Affairs by the RDA, acting as the Designated Area Representative (DAR), as an application for the Pilbara DAMA. A DAMA is an agreement between the Commonwealth of Australia and a Designated Area Representative (DAR), to fill recognised labour shortages in a specified area with overseas workers.

A DAMA is authorised by the Minister for Immigration, Citizenship and Multicultural affairs. The key benefit of a DAMA is that it provides a defined geographic region with access to a broader range of overseas workers than is available through the standard skilled migration programs. DAMA's provide access to experienced overseas workers for vacant skilled or semi-skilled occupations that cannot be filled by Australian workers from the local labour market.

A DAMA is a two-tier framework:

1. The first tier consists of an overarching 5-year Deed of Agreement between the Commonwealth and a Designated Area Representative (DAR). A DAR may be a state/territory government, regional authority or local government and the DAR is broadly responsible for administering the DAMA.
2. The second tier comprises of individual Labour Agreements with employers who have chosen to access the DAMA.

A detailed flowchart setting out the DAMA process in full is set out at Attachment 1.

The Pilbara DAMA application included three key parts being:

1. Evidence of the existing labour market conditions that demonstrated and justified the need for employers to have enhanced access to an overseas workforce;
2. A list of proposed occupations and the specific visa concessions that are proposed to apply to each occupation based on the labour market conditions in point one above; and
3. Identification of Regional Development Australia as the appropriate body to perform the role of the DAR for the Pilbara DAMA.

The Pilbara DAMA application is currently being assessed by the Department of Home Affairs (DHA) and the Town of Port Hedland, City of Karratha and RDA are continuing to work with DHA to progress the application to approval. It is anticipated that a decision is likely within the first half of 2022.

In anticipation of approval, a funding model is required to be agreed by the Town of Port Hedland, City of Karratha and RDA to administer the Pilbara DAMA through the office of the RDA, in its capacity as DAR. Once a DAMA is in place, the office of the DAR plays a critical role for businesses wanting access to the Pilbara DAMA. To enter into a DAMA Labour Agreement with DHA, employers within a designated area must first receive endorsement from the DAR.

To receive endorsement, a business must be assessed by the DAR as fulfilling a range of eligibility criteria. Typically, this will include:

- The business has been lawfully operating in the designated area for more than 12-months;
- The business is financially viable;
- The position is genuine and there is a genuine vacancy;
- Labour market testing has been completed in accordance with legislative requirements;
- Employment terms and conditions being offered are reasonable and lawful;
- There have been no recent changes to workforce composition (redundancies and retrenchments);
- Concessions will not undermine overseas workers' ability to support themselves or lead to exploitation;
- There is no adverse information about the employer;
- Concessions are reasonable with regard to current labour market conditions in the region;
- DAR endorsement supports the DAMA objectives.

In circumstances where a business is assessed as eligible, a DAR will provide the business with a letter of endorsement. Endorsed employers can then apply to the Department of Home Affairs for a DAMA Labour Agreement.

There are currently seven DAMA's operating in various parts of Australia. A summary of each DAMA and the pros and cons of each funding model is outlined at Attachment 2. The Town has worked collaboratively with the City of Karratha and RDA to review the various approaches adopted elsewhere and apply a local lens to develop the recommended funding model for the Pilbara DAMA.

The proposed funding model is a partially subsidised model where the business seeking the DAR endorsement pays a one off \$350 fee to RDA and any costs incurred by RDA above \$350 are subsidised by the Town or Karratha respectively. A diagram of the proposed funding model is included as Attachment 3 and a summary of the process is included below:

1. RDA Pilbara, in its capacity as DAR, is proposed to establish and administer the DAMA including funding the set up and ongoing maintenance of processes, forms and web platforms.
2. Business seeking access to the DAMA pay a one-off \$350 fee when applying for DAR endorsement.
3. RDA assesses each application and if supported, provides endorsement. Once endorsed by the DAR, an employer can apply to enter into an individual DAMA Labour Agreement with the Australian Government.
4. RDA invoices the Town or Karratha for the cost of providing the DAR endorsement from a business located within each local government area if DAR endorsement costs exceed \$350, being the application fee to be charged directly to the businesses. Businesses will then bear the cost of preparing their own application and obtaining migration advice as required.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the associated value, and an informative communications plan including direct participation with the Department of Home Affairs for the DAMA roll out will be implemented to inform business and community.

## CONSULTATION

### *Internal*

Executive Leadership Team.

### *External Agencies*

City of Karratha;  
Port Hedland Chamber of Commerce;  
City of Karratha Chamber of Commerce.  
Regional Development Australia; and  
Department of Home Affairs

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

N/A

## FINANCIAL AND RESOURCES IMPLICATIONS

If Council accepts the recommended funding model, it is anticipated the maximum cost of operationalising the DAMA will be \$52,000 for the of the 2022/23 financial year, based on the following:

1. In anticipation of the Pilbara DAMA being approved in the first quarter of 2022. An estimate of 50 applications that RDA may receive for endorsement during the 2022/23 financial year.
2. Advice received from other DARs is that an experienced migration agent would require up to three hours (on average) to assess an application for endorsement. Market rates for migration agents range from between \$150 to \$350 per hour, excluding GST.
3. Businesses will contribute a one-off \$350 DAR endorsement application fee.

Further funding in future budgets going forward based on the Town funding the cost of the DAR endorsement for businesses that are located within the Town of Port Hedland and the above assumptions will be adjusted based on actual uptake.

## 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

### *Economic*

The DAMA will assist local businesses to navigate the potential overseas worker and migration process to support their sustainability and economic growth for the Town.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because of the perceptions associated with migration agreements in terms of their impact on local workforces.. 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 minimised by ensuring that the community is fully informed of the DAMA process, as a solution to local workforce issues that complements other strategies for economic and social development in the region including, local, state and national recruitment and training strategies, and Indigenous employment strategies, thereby respecting the primacy of jobs first and foremost for Australian citizens and residents.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

The Town has partnered with the City of Karratha and RDA to progress the DAMA application, with RDA agreeing to operationalise the DAMA in its capacity as DAR. As part of the DAMA application process, labour market testing has been carried out to demonstrate that efforts have been made to recruit Australians into the roles proposed to be included in the DAMA. There will also be a ceiling on the numbers of overseas workers able to be employed annually under the DAMA.

### **ATTACHMENTS**

1. Attachment 1 - DAMA Process Flowchart (under separate cover)
2. Attachment 2 - DAMA Operational Model Australia Wide (under separate cover)
3. Attachment 3 - Pilbara DAMA DAR Recommended Funding Model (under separate cover)

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**Item 12 Reports of Committees**

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**12.1 2021 COMPLIANCE AUDIT RETURN**

**Author:** Governance Officer  
**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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**AUDIT, RISK & COMPLIANCE COMMITTEE RECOMMENDATION**

That Council:

1. Notes the areas of non-compliance in the Compliance Audit Return 2021;
2. Notes the actions the Town has completed and will undertake to ensure compliance;
3. Adopts the Compliance Audit Return 2021; and
4. Authorises the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2021 to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the Town's 2021 Compliance Audit Return (CAR).

**DETAIL**

The CAR 2021 was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 8 March 2022 for consideration. The ARC Committee recommended that Council adopt the Town's 2021 CAR. Upon Council adoption, the Town will then notify the Department of Local Government, Sport and Cultural Industries (the Department) with relevant CAR documentation by 31 March 2022.

Each year all Western Australian Local Government Authorities are required to undertake a compliance audit and forward the results to the Department by 31 March. The CAR is a self-assessment of a local government referring to its levels of compliance with the Local Government Act 1995 and its subsidiary regulations.

The CAR is one of the tools utilised by the Department to monitor how the local government functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance that provide guidance to officers as to where processes may be reviewed to ensure improved compliance.

The Governance team undertook a thorough review to carry out the compliance audit and the findings have been issued throughout the CAR as per Attachment 1.

For the 2021 calendar year, the Town of Port Hedland was non-compliant with the following:

Number	Reference	Question	Comments
Disclosure of Interest 25	S5.51A(1) & 3	Did the CEO prepare, and implement and publish an up-to-date version on the local government’s website, a code of conduct to be observed by employees of the local government?	A revised TOPH Code of Conduct for employees has been drafted and is awaiting publication
Elections 3	Elect Regs 30G (5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government’s official website in accordance with Elect Reg 30G(6)?	An up to date register of electoral gifts was displayed on the TOPH website. The register was no compliant with reg 30G(6) as the full address of the individual was published, not solely the suburb/town as per reg 30G(6). The register has been updated to align with reg 30G(6).
Optional Questions 5	S5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government’s website in accordance with sections S5.96A(1), (2), (3) & (4)	The information published on the TOPH website was as legislated, with the exception of s5.96A (1)(a). The Town did not have a map of the district on the public website. A map of the district has now been uploaded to the Town’s website under the “Our Council” tab
Tenders 1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	The Town engaged a contractor directly, following a safety incident. The value of services accrued over the period exceeded the minimum quote requirement.
Tenders 2		Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than	Two did not go to public tender: One project was initially underestimated and the other was completed through Panel Contract with Construction Contract used as an

		the consideration stated in F&G Reg 11(1)?	amendment to the Panel Contract executed.
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**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town’s ability to deliver services, impact to the reputation of the Town of Port Hedland and general interest by the community in the compliance capability of the business operations of the Town of Port Hedland.

**CONSULTATION**

*Internal*

- Executive Leadership Team;
- Town of Port Hedland’s Audit, Risk and Compliance (ARC) Committee; and
- The CAR was compiled internally by the Governance team, who consulted with all responsible business units and officers throughout the organisation

*External Agencies*

- Department of Local Government, Sport and Cultural Industries

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 7.13(1)(i) of the *Local Government Act 1995* require local governments to carry out an audit of compliance with such statutory requirements.

Regulation 14 of the *Local Government (Audit) Regulations 1996* outlines the period of time, the form and the process on the compliance audit. The compliance audit is required to be reviewed by an Audit Committee and then reported to Council.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications related to this item.

**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.b.3 Transparent and regular governance reporting and communication to the community is undertaken



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

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because the Town will not be compliant if the CAR is not adopted by Council and submitted to the Department by 31 March 2022. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

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

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

#### **CONCLUSION**

The CAR is a fundamental mandatory obligation required from all local governments for statutory compliance. The CAR provides the Town an opportunity to check its processes and determine whether it is compliant and as a result the Town is accountable for its actions within the local government framework. It is recommended that Council adopt the 2021 CAR.

#### **ATTACHMENTS**

1. 2021 Compliance Audit Return (under separate cover)

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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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<b>15.1 Major Land Transaction - Business Plan</b>
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This matter is considered to be confidential under Section 5.23(2) - c and e(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government.

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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 27 April 2022 commencing at 5:30pm.

**16.2 Closure**

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