



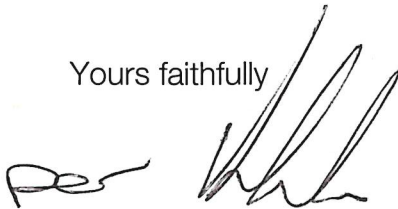
# AGENDA

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, 25 August 2021, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully



Carl Askew  
Chief Executive Officer

20 August 2021

**DISCLAIMER**

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

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71*

*Local Government (Administration) Regulation 34C*

|  |  |           |              |
|--|--|-----------|--------------|
| <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 (Administration) Regulation 34C</i> |  |           |              |
| Name   |  |           |              |
| Position   |  |           |              |
| Date of Meeting  |  |           |              |
| Type of Meeting<br>(Please circle one)   | Council Meeting/ Committee Meeting/ Special Council Meeting<br>Workshop/ Public Agenda Briefing/ Confidential Briefing |           |              |
| Interest Disclosed   |  |           |              |
| Item Number and Title  |  |           |              |
| Nature of Interest   |  |           |              |
| Type of Interest<br>(please circle one)  | Financial  | Proximity | Impartiality |
| Interest Disclosed   |  |           |              |
| Item Number and Title  |  |           |              |
| Nature of Interest   |  |           |              |
| Type of Interest<br>(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 on which the meeting takes place and recognises their strength and resilience and pays respect to elders past, present and emerging.

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## Item 3 Recording of Attendance

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*Important note:*

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

### 3.1 Attendance

**Scheduled Present:** Mayor Peter Carter  
Deputy Mayor Renae Coles  
Cr Eva Bartho  
Cr Jan Gillingham  
Cr Lewis Kew Ming  
Cr Warren McDonogh  
Cr Tim Turner  
Cr Kylie Unkovich  
Cr Elmar Zielke

**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Karren MacClure (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Peter Chandler (Acting Director Infrastructure Services)  
Joshua Brown (Senior Governance Advisor / Minute Taker)  
Rebecca Wilkinson (Governance Officer)

### 3.2 Attendance by Telephone / Instantaneous Communications

### 3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosure of Interests

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Item 4 Applications for Leave of Absence

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Item 5 Response to Previous Questions

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5.1 MR CAMILLO BLANCO

*The item [11.4.2] talks about half a billion dollars spent in the next 10 years. This is the first time I've heard of it.*

- *What is the public consultation? When is that going to happen?*
- *The financial plans and business cases, all the stuff that has to happen first? When do you intend to start that?*

Response provided by Director of Infrastructure Services:

The current strategic resources plan sets out spending over a 15-year period of \$443,605,252. Since the plan was initially adopted, the Recreation Master Plans have been included, together with a number of other strategic projects under consideration by the Town. Combined, this brings the total to approximately \$500 million. Prior to any large capital project being undertaken, the Town ensures the necessary business plans and regulatory approvals are in place and will undertake community engagement in accordance with legislative and policy requirements.

A new Long Term Financial Plan is to be developed in the coming months and will be considered by the Council and community.

A breakdown of the new capital projects by asset class is outlined below:

| 9.2.1 New Capital Projects by Asset Class |                         |
|---|-------------------------|
| Asset Class                               | 2019-20 - 2033-34<br>\$ |
| Buildings                                 | 161,717,000             |
| Furniture and Equipment                   | 9,220,681               |
| Infrastructure - Drainage                 | 16,800,000              |
| Infrastructure – Footpaths and Car Parks  | 39,950,000              |
| Infrastructure - Other Improvements       | 91,663,000              |
| Infrastructure - Parks and Ovals          | 2,560,000               |
| Infrastructure - Roads                    | 79,012,982              |
| Plant and Equipment                       | 42,681,589              |
| <b>Total</b>                              | <b>443,605,252</b>      |

Source: Town of Port Hedland Strategic Resource Plan 2019/20 – 2033/34



**5.2 COUNCILLOR KEW MING**

*At the last meeting I brought up the subject of having a council of juniors. Since that time I have spoken with Karratha and Roebourne, everywhere else. I have also had a meeting with Town Community Services staff. I would like to see the community get together to discuss having a junior council so that we can all agree on something and get them together in presenting their ideas. It is only the kids that really know, there are some intelligent kids who want to get into politics. We need to form a group.*

Response Provided by Director Community Services:

The Town is currently undertaking extensive consultation as part of the development of a Youth Strategy which will be finalised this year. To ensure that youth are involved in driving and shaping this Strategy the Town is forming a group of young people, Hedland Youth Voice, to support the consultation and engagement process by speaking to other young people in Hedland about what's important to them.

As part of this consultation process, formation of the Hedland Youth Voice and the development of the Youth Strategy, young people in Hedland may also highlight the need and desire for a youth council. If so, this would be reflected and supported by the Youth Strategy.

**5.3 COUNCILLOR GILLINGHAM**

*I note that birthday celebrations for the Town will be coming on 22 October. I am wanting to make sure there is a lot happening for the community. There is something in the budget to have consultants here for the birthday weekend. The public are asking for a good time for the 125th birthday of Port Hedland on 22 October*

Response provided by Director of Community Services:

As previously advised through an Elected Member Briefing note circulated on 22 July 2021, the Town will be assisting and supporting the Port Hedland Historical Society (PHHS) to celebrate the Hedland's 125th birthday. The PHHS has established a sub-committee that is planning a series of events and activities to celebrate the 125th birthday, and the Town is providing assistance through in-kind support as well as covering some costs. The sub-committee have indicated that they are happy with the level of support being provided by the Town.

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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 for the month of July 2021:

| Date       | Meeting   | Meeting Details/Comments                                |
|------------|---|---|
| 1/07/2021  | Meeting with Police                                   | General Update community safety matters                 |
| 1/07/2021  | Meeting with Hon. Mia Davies Leader of the Opposition | General update on Port Hedland matters                  |
| 5/07/2021  | Meeting re: Maritime Tourism venture                  | Maritime Tourism Venture update                         |
| 6/07/2021  | Sweet As Film Production                              | Tour of Production Set for Elected Members              |
| 7/07/2021  | Spinifex Hill Project Space Opening                   | Attended as Guest                                       |
| 8/07/2021  | TOPH/PHCCI Business Breakfast                         | Attended as Guest                                       |
| 8/07/2021  | Meeting with Justin Brown From Element 25             | General catchup meeting with Business Breakfast speaker |
| 8/07/2021  | Hedlands Got Talent Grand Final                       | Attended as judge                                       |
| 9/07/2021  | NAIDOC Week SLAM event                                | Attended as Speaker                                     |
| 10/07/2021 | NAIDOC Closing Ceremony event                         | Attended as Speaker                                     |
| 13/07/2021 | Meeting with PHIA                                     | General update meeting                                  |
| 15/07/2021 | Weekly Talk of Town radio segment                     | Weekly radio chat                                       |
| 16/07/2021 | Attended Port Berth 1 & 2                             | Attended as Guest                                       |
| 12/01/2020 | Attended meetings in Perth                            | General update meetings                                 |
| 23/07/2021 | Attended Spinifex Spree                               | Attended as Speaker                                     |
| 29/07/2021 | Weekly Talk of Town radio segment                     | Weekly radio chat                                       |

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

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

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*Disclaimer*

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

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**OFFICER'S RECOMMENDATION**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 28 July 2021 are a true and correct record.

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**Item 11 Reports of Officers**

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**11.1 Corporate Services**

|  |
|--|
| <b>11.1.1 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT</b> |
|--|

**Author:** Governance Officer  
**Authorising Officer:** Manager Governance  
**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 2018-2022 Corporate Business Plan performance report for the period 1 April 2021 to 30 June 2021 (Quarter 4 FY21), as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider and note the actions undertaken by the Town's administration for the fourth quarter of the 2020/21 financial year with respect to the actions in the 2018-2022 Corporate Business Plan.

**DETAIL**

Integrated Planning and Reporting gives local governments a framework for establishing local priorities and linking these to operational functions as detailed in their Strategic Community Plans and Corporate Business Plans.

The Corporate Business Plan (CBP) is a four year plan which integrates the Town's strategies and aspirations into an operational tool to guide the Town's administration in service delivery, operations, budgeting and resourcing.

The Town's current CBP lists actions to meet the Strategic Community Plan's outcomes. Each of these actions are measured and documented each quarter to report to Council and the community that the Town's administration is focused on delivering on set expectations. The results are presented for transparency and accountability.

#### *2020/21 Financial Year - Quarter 4 Performance Summary*

For each new financial year within the CBP's four year lifespan, all CBP actions that are ongoing in nature are essentially reset and reported against to demonstrate to the community and Council that the actions are being addressed and focussed on.

For the period of 1 April 2021 to 30 June 2021 (Q4), the following performance statistics are reported:

| Status – Q4 2020/21 FY                         | Q4 Items  | Q4 %        |
|--|-----------|-------------|
| CBP actions complete                           | 32        | 60%         |
| CBP actions on track for completion            | 49        | 40%         |
| CBP actions not yet commenced for this quarter | 0         | 0%          |
| <b>Total CBP Items for 2020/21 FY:</b>         | <b>81</b> | <b>100%</b> |

A summary of the key achievements for Q4 are as follows:

- Community Grants Program granted \$173,873 to individuals and organisations, representing nearly 93% of the Program budget.
- The JD school holiday activities saw a range of new programs on offer for local youth.
- In collaboration with Hedland Senior High School and Clontarf, the JD team facilitate an ongoing tournament at the school gym to assist with promoting the youth programs the Town Centre.
- MOU with HASL has been finalised and Aboriginal Engagement Officer is working on a variety of projects, forums and network meetings.
- Aboriginal Cultural Awareness Training was conducted with Town staff.
- Baler Primary School carpark upgrade complete
- The implementation of the Office365 initiative has started and is on track
- The approved Public Open Space Strategy is being implemented with infrastructure renewals, playgrounds and signage being constructed in accordance with the established hierarchy of public open space.
- A Place Branding Strategy has been budgeted for in 2021/22FY.

The detailed status of all CBP actions, with a comment and status provided for each action, is provided in Attachment 1.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because reporting the Town's performance is of importance to the

community to ensure broad awareness of the Town's actions and performance, and to ensure transparency and accountability.

## CONSULTATION

### *Internal*

- Executive Leadership Team and all Town Managers were consulted during compilation of this performance report.

### *External Agencies*

- Nil

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Section 5.56 of the *Local Government Act 1995* outlines the requirement for local governments to plan for the future. The adoption, implementation and reporting of strategic community and corporate business plans facilitate this requirement.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications related to this report, as it is for information purposes only.

## 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.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 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.

### *Corporate Business Plan*

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events; and
- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

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

To reduce this risk, the action plan is to consistently monitor and ensure that the Town's administration is performing its duties to the best of its ability to meet or exceed its key deliverables as outlined in the Corporate Business Plan.

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## **CONCLUSION**

This performance report is provided to inform Council and the community of progress the Town has made with respect to the adopted actions within the Corporate Business Plan. The Corporate Business Plan outlines the organisation's key initiatives to achieve its deliverables in the Strategic Community Plan.

## **ATTACHMENTS**

1. Corporate Business Plan - Q4 Update (under separate cover)

**11.1.2 STATUS OF COUNCIL DECISIONS UPDATE**

**Author:** Governance Officer  
**Authorising Officer:** Manager Governance  
**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 'Status of Council Decisions' as at August 2021, as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is to inform Council and the community of actions that have been undertaken in relation to decisions of Council which have not been fully completed.

**DETAIL**

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

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

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

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- All officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

*External Agencies*

- Nil.

*Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 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.

### *Corporate Business Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, because if the SoCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

## OPTIONS

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

## CONCLUSION

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

## ATTACHMENTS

1. Status of Council Decisions (under separate cover)



**11.1.3 ANNUAL REVIEW - CORPORATE BUSINESS PLAN**

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

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**OFFICER'S RECOMMENDATION**

That Council adopt the Corporate Business Plan Annual Review, as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider adopting the reviewed Corporate Business Plan.

**DETAIL**

As per 19DA of the *Local Government (Administration) Regulations 1996* (the regulations) a local government is to ensure that a Corporate Business Plan (CBP) is made for its district and that the plan is reviewed every year.

The CBP was adopted by Council in October 2018, and covers the period of 2018 to 2022. The CBP translates the broader actions of the Strategic Community Plan into specific tasks that the Town undertakes and provides quarterly updates on.

The work required to implement each strategic response is assigned to relevant business units within the Town. The CBP contains specific actions, a responsible business unit and a timeframe for each strategic response. A strategic response may have multiple tasks. No new initiatives are currently proposed for the CBP.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because no amendments to the CBP are proposed.

**CONSULTATION***Internal*

- Executive Leadership Team; and
- CBP Quarterly Review that is completed by Managers.

*External Agencies*

- Nil

*Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

- Section 5.56(1) of the *Local Government Act 1995* requires a local government to plan for the future of the district.
- Section 5.56(2) of the *Local Government Act 1995* requires a local government to ensure plans made under subsection (1) are in accordance with any relevant regulations
- Regulation 19C of the *Local Government (Administration) Regulations 1996* requires a local government to ensure that a strategic community plan is made for its district.
- Regulation 19DA of the *Local Government (Administration) Regulations 1996* requires a local government to ensure that a Corporate Business Plan is made for its district and that the plan is reviewed every year.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications related to this report.

## 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.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 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.

### *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 3 – Information
- Outcome 4 – Quality of Service

### *Corporate Business Plan*

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events.
- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because as it may be perceived that the Town has not performed as expected by the community. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## CONCLUSION

It is recommended that Council adopt the CBP as per the Annual Review. The CBP continues to be relevant and effective.

## ATTACHMENTS

1. Town of Port Hedland Corporate Business Plan (2018 - 2022) (under separate cover)

**11.1.4 AMENDMENT OF TOWN OF PORT HEDLAND WASTE LOCAL LAW 2020**

**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 1**

That Council undertakes to the Joint Standing Committee on Delegated Legislation to:

1. Delete clause 2.6(c) of the *Town of Port Hedland Waste Local Law 2020* within six (6) months;
2. Not enforce clause 2.6(c) of the *Town of Port Hedland Waste Local Law 2020* contrary to undertaking (1);
3. Make all consequential amendments arising from this undertaking; and
4. Where of the *Town of Port Hedland Waste Local Law 2020* is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of this undertaking.

*SIMPLE MAJORITY VOTE REQUIRED*

**OFFICER'S RECOMMENDATION 2**

That Council:

1. Commences the process to adopt the proposed *Town of Port Hedland Waste 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 Waste Amendment Local Law 2021* as per Attachment 1:
  - a. With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
  - b. With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community and protection of the environment, and to provide capacity to enforce contraventions to the laws.
3. Authorises the Chief Executive Officer to submit a copy of the proposed Town of the Port Hedland Waste Local Law 2020 to the Minister for Local Government and the Minister for Environment.

*SIMPLE MAJORITY VOTE REQUIRED*

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## PURPOSE

The purpose of this report is for Council to consider a request from the WA Parliament's Joint Standing Committee on Delegated Legislation to amend the *Town of Port Hedland Waste Local Law 2020*.

## DETAIL

At its Ordinary Council Meeting on 25 November 2020, Council adopted the *Town of Port Hedland Waste Local Law 2020* ("the Local Law"). The Local Law came into effect on 25 January following its gazettal.

As part of the approvals process, the Local Law is considered by the WA Parliament's Joint Standing Committee on Delegated Legislation ("the Committee"). The Committee has recommended an amendment to correct an error included in the Western Australian Local Government Association (WALGA) template waste local law, which was used in the drafting of the Local Law. The Committee noted that:

[WALGA] has, at the Committee's request and since the making of the local law, updated its template waste local law to remove clause 2.7(c) (clause 2.6(c) equivalent in your local law). This is because it duplicated clause 3.1(a) in relation to the duty of an owner or occupier to ensure they have sufficient rubbish bins for their property.

The Local Law contains these clauses. Both provisions, while not referred to in Schedule 2 (prescribed offences providing for modified penalties) could attract penalties for a breach under clause 5.2, which provides for a penalty not exceeding \$5,000 and \$500 a day for a continuing breach.

Clause 2.6(c) should be deleted to avoid confusion and prevent exposure to liability under both clauses.

The Committee has requested that Council give undertakings to delete clause 2.6(c) of the Local Law, to be completed within six months of the date of the letter from the Mayor providing the undertakings (on or around 26 February 2022), and to take no action to enforce it in the meantime. The Committee has also requested that all consequential amendments to the Local Law be made and that a notice be included in all copies of the Local Law made available by the Town with a copy of the undertaking.

A failure of the Council to provide the undertaking to the Committee will result in the Committee recommending to the Legislative Council on 14 September 2021 that the Local Law be disallowed. In the event that the disallowance motion is passed by the Legislative Council, the Local Law will have no effect from that point forward and will cease to operate.

In order to effect the deletion of clause 2.6(c) as requested by the Committee, it is proposed that Council agree to commence the process to adopt an amended version of the Local Law, which will see clause 2.6(c) deleted. A consequential amendment to reflect updated numbering will also be required: clause 2.6(d) will become new clause 2.6(c). The amended Local Law is available as [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 impacts all residents within the district of Port Hedland in the terms of both general and recyclable waste services.

## CONSULTATION

### *Internal*

- Director Regulatory Services
- Manager Governance
- Senior Risk and Audit Advisor

### *External Agencies*

- Joint Standing Committee on Delegated Legislation

### *Community*

- The amendment will be subject to six weeks' public notification, where members of the public are invited to make submissions.

## 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*.
- The *Waste Avoidance and Resource Recovery Act 2007* confers upon the Council with the powers to adopt specific laws for governing waste within its jurisdiction.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are financial and resource implications associated with amending the Local Law, which includes a gazettal fee that is approximately \$2,000 and advertising costs. 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:

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

### *Environmental*

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

### *Economic*

Nil

### *Social*

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

*Disability Access and Inclusion Plan*

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

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

*Corporate Business Plan*

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

3.b.3.2 – Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse. Risk Management Considerations

There are compliance and reputational risks associated with this item if the Town does not agree to the recommended actions. Firstly, the Local Law is likely to cease to operate after 14 September 2021, which will detract from the Town's reputation and remove the legal framework to regulate both general and recyclable waste. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

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

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

**CONCLUSION**

It is recommended that Council gives the undertaking to the Committee and commences the process under the *Local Government Act 1995* to make the proposed amendment to the Local Law, which will allow for the continued regulation of both general and recyclable waste once the kerbside recycling services commences in in 2021.

**ATTACHMENTS**

1. Proposed Town of Port Hedland Waste Amendment Local Law 2021 (under separate cover)

**11.1.5 POLICY REVIEW - 1/014 EXECUTION OF DOCUMENTS AND AFFIXING OF THE COMMON SEAL**

**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 adopts amended Policy 1/014 Execution of Documents and Affixing of the Common Seal as per attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the review of policy 1/014 Execution of Documents and Affixing of the Common Seal and approve its adoption.

**DETAIL**

Policies are adopted by Council to set out agreed positions and to provide a framework for consistent decision making. Section 2.7(2)(b) of the *Local Government Act 1995* ("the Act") defines a key role of a local government is to determine the local government's policies. Policies are the decisions of council, which establish the agreed views and direction with respect to certain matters, and define the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue. Policy 1/014 Execution of Documents and Affixing of the Common Seal and 1/019 Confidential Briefings are scheduled for review as part of the Town's program of policy review.

Consideration of a report recommending the adoption of the reviewed Policy 1/014 was deferred by Council at its July 2021 Ordinary Meeting to the August 2021 Ordinary Meeting, in order that Elected Members had more time to consider the implications of the proposed amendments.

What is the Common Seal and when can it be affixed

The Common Seal is the corporate signature of the Council and may be used to certify the authority of the Council for the execution of documents that may carry a high level of financial risk, legal complexity or political sensitivity; or where the other party to an agreement reasonably seeks that the document be executed by way of the organisation's Common Seal. The Common Seal is seen to represent the Council 'in common', rather than any individual Elected Member, officer or agent.

Whilst there is a move away from the use of common seals in some sections of the private sector, section 9.49A of the Act provides for the use of the Common Seal of a local government. The Common Seal cannot be "affixed to any document except as authorised by the local government" (*Local Government Act 1995* s.9.49A(2)). The Common Seal can only be affixed in the presence of the Mayor and the CEO, or their proxy in certain circumstances



of absence. Both signatories must attest that the Common Seal was so affixed (*Local Government Act 1995* s.949A(3)). A register of each instance in which the Common Seal is affixed to a document, which is available for public inspection, is maintained by the Town, and includes the:

- date of each use of the Common Seal;
- nature of the document to which the Common Seal was affixed;
- parties to the agreement;
- details of the Council authorisation of the use of the Common Seal; and
- name of the signatories.

#### Purpose of the policy

The purpose of the Policy 1/014 Execution of Documents and Affixing the Common Seal is to authorise the execution of documents on behalf of the Town, and procedures for the affixing of the Common Seal.

#### Policy review

The current 1/014 Execution of Documents and Application of the Common Seal Policy was adopted on 23 May 2018 by the previous Council. The review of the policy recommends no substantive changes and provides no additional authorisations or powers. It confirms the policy position adopted in 2018. Recommended minor changes to the language and ordering of provisions are included to simplify the document and to better reflect the Act. It is also recommended the policy be renamed to 1/014 Execution of Documents and Affixing of the Common Seal to better reflect the language of the Act.

#### **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 criteria listed in the policy which deems it significant.

#### **CONSULTATION**

##### *Internal*

- Senior Governance Advisor
- Manager Governance

##### *External Agencies*

Nil

##### *Community*

Nil

#### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 2.7(2)(b) of the Act provides that a council is to determine the local government's policies.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resources implications associated with any of the proposed changes.

## 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.

### *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 3 – Information

### *Corporate Business Plan*

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

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated, do not meet community expectations and do not reflect the requirements of the Act. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). Adoption of the reviewed policies will eliminate this risk.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

It is recommended that Council adopt the reviewed policies.

## ATTACHMENTS

1. Draft Policy 1/014 Execution of Documents and Affixing of the Common Seal (under separate cover)

**11.1.6 POLICY REVIEW - 1/019 CONFIDENTIAL BRIEFINGS**

**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 adopts amended Policy 1/019 Confidential Briefings as per the attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider a review of policy 1/019 Confidential Briefings approve their adoption.

**DETAIL**

Policies are adopted by Council to set out agreed positions and to provide a framework for consistent decision making. Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) defines a key role of a local government is to determine the local government's policies. Policies are the decisions of council, which establish the agreed views and direction with respect to certain matters, and define the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue. Policy 1/014 Execution of Documents and Affixing of the Common Seal and 1/019 Confidential Briefings are scheduled for review as part of the Town's program of policy review.

The review of 1/019 Confidential Briefings recommends a number of minor changes to reflect the introduction of the Model Code of Conduct.

Consideration of a report recommending the adoption of the reviewed Policy 1/019 Confidential Briefings was deferred by Council at its July 2021 Ordinary Meeting to the August 2021 Ordinary Meeting, in order that Elected Members had more time to consider the implications of the proposed amendments to Policy 1/014 Execution of Documents and Affixing of the Common Seal, which was included in the same report as the review of Policy 1/019 Confidential Briefings.

**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 criteria listed in the policy which deems it significant.

**CONSULTATION**

*Internal*

- Senior Governance Advisor

- Manager Governance

#### *External Agencies*

Nil

#### *Community*

Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 2.7(2)(b) of the Act provides that a council is to determine the local government's policies.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial and resources implications associated with any of the proposed changes.

### **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.

#### *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 3 – Information

#### *Corporate Business Plan*

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

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated, do not meet community expectations and do not reflect the requirements of the Act. The risk rating is considered to be medium (6), which is determined by a likelihood

of possible (3) and a consequence of minor (2). Adoption of the reviewed policies will eliminate this risk. of possible (3) and a consequence of minor (2).

## **OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## **CONCLUSION**

It is recommended that Council adopt the reviewed policies.

## **ATTACHMENTS**

1. Policy 1/019 Confidential Briefings (under separate cover)

**11.1.7 2021/22 BUDGET CAPITAL EXPENDITURE ADJUSTMENT**

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

**OFFICER'S RECOMMENDATION**

That Council adopts the capital expenditure amendment to the 2021/2022 Budget as detailed in Attachment 1, being a re-allocation between program items, resulting in a nil impact on the Municipal Fund.

*ABSOLUTE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to consider the adoption of a re-allocation within the capital budget between program items in the 2021/2022 budget.

**DETAIL**

The proposed re-allocation of capital budget items addresses emerging stakeholder priorities, and impacts of the COVID-19 pandemic in particular, allowing the organisation to respond and provide an optimised result for the Town.

The following factors have contributed to the need to re-allocate capital between program items in the 2021/2022 budget:

- Multiple hard border closures by WA State Government, related to the COVID-19 pandemic, has led to extended delivery times for goods and services, and reduced availability of labour and contractor resources, resulting in significant delays to some projects.
- Nationwide shortages for structural steel has led to delays on some projects. Some of these delays necessitated the Town conducting redesign of steel structures based upon the availability and suitability of alternate structural steel components.
- Changes to terms and conditions of grant funding, as well as reduced availability of grant funding, has led to the Town re-assessing project schedules and pushing planned start dates further into the future compared with what was assumed when the 2021/22 budget was adopted.

This re-allocation identified some capital funds no longer required, as well as capital required for some projects commenced in 2020/2021 which carried over into 2021/2022 due to longer COVID-19 delays than anticipated.

Capital Projects Program

A detailed list of proposed re-allocations to the 2021/2022 capital works budget is included as Attachment 1.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of minor significance, as the net result of the re-allocation of capital budget between program items is nil.

## CONSULTATION

### *Internal*

The 2021/2022 budget was reviewed by all Managers and the Executive Leadership Team. The proposed amendments to the 2021/2022 capital works budget have been reviewed and endorsed by the Executive Leadership team.

### *External Agencies*

Nil

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

The proposed amendments to the 2021/2022 capital works budget are recommended in accordance with s.6.8(1)(b) of the *Local Government Act 1995*. An absolute majority vote is required.

## FINANCIAL AND RESOURCES IMPLICATIONS

The net result of the re-allocation of funds is zero.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are 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

### *Environmental*

There are no identified environmental implications relating to this decision.

### *Economic*

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical and available.

### *Social*

Significant social impacts will be achieved including investment into community infrastructure and programs and the promotion of the Town as a great place to live and work.

### *Corporate Business Plan*

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

- 4.b.2.1 – Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because if Council does not adopt this capital expenditure amendment to the 2021/2022 Budget, the Town will be delayed or unable to perform specific capital works which are essential, in progress, but do not currently have sufficient budget to complete the project.

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 adopting the proposed re-allocation of capital budget between program items in the 2021/2022 budget.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

### **CONCLUSION**

It is recommended that Elected Members agree to the proposed re-allocation of funds within the 2021/2022 capital works budget, which will result in a nil impact to the budget, and ensure that capital works projects already commenced will be able to continue without interruption.

### **ATTACHMENTS**

1. Detailed re-allocated 2021/2022 Capital Works Budget (under separate cover)



## 11.2 Community Services

### 11.2.1 AQUATIC SERVICE LEVEL REVIEW AND MASTERPLAN

**Author:** Manager Leisure Facilities  
**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. Endorses the Town of Port Hedland Aquatic Service Level Review and Masterplan (attached) prepared by @leisure;
2. Endorses the investigation of new aquatic facilities to be incorporated into the existing South Hedland Integrated Sporting Hub (SHISH) precinct in South Hedland, in a prominent site location and with shared entry to the stadium;
3. Approves the new aquatic facilities to include the following primary elements: an indoor warm water pool, outdoor water play, slides, 50m outdoor pool, 30m water polo pool with water obstacle course component and removable pool shade structures providing sufficient coverage for all users;
4. Following completion of the construction of the new aquatic facilities, endorses the closure of the South Hedland Aquatic Centre and relocation of all services to the new venue; and
5. Notes that following adoption of the proposed elements and site location a business case will need to be developed to support funding applications.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider the recommendations outlined in the Aquatic Service Level Review and Masterplan and approve their adoption.

#### DETAIL

In recent years, the Town of Port Hedland has undertaken investigations into the current performance and future planning for its aquatic facilities and associated strategic planning for emerging aquatic needs within the community. In May 2020, a report was presented to Council that recommended a master plan for the Town of Port Hedland aquatic facilities be undertaken. The Town now seeks to deliver contemporary aquatic facilities that improve the amenity currently afforded and provide fit for purpose facilities that meet the community aspirations now and into the future.

Council identified an assessment was required to determine what facilities will effectively meet future community, program and leisure swimming, competition and aquatic service needs, including an assessment of:

- The existing and future location of town aquatic facilities;

- Current service levels as it pertains to the size of the current and future population;
- The rising operating and capital expenditure of three aquatic facilities; and
- Environmental sustainability.

@leisure Planners were engaged to perform these works and reviewed a number of documents both internal and external to understand what has previously been raised in community consultation to gauge what the current expectations are.

A range of local sporting and community groups were interviewed to further understand current demands and preferred site locations, if an aquatic redevelopment was to occur. Centre staff were consulted along with senior management. The population and demographic changes in the community were reviewed. An extensive site review was undertaken with some 10 sites visited and assessed.

A value management process was used to assess the key sites based on a detailed selection criteria. The sites were assessed using a set of weighted evaluation criteria, against which each site was rated.

#### Future of aquatic facilities

The Town of Port Hedland is likely to experience significant population growth in the coming years and requires appropriate aquatic and fitness facilities to meet the future demand. The population of the Town of Port Hedland was estimated to be 14,664 in 2021 and forecast to grow to 27,085 by 2041. However, more recent estimations suggest that the Town of Port Hedland had reached 15,471 by 2020. The Town of Port Hedland Planning Strategy has a population forecast of 18,500 by 2041 or 0.9% per annum growth rate.

South Hedland was estimated at 9,710 growing to 18,574 by 2041 while Port Hedland was estimated at 3,759 growing to 6,903 by 2041. In addition, it is estimated that the Town has an additional 3,000-5,000 Fly in Fly out (FIFO) workers at any one time.

The aquatic, fitness and sporting facilities are a much loved part of the Town of Port Hedland community. However, time has caught up with the aquatic facilities at Gratwick and South Hedland and they no longer meet their expectations. Some aspects of the buildings no longer comply with current building standards that have changed since their construction. Some areas with steps and narrow entries means they can be difficult to access for some people with disabilities.

Community expectations regarding the need for warm water pools, year round access, shade, change room design and programming have changed.

Design and operational issues at Marquee Park have made it difficult and expensive to manage efficiently while Wanangkura Stadium is popular and now needs key components to be expanded to meet demand, and provide greater efficiencies. The Western Australian Code of Practice. Design, Construction Operation, Management and Maintenance of Aquatic Facilities December 2015 (See Appendix 1 in @leisure's report attached) should be referred to for any future design work.

There is recognition in the community that it is not feasible for Council to continue to operate four venues, two of which are ageing and in need of redevelopment.

A number of sites were assessed to determine the cost and benefits of providing major aquatic venue. The current Stadium location was most commonly suggested as suitable site for a redeveloped aquatic centre from the stakeholders contact as part of this study.

#### Preferred component list of new aquatic facility

From the engagement, site review and benchmarking, a preferred component listed was drawn up along with its likely financial performance estimated.

The following components are proposed for inclusion:

- 50m outdoor pool – 10 lanes with moveable swim wall
- Removable dive blocks
- Retractable shade structures over outdoor pools
- Spectator event seating/ grassed area suitable for school carnivals
- Children's play pool with interactive water features
- Indoor program pool (learn to swim ) and warm water pool with ramp access and other accessible entry options
- Water polo pool/ 'Ninja cross' style water obstacle course
- Aqua tower/Water slide
- Crèche – use extended crèche at Stadium
- BBQ facilities with shade and seating to accommodate children's birthday parties/corporate functions/ family gatherings
- Party room
- Dry playground
- Offices
- First aid room
- Staff room
- Change rooms
- Pool plant – covered with air conditioning
- Chemical storage – to hold 4 weeks supply at safe distance
- Club and program storage x 4.

- Grass area
- Cafe
- Car park
- RLSSWA office space
- Multi-purpose/training room including PC access x 5 (min)
- Automated built in pool blankets.

### Operational Costs and Site Selection

Gratwick Aquatic Centre operational costs are likely to continue to increase as the facility ages. Some costs could be offset by expanding the health club further however the ageing aquatic components means this venue has a limited life. Due to current demand and the distance between population centres some form of fitness service in the north will need to be considered at the end of the Gratwick pool's life, depending on the likely growth and location of residential areas in the future, and possible partnership opportunities.

In the last financial year, 2019/2020, the Town of Port Hedland leisure centres cost some \$3,202,000 to operate. The centres have high staff costs, not only due to local wage rates but also due to the significant duplication of customer service staff and operational management required across the four venues.

There is a need to provide a range of aquatic and fitness services to meet an increasingly diverse population in terms of age, cultural background, ability and activity preferences. The current facilities cannot cater for the breadth of market demand.

Both the gym/fitness and swim lesson market in the Town of Port Hedland is under resourced in terms of space and facility design. Both have the potential to grow significantly with the right mix of components, in the right locations.

Based on participation data from AusPlay there is potential market of some 3 2,381 people in the Town of Port Hedland that are likely to participate in gym/ fitness activities and just over 900 children who could enrol in swimming lessons. That means an additional 675 members could be attracted to an enlarged gym facility at the Stadium and a further 380 children could be enrolled in swimming lessons if an indoor warm water pool was available for programming.

A number of sites were reviewed for the most appropriate location for a redeveloped aquatic facility in the Town of Port Hedland, and as a priority to serve South Hedland.

Based on the weighted criteria and rating, the option which is the best fit for a redeveloped aquatic centre in the Town of Port Hedland is as a facility integrated with the SHISH precinct.

@leisure has forecast an estimated annual operating position for a new aquatic centre integrated with the SHISH precinct. The 2019/20 final operating result for the South Hedland Aquatic Centre was used as a base for the forecast. The projections shows a \$346,280

improvement in the net position for the aquatic components located at the stadium compared to the existing stand-alone site in South Hedland.

If the aquatic components of the splash park at Marquee Park were incorporated into a new facility a further \$255,000 could be saved in operational costs.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance due to the overall costs of the project and the level of public interest. Rigorous community engagement will be undertaken to ensure that the elements included in the proposal are in line with both current and future community expectations.

## CONSULTATION

### *Internal*

- Members of Council
- Chief Executive Officer
- Director Community Services
- Director Infrastructure Services
- Manager Community Development
- Manager Corporate Affairs
- Manager Leisure Facilities
- Manager Town Planning and Development
- Principle Project Manager
- Coordinator Aquatic Operations
- Coordinator Leisure Business
- Coordinator Stadium Operations
- Senior Project Officer
- Senior Sports and Facilities Officer
- Aquatic Supervisor
- Aquatic Duty Managers

### *External Agencies*

- @leisure planners
- Royal Life Saving Society of Western Australia
- Parks and Leisure Australia
- CERM PI
- City of Karratha
- City of Kalgoorlie / Boulder
- Shire of Broome
- Shire of Esperance
- City of Busselton
- City of Albany

### *Community*

- Hedland Water Polo Club
- Hedland Amateur Swim Club
- Disability Services
- Occupational Therapist
- CALD Community group

**LEGISLATION AND POLICY CONSIDERATIONS**

- *Health (Aquatic Facilities) Regulations 2007*
- Code of Practice for the design, operation, management and maintenance of aquatic facilities 2015.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Estimated Probable Costs have been supplied by Turner & Townsend Australia and Newton Kerr & Partners Quantity Surveyors based on March 2021 construction rates and reviewed by ToPH Project Team). The Total Project Cost has been estimated at \$72,381,184. This figure is inclusive of:

- **Total building works cost - \$11,899,600**
- Total aquatic components - \$17,910,500
- External works and services - \$3,347,500
- Additional cost for construction in Hedland (70%) - \$23,210,320
- Other items (ESD Allowance, design & construction contingency, professional fee allowance, authority fees & charges, furniture fittings & equipment - \$16,013,264)

A detailed breakdown can be found on pages 44 and 45 of the attached masterplan.

**RECOMMENDATION**

A funding strategy and business case are to be developed after Council adoption of the proposed elements and site location and it is expected that this project will be funded through a variety of sources including federal, state and private industry.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

|   |
|---|
| 1.a.6 Town-wide health, safety, recreation and sporting activities and services   |
| 1.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.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services                           |
| 1.d.2 Facilities and community infrastructure are revitalised across the Town   |
| 4.c.4 Efficiency strategies across the Town’s infrastructure and amenity assets are implemented   |

*Environmental*

Development within the proposed precinct will have negligible environmental impact.

*Economic*

Given the high costs of the project a detailed business case and funding strategy will be undertaken.

*Social*

It is expected that the realisation of this masterplan will have significant impact on social capital for the Port Hedland community.

### *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
- Outcome 7 - Employment

### *Corporate Business Plan*

The following action 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

## **RISK MANAGEMENT CONSIDERATIONS**

There is a financial risk associated with this item because of the age and condition of existing aquatic assets requiring additional capital and operational investment. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

There is a reputational risk associated with this item because of the age and condition of existing aquatic assets resulting in facility closures resulting in community dissatisfaction. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

There is a service interruption risk associated with this item because of the age and condition of existing aquatic assets resulting in service disruption. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) 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 highlights the growing need for the construction of contemporary aquatic facilities that meet the expectations of the Port Hedland community. With existing aquatic assets that have approached or are approaching end of life usefulness an endorsed aquatic masterplan and strategy will serve as a guiding document to ensure that detailed design and construction of future aquatic facilities will be consistent with the plan, will provide improved community amenity and increase the capacity of aquatic infrastructure to meet community, program and leisure swimming, competition and aquatic service needs.

## ATTACHMENTS

1. Aquatic Service Level Review and Master Plan - @leisure planners (under separate cover)
2. Render Impression 1 (under separate cover)
3. Render Impression 2 (under separate cover)
4. Render Impression 3 (under separate cover)
5. Render Impression 4 (under separate cover)



**11.2.2 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 4 - APRIL - JUNE 2021**

**Author:** Senior Arts and Culture Office  
**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 receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the fourth quarter, April – June 2021.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the fourth quarter from April – June 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

**DETAIL**

The contract for the management of the Courthouse Gallery was agreed between the Town and The Junction Co. for the period 1 July 2019 to 30 June 2021 and also provides the option of three further terms of 12 months.

Under clause 24.2 of the agreement, The Junction Co. is to provide the Town with a quarterly report, including the following:

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sale of local art;
- High quality programming, including presentations and workshops;
- Partnerships with local organisations and community groups;
- High quality customer service to visitors of the Gallery;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers and other visitors;
- Strong and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

A summary of the key achievements for the quarter April – June 2021 are noted below:

- The launch of the inaugural Pilbara Fashion Festival
  - 10 Pilbara creative businesses showcased, four of whom launched their labels nationally, one of whom has been picked up by the Darwin Art Fair, and the Art of Everyday Collection to feature at the Indian Ocean Craft Triennial in Perth in September.
  - More than 60 creatives from across the Pilbara were involved in the festival, either delivering workshops, being engaged to deliver creative services, or selling wares made during the Festival, generating more than \$120K back into the local economy.
  - The event format was new for Hedland, and responded to the ToPH's Arts and Culture Strategy in activating a new location in Hedland (atop the Koombana Lookout).
- The Jury Art Prize 2021
  - A 24-hour exhibition engaged by 100's across the State, more than 200 hundred attended the opening, with new technologies employed to connect and share.
  - Artworks screened at Yagan Square, Perth City.
  - New artists in Hedland selected, including ceramicists and jewellers who've participated in Gallery+Studio skills workshops.
- Youth and migrant focused initiatives:
  - Employment of a School-based Trainee, alongside two new team members who are in the 18-26 year old demographic.
  - Launch of youth+migrant focused workshops: Anime series, youth ceramics, TEND.
  - Development of Youth Project through the Regional Arts Network, of which the Courthouse Gallery+Studio is a hub.

## **COURTHOUSE GALLERY+STUDIO IS A HUB.LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

## **CONSULTATION**

### *Internal*

- Manager, Community Development.

### *External Agencies*

- The Junction Co.

### *Community*

- Nil.

## **LEGISLATION AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations for this report.

## FINANCIAL AND RESOURCES IMPLICATIONS

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery are included in the Town's annual budget. Strategic and Sustainability Implications.

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

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

### *Social*

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical and cultural precinct.

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

## DISABILITY ACCESS AND INCLUSION PLAN

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities; and
- Outcome 4 – Quality of Service.

## CORPORATE BUSINESS PLAN

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

Support the provision of cultural, sporting and recreational facilities that are fit for purpose; and 2.b.5.1 – Work with stakeholders to enhance the reputation of the Town.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming 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).

To reduce this risk, the Town will regularly monitor and report on the performance of The Junction Co. and ensure key deliverables outlined in the management contract are being met.

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

## CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co from October – December 2020, in its role as manager of the Courthouse Gallery.

## ATTACHMENTS

1. The Junction Co. Quarterly Report - April - June 2021 (under separate cover)
2. The Junction Co. Profit and Loss End of Year 2020-21 (under separate cover)
3. The Junction Co. Profit and Loss Q4 2020-21 (under separate cover)

**11.2.3 ACCESSING CHILDCARE NEEDS IN HEDLAND PROGRESS REPORT  
MARCH-JULY 2021**

**Author:** Manager Community Development  
**Authorising Officer:** Director Community Services  
**Disclosure of Interest:** The Author and/ or Authorising Officer declare that they have a proximity interest in relation to this item

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**OFFICER'S RECOMMENDATION**

That Council note the update and progress made through the Town of Port Hedland's collaboration with the Hedland Collective to address the community need for childcare in Hedland as outlined in the report, *Assessing Childcare Needs in Hedland*.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the progress on the recommendations outlined in the *Assessing Childcare Needs in Hedland* report endorsed by Council at the 24 February 2021 Ordinary Council Meeting.

**DETAIL***National Context*

The Early Childhood and Care (ECEC) sector is critically short of appropriate qualified staff. United Voice, the union which represents ECEC workers, claims that about 180 educators leave the sector each week because of low wages and poor conditions. These issues are exacerbated in Hedland where the resources sector is experiencing an upward trend and putting pressure on the local housing and wages market. It also has to be noted that the childcare industry is experiencing an early education staffing crisis at a national level. Australia wide there are simply not enough qualified educators to fill available roles. It has been reported that 1 in 5 educators want to leave their jobs and 45% staff turnover in the regional child sector. The Australian Children's Education and Care Quality Authority predicts the sector will need an extra 39,000 staff by 2023.

*Local Context*

In December 2020 and January 2021, the Town of Port Hedland undertook consultation to reassess the demand for childcare in Hedland and the impact of a series of initiatives undertaken since 2018. There were 305 responses to the community survey and 17 semi-structured interviews completed. Key insights from the consultation included:

- There is still a significant community need for additional childcare places in Hedland;
- Outside School Hours Care and the provision of flexible options to cater for those working different shifts were identified as lacking in the current service provision;
- The recruitment and retention of qualified staff is a key barrier to effective childcare provision; and

- Centre based childcare is the preferred method of childcare by Hedland families.

The report put forward 17 recommendations to address the ongoing community need for additional childcare places in Hedland. The Town continues to work with the members of the Hedland Collective to address these recommendations and an update against each recommendation is outlined in the table below.

### *Collective Impact Project*

The Hedland Collective is a local collective impact group with representation from government agencies, including the Town of Port Hedland, industry, not for profits and community members. Childcare is one focus of this group and there is an established working group, the Childcare Collaboration Network, which is working together to address the issue. The Childcare Collaboration Network is comprised of Directors and representatives of all local childcare providers (Treloar, Rose Nowers, YMCA, One Tree South Hedland and Len Taplin) as well as representatives from BHP, Child Australia including Thriving Futures, Pilbara Development Commission and consultants Creating Communities who are currently facilitating the Hedland Collective. The Hedland Network of School Principals have also recently joined. This collaboration and partnering has resulted in opportunities that could not have been achieved in isolation.

### *Progress Report Highlights*

Below is a list of recommendations that have been successfully progressed since February 2021:

- Ongoing ToPH participation in the Hedland Collective Childcare Collaboration Network meetings across the sector with key organisations and stakeholders to tackle childcare issues across Hedland
- ToPH Leisure memberships 30% reduction afforded to all childcare workers in Hedland as per the June Council budget adoption
- ToPH support for a Designated Agreement Migration Area application to the Federal Government
- ToPH development of a business case for a new childcare centre and budget adoption for detailed design of a new centre
- ToPH liaising and supporting the Hedland Collective and Thriving Futures in their workforce development and maintenance strategies to ensure a coordinated approach. Thriving Futures is a partnership between BHP and Child Australia. Initiatives undertaken to date include:
  - Placement of 6 educators at participating centres with access to scholarships if required in Hedland.
  - Implementation of the Thriving Futures Academy with 4 academy entrants with scholarships and placement on 12 week program in Hedland.
  - Childcare Directors Mentorship Program for upskilling and extending leadership skills.
- Ongoing extension of Hedland Senior High School and One Tree based Traineeship Program which trains school leavers to be qualified early learning educators
- BHP is working to establish an Au Pair housing facility.
- Discussion between the Department of Education and the Hedland Network of School Principals to fast track the establishment of afterschool care. A representative has been chosen to attend future Hedland Collective childcare meetings.

- Continuation of staff retention incentives such as BHP/ One Tree cash bonus, referral, reward and recognition programs.

Areas that require further exploration and development include:

- Continue working with State Government to ensure affordable availability of residential housing long term
- Develop information for residents who are interested in becoming family day care providers and connect them with the appropriate services to support them.
- Create a centralised childcare waitlist to minimise duplication of placement applications
- Develop before and after school care (OHSC) with the Department of Education, primary schools, and early learning operators to activate this care at primary schools.
- Investigate the capacity of existing commercial afterschool and not-for-profit operators who provide services in Perth and other areas to establish services in Hedland.

A full report noting progress against all recommendation is included under 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 involved community consultation and engagement.

## CONSULTATION

### *Internal*

- Manager Community Development
- Director Community Services
- Manager Leisure Facilities
- Manager Town Planning and Development.

### *External Agencies*

- Child Australia
- BHP
- Local childcare centre directors;
- Hedland Collective representatives
- Local Primary School Principals;

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Nil associated with the delivery of this report.

## FINANCIAL AND RESOURCES IMPLICATIONS

Nil associated with the delivery of this report. 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.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 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
- 2.a.1 Local training providers, business, industry, services, agencies, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.a.4 Broader education and training offerings are encouraged
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

### *Economic*

The provision of sufficient and quality childcare in Hedland will support the attraction and retention of staff across industries.

### *Social*

Improved childcare provision enhances the liveability of Hedland.

## **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 4 – Quality of Service
- Outcome 7 - Employment

## **CORPORATE BUSINESS PLAN**

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

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the Town has committed to work towards alleviating childcare issues in Hedland. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

## **OPTIONS**

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

This is a progress report, which highlights work undertaken to date so no alternative options are presented for consideration.



**CONCLUSION**

A consultation process was undertaken in December 2020 and January 2021 to assess the impact of a number of initiatives implemented since a 2018 survey identifying gaps in childcare provision in Hedland. The attached Hedland Collective Childcare Collaboration Network roadmap indicates the progress made through the Town of Port Hedland's collaboration with the Hedland Collective, and other key stakeholders, to address the community need for childcare in Hedland and deliver high quality and accessible childcare in Hedland for all families.

**ATTACHMENTS**

1. **March-July 2021 progress against recommendations of the Accessing Childcare Needs in Hedland Report (under separate cover)**

**11.2.4 INTEGRATED CIVIC AND COMMUNITY HUB - CONCEPT PLANS**

**Author:** Director Community Services  
**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.

**OFFICER'S RECOMMENDATION**

That Council:

1. Endorses the preliminary concepts and costs for the Integrated Civic and Community Hub to be based in South Hedland;
2. Notes that the CEO has been granted delegated authority to negotiate land acquisition for a suitable site in South Hedland at the 30 June 2021 Ordinary Council Meeting and this process is currently underway;
3. Notes that following endorsement of the concept plans, a business case will be developed to determine the viability of the project and support potential funding applications;
4. Request that once the business case has been prepared and assessed, the CEO or his delegate proceed with the procurement process associated with progressing to the detailed design phase of this project; and
5. Investigates suitable options to retain community use of the current Port Hedland Civic Centre site.

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to consider endorsing preliminary concepts and costs for the Integrated Civic and Community Hub located in South Hedland.

**DETAIL**

The Town has been undertaking a process to revitalise all of its community facilities, which has seen the adoption of the JD Hardie, the South Hedland Integrated Sporting Complex, and the McGregor Street masterplans in July and August 2019, an Aquatics Masterplan presented for endorsement at this August 2021 meeting, and an Arts and Culture Precinct project proposed in April 2021.

These substantial bodies of work were initiated on the principles that the Town's current portfolio of community and recreation infrastructure:

- Has not been well maintained over the years;
- Is in critical need of significant upgrades in condition and capacity; and
- No longer caters for current requirements as well as the aspirations and needs of a growing population.

Engage a qualified person to reactivate the process of identifying suitable sites to accommodate a new civic and administration centre, to be co-located with other community and/or government facilities, in order to maximise site utilisation and potential, and report back to Council accordingly."

A structural assessment for the Port Hedland Civic Centre presented at the 2020 September Council meeting noted that the current building having completed one full 50 year life cycle, has resulted in:

- Structural issues and ongoing repairs; and
- Ongoing and increasing maintenance regime.

Historical data research into the Town's records have revealed that the Town Council has been formally debating the best way to alleviate such issues since at least 2010. Since that time extensive research has been undertaken into:

- Options as to where a new Civic Centre could be located; and
- Options as to what other services and/or facilities a new civic centre should be co-located with to ensure efficiencies of scale.

#### *Town's Strategic Workforce Plan*

Based on the Town's current workforce, the Civic Centre capacity is not appropriate for a growing organisation, which in turn does not support efficient work practices. In addition to the Civic Centre, currently Town staff are located across a number of facilities in South Hedland and Wedgefield, a situation that creates great inefficiencies on many different levels. These conditions are not conducive to:

- An efficient working environment;
- Attracting or retaining staff;
- Building staff morale;
- Creating or sustaining a positive corporate culture; and
- The provision of professional services to the community.

#### *Project Scope and Methodology*

Following a procurement process the Town engaged NS Advisory who commenced working on the project in early 2021.

Their scope of work included:

- Consolidate the work undertaken to date;
- Review said work against other significant projects now in place (i.e. Town's three masterplans, Town's aquatics masterplan, Spoilbank Marina, etc);
- Consider other significant community infrastructure needing investment and not already underway (i.e. library, performing arts centre, cultural and exhibition spaces);
- Reconsider co-location options with other government agencies;
- Consider future economic and demographic projections;
- Utilise other similar successful projects for comparison;
- Review available and most suitable sites;
- Consider options for future uses of current Civic Centre; and
- Provide an indication of costings and associated funding opportunities.

A site selection process based on agreed assessment criteria was undertaken to determine a preferred site (based on nominated sites around the South Hedland CBD).

The four primary criteria against which the sites were:

- Location
- Strategic Objectives
- Site Planning
- Value for Money

A range of stakeholders was engaged to determine their needs and appetite to become occupants of an integrated hub. The following organisations indicated they would be interested in exploring options to join the hub:

- Pilbara Development Commission
- Development WA
- Well Women's Centre
- Lotteries House
- The Web Hub (Port Hedland Chamber of Commerce)

The Department of Communities was engaged but advised it was unlikely to be able to commit to taking space or contribute funding to this project.

#### *The Concept*

The attached concepts show the following elements being included on the preferred site:

- Civic centre building inclusive of Administration and Council Chambers
- Library
- Café with alfresco area
- Community space
- Commercial space
- Internal landscaped area suitable for community activation
- Appropriate parking and loading areas.

These elements have been integrated on a site with hybrid campus layout, with the civic centre building being connected with the library via a common secure lobby and the community and commercial space provided within a separate building over two floors. The design aligns with the current Town Planning Scheme and takes into consideration Crime Prevention Through Environmental Design (CPTED) principles. The concept further provides the opportunity to stage the development, whereby each of the main elements of the library, civic centre building and community / commercial building could be constructed as individual stages.

The Civic Centre building is over two floors and has been designed to accommodate current staffing requirements and future growth in staffing, but is also able to accommodate additional expansion into a first floor area if required in the medium to long term.

The library space and location take into consideration the recommendations included in the Library Strategy endorsed by Council in March 2021.

Initial engagement has taken place with the stakeholders noted about to potentially occupy what has been noted on the concept plans as 'community' space. Further consultation will have to take place as the project progresses to its next stages to determine and confirm specific needs, as well as funding opportunities. However the concept has purposely put together so that a staged development can occur if required.

*Preliminary Costs*

An indicative budget cost estimate has been prepared by Quantity Surveyor Rider Levett Bucknall, based on the concepts prepared. These costs are summarised below:

| Item                               | Cost                   |
|------------------------------------|------------------------|
| Site Preparation                   | \$671,418.40           |
| Library Building                   | \$12,242,271.26        |
| Civic Building                     | \$17,215,121.37        |
| Community / Commercial Building    | \$20,356,422.90        |
| Central Plaza                      | \$3,335,557.00         |
| Car Park                           | \$1,121,780.39         |
| Landscaping                        | \$904,200.53           |
| <i>Building Works</i>              | <i>\$54,123,125.70</i> |
| Site Infrastructure                | \$1,526,250.90         |
| <b>Construction Cost Sub-total</b> | <b>\$57,373,120.00</b> |
| Design Contingency                 | \$4,303,000.00         |
| Construction Contingency           | \$4,626,000.00         |
| Fees & Charges                     | \$634,000.00           |
| Public Art                         | \$1,500,000.00         |
| Professional Fees                  | \$8,033,000.00         |
| Escalation (to August 2022)        | \$3,824,000.00         |
| <b>TOTAL</b>                       | <b>\$80,293,120.00</b> |

*Option Cost*

*Future fit-out to expansion office area +\$4,400,000.00*

*Next Steps*

A business case will be developed for purpose of use by the Town (and key project stakeholders) to determine the viability of the project and assist in informing a decision as whether to proceed with the next stage.

Following endorsement of the business case, the Town can progress to the detailed design stage of the project.

Suitable solutions will also be investigated to ensure that community use of the current Port Hedland Civic Centre is retained.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance due to the overall costs of the project and the level of public interest. Appropriate community engagement will be undertaken as the project progresses through its various stages.

## CONSULTATION

### *Internal*

- Elected Members
- Executive Leadership Team
- Project Control Group (inclusive of Management representatives from all Directorates and the Office of the CEO)
- Senior Librarian
- Senior Arts & Culture Officer
- Project Officer Community Development

### *External Agencies*

- NS Advisory
- Bollig Design Group
- City of Perth
- City of Belmont
- Shire of Augusta Margaret River
- Pilbara Development Commission
- Development WA
- Hedland Well Women's Centre
- Lotteries House
- Department of Communities
- The Web Hub

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Nil

## FINANCIAL AND RESOURCES IMPLICATIONS

Provisions for NS Advisory's consultancy fees were included in the Town's FY20/21 budget and have also been incorporated in the Town's FY21/22 budget.

The Estimated Probable Costs for the submitted concept plans have been supplied by Quantity Surveyor Rider Levett Bucknall. The Total Project Cost has been estimated at **\$78,825,795.00**. This figure is inclusive of:

- Building works
- Site infrastructure services
- Margins & adjustments (design and construction contingencies, headworks fees and charges, statutory fees and charges, professional fees, per cent for public art, escalation beyond August 2022)
- Future fit-out to expansion office area

A funding strategy and business case are to be developed after Council adoption of the proposed elements and site location and it is expected that this project will be funded through a variety of sources.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 1.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.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

Development within the proposed precinct will have minimal environmental impact.

### *Economic*

Given the costs of the project a detailed business case and funding strategy will be undertaken.

### *Social*

It is expected that the realisation of this project will have impact on social capital for the Hedland community.

## 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
- Outcome 7 - Employment

## RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because of the age of the existing assets eventually requiring additional capital investment if not replaced, but also the cost of the new build that requires a significant financial contribution, with sources to be determined through a funding strategy. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

There is a reputational risk associated with this item because of the age and condition of existing civic centre which cannot properly accommodate its workforce and therefore not making the Town an employer of choice in terms of provision of integrated working premises. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

The presented plans have been part of an extensive deliberation process between NS Advisory, Bollig and the Town’s Project Control Team and are based on technical advice from all parties. It is therefore recommended that the plans be adopted in their current format to ensure the project can continue to move ahead, on the understanding that any modifications can be considered at the detail design phase.

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

This option is not recommended as it would result in the Council not progressing with endorsing a suitable solution to accommodate the Town’s current and future workforce, provide the community with a more suitable location for its administrative services, provide the community with a much needed new library, and interested stakeholders with fit for purpose community and commercial space.

## CONCLUSION

This report requests the Council to progress with a project that has been more than 10 years in the making. Extensive discussions have taken place over the years about the future of the Town’s Civic Centre, with significant resources invested in presenting different options available to Council over time. A comprehensive review of all the work undertaken today has been completed, and a revised concept submitted for Council’s endorsement. It is recommended that this Council takes the lead in making a clear commitment to its community towards the progression of this Integrated Civic and Community Hub project.

## ATTACHMENTS

1. Concept Plans (under separate cover)



### 11.3 Regulatory Services

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|--|
| 11.3.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR FAMILY DAY CARE AT LOT 43 (NO. 6) GASCOYNE CRESCENT, SOUTH HEDLAND |
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Author: Town Planner

Authorising Officer: Director Regulatory Services

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

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#### OFFICER'S RECOMMENDATION

That Council pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* approves the Development Application for Family Day Care at Lot 43 (No. 6) Gascoyne Crescent, South Hedland subject to the following Conditions and Advice Notes:

#### Conditions:

1. The approved Family Day Care shall be in accordance with the stamped approved plans and details submitted with the application, and these shall not be altered without the prior written consent of the Town of Port Hedland.
2. This development approval is valid for a period of 12 months. Should the Town not receive any complaints in relation to the operation of the approved Family Day Care the applicant may submit a written request to the Town of Port Hedland to extend the approval period.
3. Prior to any outdoor activities associated with the approved Family Day Care commencing on-site, the portion of fencing adjacent to the outdoor area as indicated on the approved plans shall be suitably screened to the satisfaction of the Town of Port Hedland with:
  - a) A solid fence/structure compliant with the Building Act 2011; or
  - b) Alternative screening that is exempt from requiring a Building Permit; or
  - c) Dense landscaping to a minimum width of 1m and height of 1.5m
4. The approved Family Day Care must not occupy any other area than that shown on the approved plan.
5. The applicant must not erect or otherwise display on the property more than one sign associated with the approved Family Day Care with an area exceeding 0.2 square metres. A sign erected under this condition must:
  - a) Not be illuminated nor use reflective or florescent materials; and
  - b) Comply with the Town's Local Planning Policy for Advertising Signs
6. All vehicles and parking associated with the approved Family Day Care must be confined to the area indicated on the approved plan. Parking shall not occur outside the property boundaries.

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7. A maximum of seven (7) children are permitted to access the approved Family Day Care at any one time.
  8. Only two (2) clients are permitted to access the approved Family Day Care premises at any one time and there must be at least a 15 minute break between client visits.
  9. The approved Family Day Care is hereby permitted in its hours of operating to the following:
    - a) Monday to Friday: 7:00am to 7:00pm;
    - b) Saturday, Sunday and Public Holidays: 8:00am to 4:30pm;
    - c) No more than two children (excluding any children residing at the premises) is permitted on-site outside the hours of 7:00am to 7:00pm; and
    - d) No outdoor activities are to occur after 5:00pm Monday to Friday and after 4:00pm Saturday to Sunday and Public Holidays.
  10. The approved Family Day Care must not employ any persons who are not members of the occupier's household.
  11. The approved Family Day Care activity must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, dust, waste water, water products, grit, oil or impact on public safety or otherwise.
  12. Should the approved Family Day Care negatively impact the amenity of the neighbourhood by way of nuisance or degrade the amenity in any way, including by reason listed in Condition 11 or otherwise, the Town of Port Hedland reserves the right to revoke the Development Approval to protect the residential amenity of the area and the land use will no longer be permitted to operate.

Advice Notes:

- a. This approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for development approval must be submitted by the Town of Port Hedland.
  - b. This approval constitutes development approval only and does not obviate the responsibility of the landowner/applicant to comply with all relevant building, health and engineering requirements.
  - c. The applicant must only operate a 'lunchbox' service only where no food is to be prepared on-site. Should any changes be made to the preparation of food, a separate application to the Town's Environmental Health Service which must be approved prior to any changes being implemented.
  - d. The approved Family Day Care must maintain compliance with the *Children and Community Services Act 2004* at all times to the satisfaction of the Town of Port Hedland.
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- e. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland.
  - f. Where conditions have a time limitation for compliance, and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues whilst the approved development exists.
  - g. Where an approval has lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.
  - h. If the applicant 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 a development application which seeks approval for a Family Day Care at Lot 43 (No. 6) Gascoyne Crescent, South Hedland (Subject Site).

## DETAIL

On 18 June 2021, the Town received an application for development approval for a Family Day Care at the subject site. The subject site is zoned Residential with a density coding of R20. The site consists of a single dwelling and the three adjoining properties all consist of single dwellings. The Family Day Care proposes:

- Up to seven (7) children on-site at any one time;
- Hours of operation are proposed:
  - 7:00am to 5:00pm Monday to Friday;
  - 8:00am to 4:00pm Saturday and Sunday;
  - 7:00am to 5:00pm Public Holiday (available on request); and
  - Overnight care – such as emergency care – available on request.
- No food will be prepared on-site, lunch box service provided;
- No employees who do not occupy the dwelling will be employed;
- Activities will occur within and outside the dwelling, with the following times being considered as outdoor play:
  - 9am to 10am and 4pm to 5pm during Summer; and
  - 9am to 11am and 3pm to 5pm during Winter.

Pursuant to Clause 64, Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development was advertised as it proposed departures from the Town's Local Planning Policy 01 Exemptions from Development Approval (LPP)/01 which may have had an adverse amenity impact on adjoining landowners. The application was referred directly to three (3) landowners and placed on the Town's webpage where the Town received one (1) objection as outlined under the Consultation section of the report.

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

Table 4 – Zoning Table under LPS7 designates Family Day Care as a Permitted use in the Residential zone. This means that development approval is only required where the application proposes departures from the requirements of LPP/01. These departures are described in the heading below.

Local Planning Policy 01 Exemptions from Development Approval

The requirements of LPP/01 that are proposed to be varied are:

| Requirement   | Proposal   |
|---|--|
| <ul style="list-style-type: none"> <li>Hours of operation for Monday to Friday are required to be contained within 7:00am and 7:00pm;</li> </ul>    | <ul style="list-style-type: none"> <li>In addition to operating within these prescribed times, the applicant proposes emergency overnight care as required.</li> </ul> |
| <ul style="list-style-type: none"> <li>Hours of operation for Saturday and Sunday are required to be contained within 8:30am and 4:30pm;</li> </ul> | <ul style="list-style-type: none"> <li>Hours of operation for Saturday and Sunday proposed between 8.00am and 4.00pm;</li> </ul>                                       |
| <ul style="list-style-type: none"> <li>Not permitted to operate on Public Holidays; and</li> </ul>  | <ul style="list-style-type: none"> <li>Hours of operation for Public Holidays proposed between 7:00am and 5:00pm; and</li> </ul>                                       |
| <ul style="list-style-type: none"> <li>Does not operate outside the dwelling (to protect neighbours from potential noise concerns).</li> </ul>      | <ul style="list-style-type: none"> <li>Proposed outdoor play area for children.</li> </ul>   |

In relation to the proposed operating hours, the applicant has indicated that all outdoor activities will be within the required operating hours, thereby mitigating the impact of noise on adjoining properties, particularly over the weekend and public holidays. This is considered a suitable response and a standard condition of approval shall be imposed ensuring these outdoor activities will occur within the prescribed operating hours for the duration of the approval.

Screening/Fencing

LPP/01 requires the Family Day Care to operate within the dwelling, however the applicant proposes up to two (2) hours of outdoor play time during summer and up to four (4) hours during winter. When advertised to neighbouring properties, the Town received one (1) objection in relation to outdoor play time and the potential impact on visual privacy and noise due to the 1.5m high breezeway dividing fence. The Town recommends that a screening structure or equivalent, i.e. landscaping to a minimum height of 1.5 metres, is installed along the portion of fence directly adjacent to the outdoor play area to mitigate the concerns relating to visual privacy and noise. A standard condition of approval has been recommended to this effect. Should Council not be inclined to impose this condition, the Town recommends that the proposal be conditioned so that there be no outdoor play time, to mitigate the impact of noise and privacy on adjoining land owners/occupiers.

It is noted that all proposed screening is required to comply with the *Building Act 2011*, specifically relating to the building controls of Hedland’s cyclonic wind region and must obtain

a Building Permit prior to installation. Any screening that this affixed to the existing boundary fence is incapable of achieving compliance under the *Building Act 2011* meaning the Town is legally unable to issue a Building Permit for this form of development. Further, should the Town become aware that this type of development has been installed it is considered to be unauthorised and the Town is obliged to ensure the removal of the screening. As the applicant for the Family Day Care does not own the property, it is likely they will not pursue construction of fixed, cyclone-rated screening due to the cost of construction to address noise related issues associated with the existing breezeway fence. Proposed Condition 3(c) recognises this and provides an opportunity for the applicant to install dense landscaping to ameliorate potential impacts on the neighbour.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because a valid planning objection was received to the proposal. As such, it is essential to ensure that the approval is subject to conditions protecting the amenity of neighbouring properties.

## CONSULTATION

### *Internal*

Environmental Health

### *External Agencies*

Nil

### *Community*

The application was referred to three (3) landowners, where the Town received one (1) objection. The objection was in relation to visual privacy and noise resulting in an adverse amenity impact, particularly due to the existing dividing fences and operation over the weekend and public holidays. These concerns have been addressed under the Detail section of this report.

## 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 01 Exemptions from Development Approval

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

## CORPORATE BUSINESS PLAN

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). The risk is 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*

Should Council resolve to not impose Condition 3 of the recommendation, the Town recommends the following Condition be imposed in lieu of screening being implemented:

- (3) No operations relating to the approved Family Day Care shall occur outside the dwelling unless otherwise approved by the Town of Port Hedland.**

Additionally, Condition 9 be amended to read the following:

- (9) The approved Family Day Care is hereby permitted in its hours of operating to the following:**
- b) Monday to Friday: 7:00am to 7:00pm;**
  - c) Saturday, Sunday and Public Holidays: 8:00am to 4:30pm; and**
  - d) No more than two children (excluding any children residing at the premises) is permitted on-site outside the hours of 7:00am to 7:00pm.**

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

## CONCLUSION

This report has provided an overview of the relevant planning issues associated with the proposed Family Day Care. Considering these issues in balance, and on the basis that the proposal is generally consistent with the objectives of LPS7 and LPP/01, it is recommended that Council approves the application subject to conditions.

## ATTACHMENTS

1. Location Plan (under separate cover) (under separate cover)
2. Development Application Bundle (under separate cover)
3. Community Consultation Submission (Redacted) (under separate cover)

**11.3.2 GREAT NORTHERN HIGHWAY REALIGNMENT BETWEEN BELL STREET AND AMMONIUM NITRATE STORAGE FACILITY**

**Author:** Senior Planner  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and/ or Authorising Officer declare that they have a financial interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Delegates to the Chief Executive Officer to enter into an agreement with Main Roads WA to accept the care, control and management of portions of the existing Highway as a local road as shown in Attachment 2 – Alignment plans, subject to:
  - a) An asset report being provided which details the location, condition, life expectancy and value of all assets being transferred to the Town within the proposed local road reserve;
  - b) Submission of engineering design drawings to the Town detailing upgrades to assets/infrastructure that ensure a minimum asset lifespan of 10 years within the proposed local road reserve. These upgrades are to be carried out prior to handover; and
  - c) All agreements with any other interest holders within the proposed local road reserve being terminated by means of sale/disposal of land.

Approved upgrade works shall be completed following execution of the agreement to the specification and satisfaction of the Town. The Town shall not accept the care, control and management of the road until all works are completed to the satisfaction of the Town.
2. Supports the dedication and declaration of the land shown shaded in grey on Main Roads drawings 2060-195 to 2060-197, including minor amendments thereto, as a road, highway or main road, pursuant to section 56 of the *Land Administration Act 1997* and/or the *Main Roads Act 1930*. This is subject to the preparation of a Local Water Management Strategy (LWMS) that:
  - a) Considers the site's contribution as an important drainage function (floodplain and floodway) for the Port Hedland International Airport and highway Precinct; and
  - b) Identifies the stormwater infrastructure needed for the proposed highway, to avoid restricting stormwater flow and flooding of these upstream areas; and
  - c) Incorporates this stormwater infrastructure into the design of the highway works.
3. Notes that Main Roads WA will pay all costs associated with the dedication of the road, including indemnity to the State, and survey and registration costs.

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4. Delegates to the Chief Executive Officer the power to enter into an agreement with Main Roads WA to accept the care, control and management of the Highway on and off ramps and incidental assets and infrastructure, subject to:
    - a) The design being to the specification and satisfaction of the Town;
    - b) Plans being submitted to and approved by the Town;
    - c) Construction in accordance with the approved plans;
    - d) Main Roads maintaining a defects liability period ending on 30 June of the calendar year, after no less than two (2) full wet seasons have elapsed, from November to April. Should any defects occur, these shall be rectified to the satisfaction of the Town;
    - e) Upon completion of the defects liability period, the developer shall obtain the written consent from the Town that the works are in a satisfactory condition. If works are not in a satisfactory condition, remedial works shall be completed by the developer to the satisfaction of the Town.
    - f) An asset register being provided to the Town.
  5. Subject to execution of agreements in recommendations (1) and (4), and approval of the LWMS included in recommendation (2), supports Main Roads declaring the Highway on and off ramps as a secondary road, pursuant to the *Main Roads Act 1930*.
  6. Supports Main Roads pursuing the closure of the existing portion of the Highway under the *Main Roads Act 1930* that intersects with BHP's railway line.
  7. Agrees to cede the land required by Main Roads WA for road purposes free of cost, being portion of Lot 9004 on Deposited Plan 404823, held in Certificate of Title Volume 2876 Folio 732, and portion of Lot 9007 on Deposited Plan 404824, held in Certificate of Title Volume 2874 Folio 672, shown shaded in grey on Main Roads drawing 2060-195. This is subject to Main Roads obtaining the written consent of the Port Hedland International Airport, with the final board and financier approval.
  8. Delegates to the Chief Executive Officer, the power to amend the lease, deed and/or tripartite agreement (as appropriate) between the Port Hedland International Airport and the Town, for the amendment to Lot 9004 and 9007. This is subject to Main Roads obtaining the written consent of the Port Hedland International Airport.
  9. Consents to the land being acquired by the Commissioner of Main Roads via a taking by agreement to facilitate dedication as part of the Great Northern Highway.
  10. Advises Main Roads WA that, should its contractors require access and entry onto Lot 9004 and 9007, they will need to obtain the consent of the Port Hedland International Airport.
  11. Supports the creation of a Crown reserve for the purpose of 'Road Train Assembly Area', with a management order in favour of the Commissioner of Main Roads over the land shown on Main Roads drawing 2060-195.
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*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider approvals and consents to rationalise tenure over the proposed realignment of the Great Northern Highway between Bell Street and the Ammonium Nitrate storage facility, to the northeast of the Port Hedland airport (**Attachment 1 – Location plan**).

**DETAIL**

Main Roads WA is arranging approvals to realign the Great Northern Highway (the Highway) as per **Attachment 2 – Alignment plans**, on behalf of BHP. Works are anticipated to commence towards the end of this year and may take approximately one year to complete. Main Roads has advised that they wish to reserve land for the future road (**Attachment 3 – Correspondence from Main Roads**). The proposed road reserve travels through Crown land and the north-eastern edge of the Port Hedland airport landholding. This is to facilitate:

- Construction of an elevated Highway bypass;
- A bridge over BHP's railway line; and
- New on and off ramps between the existing and proposed Highway.

Main Roads is undertaking this exercise on behalf of BHP to reduce risk associated with the level crossing between Highway users and the railway line.

Main Roads has also advised that they intend to liaise with the Town in the future regarding the transfer of control and management for the existing section of the Highway. This section of road will be made largely redundant (from a main road perspective) with the construction of the bypass. They intend for the Town to accept it as a local road to service the Port Hedland International Airport, Highway Precinct and Walkabout Hotel.

Below is a summary of requests made by Main Roads, key issues and Officer comments on each matter.

The Town accepting the management of the redundant Highway

Main Roads has advised that they will liaise with the Town in the future regarding this matter. Officers recommend that Council take a proactive approach and advises that the Town will only be prepared to accept responsibility of additional assets and infrastructure, subject to:

- An asset report being provided.  
This should detail the location, condition, life expectancy and value of all assets being transferred to the Town within the proposed road reserve. This will allow a better understanding of the condition of assets.
- Submission of engineering design drawings.  
This should detail upgrades to assets and infrastructure due to the dilapidated condition of the road. This should ensure a minimum asset lifespan of 10 years, with upgrades to be carried out prior to handover where necessary.
- Termination of third party agreements.

All agreements with any other interest holders within the Highway reserve should be terminated by means of sale/disposal of land. This will limit risk to the Town and avoid potentially unfavourable responsibilities or compliance issues.

- Approved upgrading works being completed to the specification and satisfaction of the Town.

These are all contained within recommendation 1, which is designed to minimise maintenance and resource implications within the short to medium term and limit costs borne to the ratepayer. It is also recommended that the Chief Executive Officer be delegated the ability to enter into an agreement and resolve issues pertaining to the recommendation.

#### The declaration of the land as a highway or main road

Main Roads has requested that the Town dedicate the proposed Highway as a road, pursuant to section 56 of the *Land Administration Act 1997*. However, Section 13 of the *Main Roads Act 1930* provides the power for the Governor, on the recommendation of the Commissioner for Main Roads, to declare that land shall be a highway or main road.

The Department of Planning, Lands and Heritage (DPLH) has advised that the requested approach is inconsistent with standard practice. There is an agreement in place between Main Roads and DPLH is for land to be declared as a main road under the *Main Roads Act 1930*. Officers do not support the Town undertaking this work on behalf of the State.

The Highway alignment crosses creek lines that are important for draining the Port Hedland International Airport and Highway Precinct. It acts as both a floodplain and floodway for these sites. The area is critical in assisting with the storage and transportation of excess stormwater during heavy rainfall events, such as cyclones

Stormwater modelling has identified that the majority of the site is subject to flooding and strong velocity flow. To facilitate the proposed Highway realignment within this critical drainage junction would necessitate significant earthworks, including fill and modification to the topography.

Development that may restrict or inhibit the drainage of the airport and compromise the operations during a significant rainfall event is of serious concern. Concerns are also held for the planned Highway Precinct and how this may increase flood levels of land upstream. Development of the Highway should be responsive to these drainage characteristics.

Recommendation 2 includes supporting the declaration of the land as a highway or main road, pursuant to the *Main Roads Act 1930*, subject to:

1. A Local Water Management Strategy being completed. This should consider the site's functions relevant to the Port Hedland International Airport and Highway Precinct. This should examine the:
  - a) catchment area,
  - b) stormwater draining across the proposed Highway (volume and locations); and
  - c) stormwater infrastructure needed in the elevated highway design that avoids restricting stormwater flow and flooding upstream areas.

#### The Town accepting the management of the Highway on and off ramps

Main Roads has requested a resolution on the Town accepting the Highway on and off ramps, which are shown in **Attachment 2 – Alignment plans**. Section 24 of the *Main Roads Act 1930*, allows the Governor, on the recommendation of the Commissioner for Main Roads, to declare secondary roads, construct them and assign responsibility for maintenance to Local Government (emphasis added). These may include Highway on and off ramps. Officers do not have any concerns with the Town accepting the management of these roads, subject to the:

- The design being to the specification and satisfaction of the Town;
- Plans being submitted to and approved by the Town;
- Construction in accordance with the approved plans;
- Main Roads maintaining a defects liability period ending on 30 June of the calendar year after no less than two (2) full wet seasons have elapsed, from November to April. Should any defects occur, these shall be rectified to the satisfaction of the Town;
- Upon completion of the defects liability period, the developer shall obtain the written consent from the Town that the works are in a satisfactory condition. If works are not in a satisfactory condition, remedial works shall be completed by the developer to the satisfaction of the Town.
- An asset register being provided to the Town.

It is expected that, among other things, the design will be in accordance with draft Local Planning Policy 11 Stormwater management. This would include erosion protection on embankments and other stormwater infrastructure. This will minimise maintenance responsibilities and costs to the Town.

#### Declaration of the Highway on and off ramps

Main Roads has requested that the Town undertake the dedication process for the Highway on and off ramps. As mentioned previously, Section 24 of the *Main Roads Act 1930*, allows the Governor, on the recommendation of the Commissioner for Main Roads, to declare secondary roads, construct them and assign responsibility for maintenance to Local Government (emphasis added). These may include Highway on and off ramps.

Main Roads can run this declaration process concurrently with them declaring the remainder of the proposed road as a highway or main road. The recommendation is to support Main Roads undertaking this process.

#### Closure of the Great Northern Highway reserve over BHP rail lease

Main Roads has requested that the Town undertake the road closure process for a portion of the Highway that intersects with BHP's railway line.

Section 13 of the *Main Roads Act 1930* provides the power for the Governor, on the recommendation of the Commissioner for Main Roads, to declare that land shall cease to be a highway or main road. Officers believe that this process should be completed by the proponent, given that:

- This is a Main Roads asset;
- This is a project being undertaken by Main Roads, on behalf of BHP; and
- Main Roads has the statutory ability and resources under their own Act.

The recommendation is to support Main Roads pursuing the closure.



Agreeing to cede the airport land required and access

A 1,615sqm portion of land is required on the north-eastern side of the airport landholding for road widening purposes. This land measures five metres in width and contains no improvements.

Officers have no objections and the Port Hedland International Airport has provided in-principle consent, subject to final board and financier approval (**Appendix 4 – In principle support from Airport**). Recommendation 6 conveys this, subject to Main Roads obtaining the written consent of the Port Hedland International Airport.

It is recommended that Council delegates to the Chief Executive Officer, the power to amend the lease, deed and/or tripartite agreement (as appropriate) between the Port Hedland International Airport and the Town. This should include consent for the land to be acquired by the Commissioner of Main Roads via a taking by agreement.

Should Main Roads or its contractors require access to the airport land, they will need to obtain the written consent of the Port Hedland International Airport, given security and operational requirements.

Support for creation of a Road Train Assembly Area

The request also seeks support for the formalisation of the existing Road Train Assembly Area, with a management order in favour of the Commissioner of Main Roads. This has been operational since 2017 and Officers have no objections.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- Director Infrastructure Services
- Director Regulatory Services
- Manager Infrastructure Projects & Assets
- Manager Infrastructure Operations
- Manager Environmental Health and Community Safety
- Manager Planning & Development
- Principal Project Manager
- Legal Council
- Project Engineer
- Development Services Officer

Recommendations have been based on Officer advice.

### *External Agencies*

Department of Planning, Lands and Heritage

The Department has advised that:

- They are not progressing any new road widenings/deviations of existing main roads under section 28 or 56 of the Land Administration Act 1997 (LAA). The way forward that has been agreed upon between the Department and Main Roads is for a new lot to be created, which would be proclaimed as a main road under the *Main Roads Act 1930*.
- This portion of the Great Northern Highway is under the care and control of Main Roads and the road will not be dedicated under the LAA.

### *Community*

No external advertising undertaken as this is a State Government project and it is expected that they will advertise where necessary.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Land Administration Act 1997*

- Section 56 of the Act identifies the statutory process for dedicating roads under the care, control and management of Local Government.

### *Main Roads Act 1930*

- Section 13 of the Act provides the power for the Governor, on the recommendation of the Commissioner for Main Roads (the Commissioner), to declare that land shall be or cease to be a highway or main road.
- Section 24 allows the Governor, on the recommendation of the Commissioner, to declare secondary roads, construct them and assign responsibility for maintenance to Local Government.

## FINANCIAL AND RESOURCES IMPLICATIONS

The recommendations are designed to limit financial and resource exposure and implications to the Town, whilst still allowing the project to proceed. This is explained below.

### Road dedications

Main Roads have the statutory ability, resources and experience to dedicate and close roads that are of regional or state significance. These can be declared highways or main roads under the *Main Roads Act 1930*, alternatively sections can be closed under Section 13. They also have the ability to dedicate the on/off ramps as secondary roads and transfer control and maintenance to Local Government under Section 24. It is recommended that Main Roads undertakes this, given:

- The advice from the Department of Planning, Lands and Heritage (DPLH) indicates that Main Roads should be undertaking this process and that the DPLH will not process the request under the *Land Administration Act 1997*;
- That this is a State Government asset and project; and
- The Town's resources and experience are limited in this area.

### Maintenance of redundant section of Highway and proposed on and off ramps

The Town also seeks to minimise long term financial and resource maintenance impacts from the transfer of the redundant Highway and proposed new on and off ramps. If the recommendations are adopted in full and Main Roads agrees, the above measures will limit the impact on the forward works budget for maintenance.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.b.1 Sound long-term financial planning is implemented

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a financial risk associated with this item because the Town may gain additional assets and infrastructure to maintain. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

This may be mitigated if roads are designed and constructed to the specification and satisfaction of the Town. The recommendations seek to achieve this.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

It is paramount that the design of existing and proposed roads are handed over in a condition that will not result in a burden to the Town. It is also important that Main Roads dedicate and close their own assets as needed, given it is a State project and that the DPLH has advised that they will not process it under the *Land Administration Act 1997*. Given the above, it is important that the Council endorse the recommendations which will allow the project to proceed and safeguard the Town.

### **ATTACHMENTS**

1. Attachment 1 - Location plan (under separate cover)
2. Attachment 2 - Alignment plans (under separate cover)
3. Attachment 3 - Correspondence from Main Roads (under separate cover)
4. Attachment 4 - In-principle support from Port Hedland International Airport (under separate cover)

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| 11.3.3 APPLICATION FOR AMENDMENT TO DEVELOPMENT APPROVAL (EXTENSION OF TIME) FOR WORKFORCE ACCOMMODATION AT LOT 9008 GREAT NORTHERN HIGHWAY, PORT HEDLAND |
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Author: Town Planner  
Authorising Officer: Director Regulatory Services  
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Amendment to Development Approval (2010/226) for Workforce Accommodation on Lot 9008 Great Northern Highway, Port Hedland subject to the following Conditions and Advice Notes:

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. This approval does not relate to any other development on this lot.
2. The approved development is valid for a period of five years and three months from the date of the decision, expiring on 25 November 2026, with any further period subject to demand being proven, update of the social impact assessment and review of social contributions. A further approval period may be requested through a written request by letter and Council decision.
3. This approval is for 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may require further development approval in accordance with the Town's Local Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Social Impact Assessment
  - 4.1 A community contribution of \$150,000 shall be provided which the Town of Port Hedland shall only spend on the following:
    - a) Local community infrastructure, including but not limited to mental health initiatives within close proximity to the facility which the residents can avail themselves to; and/or
    - b) Youth improvement opportunities, targeting avoidance of criminal paths and anti-social behaviour.

The contribution shall be paid in full in lump sum on or before 25 November 2021, or other alternative arrangements as agreed to in writing by the Town of Port Hedland.

- 4.2 Within six months of the commencement of operation of the development, an amended Social Impact Assessment and Social Impact Management Plan



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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 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, including local Aboriginal corporations, to be undertaken prior to the occupation or use of the development;
  - ii) Anchor tenants to consider their involvement in the provision of social impact management commitments, to be undertaken prior to the occupation or use of the development; and
  - iii) Mia Mia residents, to be undertaken within six months of the occupation or use of the development;
- 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 Mia Mia'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.

4.3 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.

## 5. Landscape Plan

5.1 Prior to the occupation or use of the development, a detailed landscape plan is to be submitted to and approved by the Town of Port Hedland. The detailed landscape plan shall include, but is not limited to, the following information:

- a) The provision of a landscape buffer zone of no less than 10 metres in width immediately adjoining the Great Northern Highway boundary line;
- b) The location, number, size and species of vegetation, including types of ground covers, shrubs and trees proposed;
- c) Areas to be reticulated or irrigated; and
- d) Verge treatments.

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

## 6. Traffic and Parking Management

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- 6.1 Prior to the occupation or use of development, a Traffic and Parking Management Plan shall be submitted to and approved by the Town of Port Hedland. The Traffic and Parking Management Plan must be in accordance with the Department of Planning, Lands and Heritage's Transport Impact Assessment Guidelines and include, but not limited to, the following information:
- a) Details of any crossover and vehicle access modifications, and details of internal pedestrian and vehicle movement networks;
  - b) Number of car parking bays, including accessibility and heavy vehicle bays, and pick up/drop off locations, all to be in accordance with AS2890.1 (as amended);
  - c) Parking is to not be obstructed in any way or used for any other purpose than parking;
  - d) Details relating to alternative modes of transport, particularly linked to anchor tenant operations;
- 6.2 The approved Traffic and Parking Management Plan must be fully implemented and constructed to the satisfaction and specification of the Town of Port Hedland prior to the occupation or use of the development.
- 6.3 The approved development must operate in accordance with the approved Traffic Impact Assessment or Traffic Management Plan for the duration of the approval.

## 7. Stormwater and Drainage Management

- 7.1 Prior to the occupation or use of the development, a Stormwater Management Plan shall be submitted to and approved by the Town of Port Hedland. The Stormwater Management Plan shall include, but is not limited to, the following information:
- a) Existing ground levels and the natural flow of stormwater, so as to not escape from leasehold property boundaries;
  - b) Detailed design of proposed drainage swale along the northern boundary line, and if required details or proposed drainage to ensure the movement of water along the western boundary line;
  - c) Detailed design of all discharge points into the road reserve;
  - d) Details of any sediment control measures to restrict the movement of sediment across leasehold boundaries;
  - e) Stormwater calculations to demonstrate capacity of drainage for a 1 in 5 year rainfall event (six minute rainfall event); and
  - f) Should pooling of water occur for longer than 72 hours for a 1 in 5 year rainfall event, mosquito management measures to be implemented.
- 7.2 The approved development shall operate in accordance with the approved stormwater management plan for the duration of the approval period.

## 8. Site Rehabilitation Plan

- 8.1 By no later than 25 May 2026, a Site Rehabilitation Plan shall be submitted to and approved by the Town of Port Hedland for the rehabilitation of the
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subject site following the end of approval period and cessation of the land use. The Site Rehabilitation Plan should include, but is not limited to, the following information:

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

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

9. Waste Management Plan

9.1 Prior to the use or occupation of the development, a Waste Management Plan shall be submitted to and approved by the Town of Port Hedland.

9.2 The development shall operate in accordance with the approved waste management plan at all times to the satisfaction of the Town of Port Hedland.

10. Cyclone Management Plan

10.1 Prior to the use or occupation of the development, an amended Cyclone Management Plan shall be submitted to and approved by the Town of Port Hedland. The Cyclone Management Plan shall include, but is not limited to the following information:

- a) Confirmation of the Importance Level Rating of the Dining facility under the National Construction Code to ensure that capacity to be used in the event of a cyclone; or
- b) Alternative measures to ensure the safe relocation of Mia Mia residents to appropriate facilities in the event of a cyclone.

10.2 The approved development shall operate in accordance with the approved Cyclone Management Plan at all times for the duration of the approval.

11. Prior to the use or occupation of the development, all bin stores and service areas shall be adequately screened to meet the requirements of the Town of Port Hedland's Local Planning Policy 10 Highway Precinct Design Guidelines to the satisfaction of the Town of Port Hedland. The screening is to remain in place for the duration of the approval.

12. Prior to the use or occupation of the development, all transportable buildings on-site shall meet the requirements of the Town of Port Hedland's Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings. The

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transportable buildings shall remain in a clean, neat condition to the satisfaction of the Town of Port Hedland for the duration of the development.

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

#### 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.*
- If after 5 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.
- c. With reference to Condition 5, the Town of Port Hedland Local Planning Policy 10 Highway Precinct Design Guidelines provides recommended species for the use of screening within the Great Northern Highway buffer.
- d. With reference to Condition 6, any works proposed in the Great Northern Highway road reserve must receive the approval of Mains Roads WA prior to the commencement of development.
- e. With reference to Condition 9, the Waste Management Plan must comply with the Town of Port Hedland Waste Local Law 2020 at all times for the duration of the development.
- f. Prior to the commencement of the development, a Building Permit is required in accordance with the *Building Act 2011*, for the following development including, but not limited to:
- Installation of directional signage (assuming they are standalone and not fixed to a building);
  - Installation of screening devices;
  - Structural works 'as required' to the administration building;
  - Installation of shade sails;
  - Install new fire system (dependent on the extent of works);
  - Repairs to existing tie-downs on the laundry and room buildings.

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- g. The approved development must be connected to an approved apparatus for the on-site management of sewage and wastewater. The development must comply with *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* at all times for the duration of the development.
- h. If a mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Town of Port Hedland Health Local Law 2016.
- i. The approved development must comply with the *Health (Public Building) Regulations 1992* at all times for the duration of the development.
- j. The approved accommodation buildings must comply with the relevant provisions of the *Health Act 1911* and the Town of Port Hedland Health Local Law 2016 at all times for the duration of the development.
- k. All lodging houses are required to be registered under the *Health (Miscellaneous Provisions) Act 1911* and operate in accordance with that Act and the Town of Port Hedland Health Local Law 2016.
- l. The approved development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times for the duration of the development.
- m. It is a requirement under the *Food Act 2008* that all food premises be registered prior to the commencement of operations. The following is relevant:
- The construction and use of the proposed premises is required to comply with the *Food Regulations 2009*, the Food Safety Standards and the Town of Port Hedland Health Local Law 2016;
  - A fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of the Town of Port Hedland;
  - The food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
- n. Where conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.
- o. Where an approval has so lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.
- p. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14. An application must be made within 28 days of the determination.

*SIMPLE MAJORITY VOTE REQUIRED*

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## PURPOSE

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

## DETAIL

On 25 January 2006, Council approved transient workforce accommodation on (former) Lot 2444 Great Northern Highway, Port Hedland, subject to standard conditions and advice notes. This application was lodged by Spotless Services Australia Ltd, on behalf of Fortescue Metals Group. Subsequently, on 17 May 2010, the Town, via delegated authority, issued a time-limited development approval for an additional 63 rooms at the site and continued operation for a period of 24 months. The applicant was Mia Mia Port Hedland, who were the operators of the facility. This approval was subject to a number of conditions relating to social contributions and lease arrangements between the operator and the Town. The facility ceased use in 2018 and these time-limited approvals have since lapsed.

On 12 July 2021, the Town accepted an application to amend the abovementioned development approval to extend the approval period for an additional ten years. The Town remains the landowner, with the PHIA Asset Pty Ltd being the leaseholder. On 30 July 2021, the applicant amended the application to propose five year approval period, with the opportunity to request an extension for an additional five years, and includes:

- Minor modifications to the existing buildings on-site, with the intent to bring the buildings back to an operational standard;
- Demonstration of demand of workforce accommodation within the Town of Port Hedland;
- Social Impact Assessment (SIA), Social Impact Management Plan (SIMP) and details relating to social contributions (**Attachment 3**); and
- Details relating to demand for the facility, landscaping provisions, parking and traffic management, cyclone management plan and indicative site rehabilitation plans.

Should the proposal be approved, it will likely be refurbished and operational within three months. Details of the proposal are contained within **Attachment 2**.

The intent of the amendment to the proposal was for the assessment of the application to be considered against the Basic Design Standards in accordance with Local Planning Policy 05 Workforce Accommodation (LPP/05). Town Officers recommend an approval period of five years without extension for the reasons identified in the remainder of the report.

### Local Planning Scheme No. 7

The subject site is located within Special Use Zone 1 Port Hedland International Airport as designated in the Town's Local Planning Scheme No. 7. Workforce accommodation is an 'A' use in this zone. This means the proposal can only be considered once advertised in accordance with clause 64 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposal has been advertised for a period of 14 days, between Wednesday 21 July 2021 and 4 August 2021. Outcomes of the community

consultation period are included in **Attachment 4** and described under the Consultation heading of this report.

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

- It is small scale proposal, in comparison with other workforce accommodation sites;
- The site has previously been used for the purpose of workforce accommodation with no noise complaints being made to the Town about the subject site or surrounding sites;
- The built form is not imposing in scale when viewed from Great Northern Highway and surrounding sites, subject to some modification to the landscaping on-site; and
- The use itself will not detrimentally impact on the nearby sensitive land use (workforce accommodation) or the operations of Port Hedland International Airport.

### 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. The proposal is also located with the Highway Precinct as prescribed in Local Planning Policy 10 Highway Precinct Design Guidelines (LPP/10), which was adopted by Council on 4 November 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 applicant must demonstrate the demand in the current economic climate. The applicant has demonstrated a demand for Mia Mia Workforce Accommodation for three to five years based on the companies requiring secure on-going workforce accommodation due to expansion and up-coming projects. At least 79 percent of the units being required permanently for MGM Bulk for a contractual period of up to five years. Additional companies have been identified for a variety of workforce accommodation, but predominantly project and short-term employees. This adequately demonstrates demand for three to five years, which Town Officers consider to be a more appropriate time-limited approval period.

#### *Location Suitability*

In accordance with Clause 6.3, the location of the site is appropriate in a short-term capacity due to disconnect (physically and socially) of the site from commercial land and town centres. This provides limited integration of facility residents with the remainder of Port and South Hedland, including local businesses and community facilities. As a result of this, and the design standard of the facility (further discussed below), Town Officers recommend an approval period of five years in lieu of the proposed.

#### *Design Standards*

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

- (1) *short-term workforce accommodation* which is expected to be of a larger scale and used for project work with an expected project delivery of up to three years; or
- (2) *long-term workforce accommodation* which is expected to be of a smaller scale and used for operational workforces with a lifecycle period of more than three years.

Clause 6.4 of LPP/05 further designates the design standards required for short-term and long-term workforce accommodation, being Table 1 – Basic Design Standards and Table 2 – High Design Standards, respectively. The purpose is to provide a higher standard built form and liveability for residents in long-term facilities and when viewed from the public realm. Based on this assessment, Town Officers recommend an approval period of five years without the possibility of extension.

Should the Town consider the requested a five years with an additional five year approval period (totalling a ten year approval) assessment would be against Table 2 – High Design Standards. Officers consider the extent of departures proposed in relation to the High Design Standards are not justifiable. As an alternative, Town Officer recommend a short-term approval period of five years based on Table 1 – Basic Design Standards, with the following being relevant:

| <b>Basic Design Standards</b>   | <b>Officer Comments</b>  |
|---|--|
| <p><b><i>Transportable Buildings –</i></b><br/> <i>Where development includes ‘transportable buildings’ as defined by Local Planning Policy 03 - Shipping, Sea Containers and Transportable Buildings (LPP/03), they shall incorporate all building design elements as per LPP/03.</i></p>  | <p>It is noted that the built form is existing and a number of the transportable buildings are being refurbished. The applicant has not provided any details relating to any external finishes of the existing transportable buildings to ensure compliance with LPP/03. Compliance with LPP/03 will be included as a condition of approval for when works commence.</p>   |
| <p><b><i>Landscaping –</i></b><br/> <i>Landscaping zones shall be established and maintained along street frontages to screen the development.</i></p>  | <p>The proposed landscape areas are along the Great Northern Highway frontage, with a width of 10 metres to provide attractive screening to contribute to the entrance to Port Hedland. A condition of approval requiring a detailed landscape plan has been recommended.</p>  |
| <p><b><i>Traffic and Parking Management –</i></b><br/> <i>Proposals shall be accompanied by a Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA) in accordance with the Transport Impact Assessment Guidelines by the Department of Planning, Lands and Heritage.</i><br/> <i>All road infrastructure shall be informed by the recommendations of the TIS or TIA, to the satisfaction of the Town.</i></p> | <p>The applicant has provided limited detail relating to traffic movement and car parking. The Town considers that based on the nature of the site and probability of car-pooling and bus services it is likely that parking appropriately caters for the site. Additional details will be required to be submitted to the Town prior to the commencement of the development, subject to the standard condition of approval as recommended, which will be influenced by operations of vendors utilising this facility.</p> |
| <p><b><i>Bin Stores –</i></b><br/> <i>Bin storage, waste and collection areas shall be fully screened from view from all public</i></p>   | <p>The applicant has not indicated any proposed screening around the bin store locations. This will be included as a standard</p>  |



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| <p><i>areas and set back to mitigate any observation or odours.</i></p>  | <p>condition of approval, along with a Waste Management Plan in accordance with LPP/10.</p>  |
| <p><b>Advertising Signs –</b><br/> <i>As per Local Planning Policy 02 - Advertising signs (LPP/02).</i></p>  | <p>The applicant has not indicated any proposed directional or advertising signage. This will be included as a standard condition of approval, along with an advice note outlining the requirements under the <i>Building Act 2011</i>.</p>  |
| <p><b>Stormwater Management –</b><br/> <i>Proposals shall be accompanied by a detailed stormwater management plan in accordance with the Town’s Stormwater Drainage Design Guidelines, and should ensure:</i></p> <ul style="list-style-type: none"> <li>• <i>A minimum of a 1:5 ARI event is contained on-site;</i></li> <li>• <i>No standing water in excess of 72 hours to prevent mosquito breeding;</i></li> <li>• <i>Sediment traps are included to prevent sediment entering the Town’s reserves and drainage infrastructure; and</i></li> <li>• <i>Erosion control measures are incorporated to prevent the erosion of embankments, swales and other areas that are unsealed.</i></li> </ul> <p><i>All habitable floor areas to have a minimum vertical freeboard of 300mm above the 1% Annual Exceedance Probability (AEP).</i></p> | <p>The applicant has provided high level detail of stormwater drainage flow. Due to the proposed approval period, there is risk of mosquito breeding and mosquito borne diseases should there be pooling of water for periods exceeding 72 hours. As such, Town Officers recommend a condition of approval for the following information to be submitted prior to the commencement of development.</p> <ul style="list-style-type: none"> <li>• Existing Ground Levels and stormwater drainage capacity, to ensure that any flooding will not result in pooling of water for more than 72 hours; or</li> <li>• If this cannot be demonstrated, a management plan to mitigate the risk posed to human health and safety; and</li> <li>• Finished Floor Level (FFL) of existing buildings, to demonstrate the FFL is at least 300mm above the 1% AEP.</li> </ul> |
| <p><b>Cyclone Management –</b><br/> <i>Provide a building or buildings that are designed for emergency cyclone sheltering purposes for all occupants the site is designed to accommodate. Such buildings shall be designed and constructed to a Building Code of Australia importance level four (4), unless otherwise agreed by the Town’s emergency services.</i></p>  | <p>The applicant has provided a cyclone management plan which identifies that the dining room facility is a designated cyclone refuge. Cyclone refuges are required to be constructed to an Importance Level 4 (IL4) standards under the Building Code of Australia (BCA). Additional details will be required to be submitted outlining the following:</p> <ul style="list-style-type: none"> <li>• Confirmation that the designated cyclone refuge meets IL4 of the BCA; or</li> <li>• The plan is updated for all residents to be transported to the Gateway facility during the cyclonic event.</li> </ul>   |

There are further design considerations in accordance with LPP/10 which are described below.

*Site Rehabilitation*

Clause 6.5 requires detail relating to site rehabilitation when time-limited approvals are issued for workforce accommodation. The applicant has provided high level information relating to the rehabilitation of the site, which includes the confirmation of the removal of buildings, fixtures

and infrastructure, repair or remediation of any damage caused by activities and the replanting of appropriate native flora.

The Town recommends a more comprehensive rehabilitation plan be submitted to and approved by the Town of Port Hedland, no sooner than 25 May 2026 being six months prior to the end of the recommended approval period.

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

- The proposal, subject to standard conditions of approval, is of a design standard which reflects the basic design outcomes of the policy;
- The SIA and SIMP (further described below) begin to demonstrate the social benefits of this facility to Mia Mia residents and the local community and provide some opportunity for integration with the wider community; and
- The proposal has demonstrated the demand for the next three to five years.

#### Local Planning Policy 06 Social Impact Assessment

Clause 4.2 of LPP/06 requires an SIA and SIMP to be submitted with any proposed workforce accommodation. The intent of the SIA and SIMP is to provide a structured approach to planning for, and offsetting demand on the limited infrastructure and services on-site by considering the integration of Mia Mia residents with community social infrastructure. As part of this development application, the applicant has used the SIA submitted as part of the conditional approval for the Gateway workforce accommodation facility. The result of this is a set of social impact management commitments (**Attachment 3**), for the ongoing operation of the proposed Mia Mia facility. The use of the Gateway facility SIA does not consider the scope of Mia Mia facility, being of a smaller scale of development and physically disconnected from commercial and public services and infrastructure. The applicant has provided a more holistic approach to social impact management via the attached commitments. Additionally, the applicant has provided a financial commitment to social contributions for community groups and Hedland youth development.

The proposed approach to the SIA and SIMP does not consider the specific context of the site and resultant social impacts on Mia Mia residents. Nor has the applicant able to present an accurate baseline of information due to the lack of consultation with the wider Port Hedland community. However, the applicant has provided additional commitment to the following engagement targeted towards:

- Mia Mia residents – with this engagement occurring within six months of the commencement of operation, to ensure more informed, meaningful feedback;
- Local stakeholder groups, to the satisfaction of the Town – this is inclusive of Hedland Aboriginal corporations; and
- Local resident groups and businesses to identify opportunities and perceived barriers to the integration of Mia Mia residents in the community – this is to occur prior to the commencement of operations.

The recommended condition of approval requires the results of the above engagement to be presented in an amended Social Impact Management Plan. This will provide more detailed social management commitments that accurately reflect the context of Mia Mia. The SIA and SIMP will be required to be submitted within six months of the commencement of operation or use of the development.

In addition to the above, including subsequent results of extensive engagement and a Social Impact Management Plan being submitted to the Town, a monetary social contribution of \$150,000 will be paid to the Town. The applicant proposes an additional \$50,000 to be paid in 2026, should the Town support an extension of time for an additional five years. Town Officers support the initial \$150,000 to contribute to community groups and mental health initiatives within close proximity to the facility with the residents can avail themselves to, and youth development project. However, Officers do not currently recommend the extension period of an additional five years as the demand is not currently known, the social impacts of the facility are not known and to provide Council the opportunity to consider the proposal at a future date. As such, a Condition of approval has been recommended for the initial social contribution amount of \$150,000 to be paid to the Town within six months of the approval being issued.

Notwithstanding the above, should Council resolve to approve the development based on the Officer Recommendation, the applicant has a right to request an extension before the end of the approval period in accordance with clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Should this occur, the applicant will be required to demonstrate the demand for the continued operation, including an SIA and SIMP to provide up-dated, relevant strategies of inclusion for residents of the facility and social benefits to the wider Hedland community through another amendment to the development approval. Based on the significant fluctuations the Hedland community witnesses, economically and socially, it is difficult for Officers to consider whether this proposal of \$50,000 in 2026 would be appropriate to mitigate any detrimental social impacts or issues experienced at the time.

Local Planning Policy 10 Highway Precinct Design Guidelines

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

| Design Standards  | Officer Comments  |
|---|---|
| <p><b>Landscaping –</b><br/> <i>Within the site’s 15m Great Northern Highway setback area, the site shall be planted with a native buffer to screen views of the development, and shall be wide enough for multiple rows of plants in a staggered layout, nominally 20 metres. Implementation of buffer plantings to coincide with development to ensure establishment and consistency of plantings. Reticulation and/or watering shall be required to ensure survival.</i></p> | <p>The proposed landscape areas are along the street frontage, with a width of 10 metres, which is considered appropriate due to the time-limited approval period. A condition of approval is recommended requiring further details of species be provided, consistent with the planting guide under LPP/10.</p> <p>Should native plants be installed, there is opportunity to maintain these through an amended rehabilitation plan due to the likelihood of survival after five years in the Hedland climate.</p> |

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| <p><b>Traffic and Parking Management –</b><br/> <i>Provision of car parking bays shall have the number of accessible car parking spaces shall be in accordance with the Building Code of Australia; and all bays be designed in accordance with Australian Standards AS 2890.1.</i><br/> <i>Heavy vehicle and commercial vehicle parking shall be separated from visitor and staff parking areas, screened from the street and located behind the front building line to the rear or sides of the buildings (where buildings are proposed).</i></p> | <p>The car parking areas are existing, including a number of oversized car parking bays. There has not been any allocation of accessible car parking bays, and this can be included in the additional traffic and parking management plan as a standard condition of approval.</p> <p>Additionally, swept path diagrams to demonstrate that vehicles can enter and exit the site in forward gear, are to be included in the traffic and parking management plan as a condition of approval.</p> |
| <p><b>Building entries and address –</b><br/> <i>Buildings shall provide a legible and visible entry to the street.</i></p>   | <p>The public buildings are existing, meaning if there is no opportunity to provide the legible entry to the street. Town Officers consider that directional signage for visitors to the site are a suitable alternative and will be included as a standard condition of approval.</p>  |

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION**

*Internal*

- Manager Environmental Health and Community Safety  
 Additionally, advice provided has indicated a number of regulations and local laws implemented via the *Health Act 1911* will be required to be complied with for the duration of the development. These have been included as advice notes for the applicant to ensure they are aware of their commitments under the relevant legislation.
  
- Project Engineer  
 Further information is required for the drainage swale, as indicated on the attached site plan. This will be included as a condition of development approval, which will be required prior to the occupation or use of the development.
  
- Development Services Officer  
 Based on the extent of modifications listed in the development proposal, the development requires a Building Permit Application for any structural works including, but not limited to, installation of directional signage, shade sales, new fire systems (dependent on the extent of works, repairs to existing tie-downs and any additional structural works) as required.

*External Agencies*

The proposal was not referred to any external agencies. It is noted that previous development applications were referred to Main Roads for the construction of access points. There are no

impact on the approved crossover, meaning this proposal was not required to be referred again to Main Roads.

### *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 21 July and 4 August. A letter was distributed to all adjoining landowners and operators, an advertisement was published in the North West Telegraph and details of the proposal were published on the Town's webpage. The Town received one submission in support of the proposal and one objecting to the proposal. Details of the submissions are located in **Attachment 4**. These submissions have been considered in the drafting of conditions ensuring that the development site reflects the provisions of LPP05 for the five year time-limited approval period.

## **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 03 Shipping/Sea Containers and Transportable Buildings
- Local Planning Policy 05 Workforce Accommodation
- Local Planning Policy 06 Social Impact Assessment
- Local Planning Policy 10 Highway Precinct Design Guidelines

## **FINANCIAL AND RESOURCES IMPLICATIONS**

The application for development approval attracted a fee of \$295.

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

Subject to approval of the extension, Compass Group will contribute \$150,000 to the Town of Port Hedland, to be applied for the purpose of supporting mental health initiatives within close proximity to the facility with the residents can avail themselves to and to assist the Town in implementing youth strategies as a response to youth involvement in crime and anti-social behaviour. This is an important financial offset that will enhance community liveability of both Mia Mia residents and the wider community.

## **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

## **RISK MANAGEMENT CONSIDERATIONS**

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

The Town could argue that there is sufficient workforce accommodation in Town to negate the demand proposed by the applicant. However, the risks associated with the Town's rejection of the application on this basis is the matter to progress to SAT, which may result in SAT overturning the Town's decision and 'unconditionally' approving the application for five years with an additional five years and potentially negating the \$150,000 community contribution for community benefit, and the further \$50,000 after the first five years as proposed by Compass Group.

This risk will be mitigated by conditionally approving the development.

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

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

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

## **ATTACHMENTS**

1. Extent of Development Area (under separate cover)
2. Development Application Bundle (under separate cover)
3. Social Impact Assessment and Management Strategies (under separate cover)
4. Schedule of Submissions (under separate cover)

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| 11.3.4 APPLICATION FOR DEVELOPMENT APPROVAL - PORT HEDLAND COMMUNITY CENTRE - LOT 1 MCGREGOR STREET, PORT HEDLAND |
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Author: Town Planner  
Authorising Officer: Director Regulatory Services  
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Application for Development Approval for Community Centre on Lot 1 and Lot 2915 McGregor Street, Port Hedland subject to the following Conditions and Advice Notes:

1. Development shall be in accordance with the following plans, with the exception of minor modifications approved in writing by the Town of Port Hedland prior to the issuing of a building permit:
  - a. DRW 1 of 17 through to DRW 17 of 17, dated 5 August 2021.
2. Prior to lodging an application for a building permit or commencing site works, a detailed landscaping plan for the subject site and the road verge must be submitted to and approved by the Town of Port Hedland, and must include the following:
  - a. the location, number, size and species type of existing ground covers, shrubs and trees;
  - b. any existing landscape areas to be retained;
  - c. those areas to be updated, reticulated or irrigated;
  - d. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - e. Any lawns to be established;
  - f. Shade trees within the car parking area at a rate of 1 tree per four bays; and
  - g. Protection measures to prevent vehicles damaging landscaping.

Prior to the occupation or use of the site, the landscaping plan must be fully implemented and maintained to the satisfaction of the Town.

3. Prior to lodging an application for a building permit or commencement of site works, a detailed stormwater management plan shall be submitted to and approved by the Town. It shall ensure that:
    - a. Verges and landscaped areas are designed to prevent loose material eroding;
    - b. Embankments for swales, roads and infiltration basins are protected from eroding;
    - c. Swales and drainage channels are designed to last the life of the development with minimal management; and
    - d. Discharge points can effectively dispose excess water, will not cause erosion, prevent sediment leaving the property and tie in neatly into existing infrastructure.
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4. The approved stormwater management plan shall be implemented in full prior to the occupation or use of the site, and shall be maintained thereafter.
5. The approved parking plan as indicated on (DRW 2 of 17, 5 August 2021) must be fully implemented and constructed to the specification of the Town prior to occupation or use of the site. The parking area must:
  - a. Be constructed, sealed, kerbed, drained and marked;
  - b. Not be obstructed in any way or used for any other purpose than parking; and
  - c. Include wheel stops as indicated to prevent vehicles interfering with landscaping and pedestrian movements.

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

6. Prior to lodging an application for a building permit or commencing site works or, a detailed signage and linemarking plan shall be submitted to the Town for approval. This shall include priority pedestrian crossings. The approved plan shall be installed in full prior to the occupation or use of the site.
7. Prior to occupation or use of the site, the redundant crossovers shall be removed and the verge and kerb reinstated to the specification and satisfaction of the Town.
8. Prior to lodging an application for a building permit or commencing site works, design plans for the screening of all external building plant, piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, outdoor storage and bin storage areas, shall be submitted to the specification and satisfaction of the Town for approval. The approved screening shall be installed prior to the occupation or use of the site and thereafter maintained to the satisfaction of the Town.
9. Prior to lodging an application for a Building Permit or commencing site works, a public art concept plan shall be submitted to the specification and satisfaction of the Town for approval. This shall have details of the proposed public art to a minimum value of two percent (2%) of the total project cost, in accordance with Local Planning Policy/04 Percent for Public Art. The approved artwork shall be completed prior to the occupation or use of the site, to the specification and satisfaction of the Town and shall be maintained for the duration of the development.
10. Prior to the commencement of site works, the established trees not identified for removal shall be protected in accordance with Australian Standard 4970-2009 *Protection of trees on development sites*. A site visit shall be organised to confirm adequate protection measures and written consent shall be obtained. These protection measures shall be maintained until site works have been completed.

#### 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
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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. A building permit must be obtained for development, including but not limited to fencing, retaining walls, signage, bin stores and light posts, prior to the commencement of construction. The developer should liaise with the Town's Planning and Development Services in this regard.
- c. This approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a fresh application for planning approval must be submitted to the Town of Port Hedland.
- d. The development and/or land use must comply with the Health (Public Building) Regulations 1992. The applicant and owner should liaise with the Town's Health Services in this regard.
- e. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation. The applicant and owner should liaise with the Water Corporation in this regard.

*SIMPLE MAJORITY VOTE REQUIRED*

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## PURPOSE

The purpose of this report is for Council to determine an application for development approval for the Port Hedland Community Centre on Lot 1 McGregor Street, Port Hedland. The application is being presented for Council's determination as the development value exceeds delegation thresholds.

## DETAIL

The proposed Port Hedland Community Centre is a new two-storey building located within the Port Hedland Sports & Community Hub Masterplan area, located where the existing turf club buildings are situated.

The development consists of the following components:

- Facilities for the turf club and hireable space for community groups
- Functional spaces – two large function spaces able to be divided into four rooms by an operable wall
- Community spaces – one large community space able to be divided into two rooms by an operable wall
- Two commercial kitchens
- Integrated judges box / broadcast tower at the finish line with TAB room and stewards room
- Male and female change rooms / toilets including universal access and parents room
- Formalisation and sealing of the existing parking area and landscaping.

The architect has noted the facility will be a consolidated high capacity multi-function building that is flexible and capable of accommodating multiple user groups concurrently. User groups

include the Port Hedland Turf Club, indoor recreational activities such as dance and martial arts, town programming and meetings and events for the broader community. It will also provide a welfare function for up to 200 people during a regional emergency, acting as a cyclone shelter and designed with cyclone mesh.

The building has been designed to provide views out to the existing race track. The new judges box/broadcast tower is on the Southern elevation of the building to allow unobstructed sightlines to the south, west and east. Undercover spectator viewing is provided on the ground and level one, towards both the race track and the existing stables.

#### Local Planning Scheme No. 7

The subject site is a designated Public Open Space Reserve under the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). The proposed land use is Civic Use and Community Purpose. The proposal is generally consistent with the use and objectives of Public Open Space Reserves as it contributes to the active and passive use of the Reserve for recreational purposes.

#### Built Form

The building is visible to the public on all four elevations therefore each side of the building has been treated as a 'front elevation' inclusive of a high degree of articulation. Through use of folding mesh screening elements, timber-look aluminium louvres, sunshading/cyclone proof panels, the building presents a dynamic form from all angles. An integrated approach to public art will also present artwork through the built form (this is discussed later in the report). The architectural design presents an iconic built form for the entrance to Port Hedland.

#### Parking and Access

The applicant has provided a Traffic Impact Assessment and Parking Layout plan as part of the development application package (**Attachment 3**). LPS7 prescribes minimum numbers of car parking bays dependent on the proposed land use. For this proposal, the Civic Use and Community Purpose land use attracts a minimum car parking requirement of one car parking bay for every thirty-five square metres of floor area; totalling 48 car parking bays.

The proposal includes a total of 186 car parking bays (including accessible car parking bays), drop off location for buses and vehicles, emergency vehicle locations and bicycle parking infrastructure. The TIA demonstrates compliance with the relevant Australian Standards relating to off-street car parking facilities. A standard condition of approval is recommended to ensure that the proposed car parking plan is constructed as approved.

#### Landscaping

The proposal has included an indicative landscape plan, which provides details on the location and species being considered. In addition to the proposed location, Town Officers are recommending additional landscaping be provided through the car parking area to provide shade to pedestrians and encourage walkability throughout the site. It is recommended that the ratio of landscaping in the car parking area is one tree for every four car parking bays, similarly to other recent Town delivered public projects, i.e. JD Hardie Youth Centre. The Town has a preferred planting guide, produced by the Town's Infrastructure Services, which lists species that have been identified as appropriate for the Pilbara climate. A standard condition

shall be implemented to ensure that a detailed landscape plan is submitted to ensure appropriate landscaping is implemented through the development.

### Evacuation Centre

The community centre will also be used as an evacuation centre. Cardno have prepared an Inundation Risk Assessment with the recommendation that the Finished Floor Level (FFL) of the shelter be above a storm tide with an Annual Exceedance Probability (AEP) of a 1 in 10,000 year event, being 7.9AHD. The proposed FFL of the ground floor is 6.7AHD and the first floor is 9.4AHD. The external façade of the first floor of the building includes cyclone screening to provide additional protection for the evacuation centre. The FFL of the ground floor is consistent with the predicted storm tide with an AEP of a 1 in 500 year event. The following agencies were contacted to provide comment:

- Town's Environmental Health and Community Safety;
- Department of Fire and Emergency Services;
- Department of Communities.

Western Australia does not have any legislative requirements when it comes to the construction of evacuation centres. However, the *Building Act 2011* prescribes that Evacuation Centres are required to be constructed to achieve Importance Level 4 (IL4) standards of the Building Code of Australia. These standards are for buildings essential to post-disaster recovery. Based on comments received from the above parties, Town Officers are satisfied that the ground floor level of the 1 in 500 year inundation event and first floor level exceeding the 1 in 10,000 year inundation event is appropriate for the evacuation centre, given it is likely people will access the site in the event of a Yellow Alert, where the flooding is not likely to be at the highest point. Additionally, the first floor cyclone screening will provide protection from other impacts of cyclone events such as debris and wind damage. It is noted that detailed engineering and building plans will be certified to meet this standard prior to an application for building permit being lodged with the Town.

### Local Planning Policy 04 Percent for Public Art

Clause 4.5 of Local Planning Policy 04 Percent for Public Art (LPP/04) requires any public development over the threshold value of two million dollars to set aside two percent of the total project cost for provision of public art (capped at a total of five hundred thousand dollars). The Town's Executive Leadership Team made the decision for the public art component of all stages of the Port Hedland Integrated Sports and Community Hub Masterplan to be capped at the total five hundred thousand dollars, allowing for an integrated approach to art throughout the Masterplan area. For this proposal, the intent is for the public art component to be in the form of screening, if possible with the cyclone screening requirements, or in the form of etch artwork in concrete panelling on the exterior of the building. The final decision will be a result of costs analysis and confirmation on the cyclone requirements for the dedicated cyclone screening. Notwithstanding, a standard condition of approval is recommended to ensure that the public art component is considered and approved prior to works commencing to ensure an integrated, well-considered art contribution for this iconic building.

### Draft Local Planning Policy 07 Coastal Planning

Under LPS7, portions of the proposed development, including the outdoor area of the community centre, portion of car parking and landscaping areas and turning area for horse floats accessing the stables, are located with Special Control Area 7 – Coastal Hazard and Risk Management Adaptation Area (SCA7). This means any development in this area is required to be considered against any relevant State and local planning policy, and the Town's Coastal Hazard and Risk Management Adaptation Plan. On 30 June 2021, Council initiated the draft Local Planning Policy 07 Coastal Planning (LPP/07) by way of advertising the draft LPP/07, meaning the Town shall have due regard to the provisions of the draft LPP/07 where applicable. The development site is most likely to result in inundation during storm and rainfall events rather than erosion, as identified in Appendix 1 of LPP/07.

The extent of development within this area are outdoor recreation and car parking and vehicle access associated within the community centre. The community and evacuation centre itself is located in the least vulnerable portion of the lot as determined by Cardno's Inundation Risk Assessment, which is consistent with the provisions of LPP/07. The location of the community centre is supported and the location of the car parking facility and turning area associated with the stables are not considered to pose a significant risk to the development during a storm event or in considering inundation levels. Whilst not in SCA7, the ground floor FFL of the community centre has been proposed to meet the predicted inundation levels for a 1 in 500 year event, being 6.7AHD, due to the dual use as an evacuation centre.

### Draft Local Planning Policy 11 Stormwater Management

On 30 June 2021, Council initiated the draft Local Planning Policy 11 Stormwater Management (LPP/11) by way of advertising the draft LPP/11, meaning the Town shall have due regard to the provisions of the draft LPP/11 where applicable. The application includes a drainage plan which presents swales and embankments internal to the race track demonstrating the movement of water through the site. The location and size of the drainage network is considered appropriate for the site. A condition is recommended to ensure a stormwater management plan be submitted prior to the commencement of works to provide additional details relating the protection of these swales are protected from risk of erosion, are disposed of in the most appropriate location and infrastructure is constructed to last the lifetime of the development.

### Other Relevant Considerations

It is noted that the proposed car parking area is located within a Water Corporation easement. The Town is required to seek approval from the Water Corporation for the extent of works across this easement prior to the commencement of works. Alternatively, if approval is not granted, the location of the car parking area shall be relocated to a more appropriate location.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because Council has previously agreed to the development in-principle through its approval of the Port Hedland Sports and Community Hub Masterplan and capital works planning and budgeting process. This item represents a decision based on planning merits only.

## CONSULTATION

### *Internal*

- Director Infrastructure Services
- Director Regulatory Services
- Manager Infrastructure Projects & Assets
- Principal Project Manager
- Project Manager
- Manager Town Planning & Development
- Manager Environmental Health & Community Safety
- Senior Sports and Facilities Officer
- Senior Arts and Culture Officer

### *External Agencies*

- Department of Communities  
The Department of Communities advised that they would require the Evacuation Centre to be used during Category 5 Cyclonic events. Given the construction will be to an IL4 standard, which considers more than cyclone ratings in the structural design and engineering specifications, Town Officers are satisfied that this advice is met.
- Department of Fire & Emergency Services  
The Department of Fire and Emergency Services advised that there are no legislative requirements for Evacuation Centres. As a result, the Town has considered the FFL and requirements under the *Building Act 2011* as appropriate design responses for appropriate Evacuation Centres.
- Community  
The Town's Community Services and Infrastructure Services directorates advised that extensive community consultation was carried out in developing the design of the proposal, to cater for community groups. As there are no immediately adjoining landowners affected by the proposal, further community consultation was not carried out as part of the development application process as this is a Town project. Specifically, consultation was undertaken within the Turf Club to discuss specific requirements associated with the 2022 Race Season during construction and design relating to subsequent race seasons in the new community centre.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 7*
- *LPP/04 – Percent for Public Art*
- *Draft LPP/07 – Coastal Planning*
- *Draft LPP/11 – Stormwater Management*
- *Coastal Hazard and Risk Management Adaptation Plan*

## FINANCIAL AND RESOURCES IMPLICATIONS

The applicant has paid a fee for processing the application in accordance with the *Planning and Development Regulations 2009*.

## 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.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 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.2 Facilities and community infrastructure are revitalised across the Town
- 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.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

Existing mature trees in the locality will be preserved where possible to accommodate the new development, contributing to maintaining a high degree of environmental amenity in the vicinity of the turf club.

### *Economic*

Revitalisation of the existing Turf Club facilities will attract tourists to town for races season, contributing to local economic development outcomes.

### *Social*

Provision of an emergency cyclone shelter will enhance social infrastructure within Port Hedland for residents whose homes are severely impacted during a cyclonic event.

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

## CORPORATE BUSINESS PLAN

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

- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose
- 1.d.3.4 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards
- 3.b.2.2 Undertake community cyclone preparation and response

## RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because during cyclonic events, if residents houses are severely damaged and Port Hedland is cut-off at Redbank Bridge, there is currently no cyclone shelter to accommodate the residents. The risk rating is considered to be high (15), which is determined by a likelihood of possible (3) and a consequence of catastrophic (5). The risk will be mitigated by approving the development and proceeding with construction.

There is a financial risk associated with this item because if the development levels are raised to a height that meets 1 in 10,000 year storm surge events, the costs associated with retaining and fill are disproportionate to the additional clearance height achieved. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4). The risk is mitigated by considering relevant agency comments appropriately and developing appropriate emergency management plans for the facility that are fit-for-purpose.

There is a service interruption risk associated with this item because the race season will be impacted by construction phase of the development. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3). If there is a delay on the decision for the development, up to two (2) race seasons may be impacted, therefore making a decision on the development will mitigate the risk.

## 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 relevant planning considerations associated the proposed Port Hedland Community Centre development in accordance with the applicable planning framework. Having considered relevant issues associated with the development, the Officer Recommendation is for Council to approve the development subject to conditions and advice notes.

## ATTACHMENTS

1. Extent of Development Area (under separate cover)
2. Concept Perspectives (under separate cover)
3. Development Plans (under separate cover)
4. Traffic Impact Statement (under separate cover)

**11.3.5 ENDORSEMENT OF TOWN OF PORT HEDLAND LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2021**

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

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**OFFICER'S RECOMMENDATION**

That Council:

1. Endorses the Town of Port Hedland Local Emergency Management Arrangements (LEMA) 2021.
2. Authorises the Chief Executive Officer to sign the Town of Port Hedland Local Emergency Management Arrangements as per attachment 1

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the endorsement of the Town of Port Hedland Local Emergency Management Arrangements 2021, including the Local Recovery Plan.

**DETAIL**

The Town of Port Hedland is subjected to a wide variety of hazards which result from both natural and man-made events. Effective emergency management arrangements enhance the community's resilience for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery activities.

Under the *Emergency Management Act 2005* Local Governments have a responsibility to prepare and maintain Local Emergency Management Arrangements (LEMA) in conjunction with the Local Emergency Management Committee (LEMC).

In line with the requirements of the above legislation and the procedures established by the State Emergency Management Committee, the Town has recently undertaken a major 5 yearly review of the LEMA. This document have been reviewed and endorsed by the LEMC.

The purpose of the Local Emergency Management Arrangements is to document the management of identified risks and provide specific detail on the prevention, preparedness and recovery activities of Local Governments, Hazard Management Agencies and other Emergency Management Agencies (EMAs).



The objectives of these Arrangements are to describe the strategies and tools that enable emergency management managers to:

- Describe the organisation, responsibilities and procedures for the effective management of any emergency which may impact on the communities within the Town of Port Hedland.
- Provide a plan for the coordination of resources to cope with the impact of emergencies.
- Provide a framework for recovery operations.
- Provide guidelines for the operation of the plan following activation of the plan.

The procedures in the Arrangements have been designed to provide a framework for the Town of Port Hedland to provide assistance to residents or responding services in the event of an emergency. Hazard Management Agencies (HMAs), Combat Agencies and Support Organisations prepare detailed plans for managing the hazards and functions for which they have been assigned responsibility. They also establish a framework for managing emergencies of a large scale or catastrophic nature requiring a significant and coordinated response and recovery.

- These arrangements cover areas when the Town of Port Hedland provides support to HMAs and other agencies in the event of an emergency event.
- The document comprises details on the capacity of the Town of Port Hedland in relation to the provision of resources to support the effective management of community emergencies.
- The Town's responsibilities in recovery operations and the restoration and reconstruction of services and facilities within the community are detailed in the document.
- These arrangements serve as a guide to emergency management at the local level. An emergency event may graduate and require to be managed at a regional or state level.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is a document that the Council is being requested to endorse that has varying effects on the community including the recovery of the community from an emergency or event.

## CONSULTATION

### *Internal*

- Port Hedland Local Emergency Management Committee
- District Emergency Management Advisor and Committee
- Director Regulatory Services – Local Recovery Co-Ordinator
- Town of Port Hedland Strategic Leadership Team (Local Recovery Plan)

### *External Agencies*

Various industry, emergency management and NGO representatives that are members of the Local Emergency Management Team.

### *Community*

Various community representatives that are members of the Local Emergency Management Committee.

Due to the confidential nature of the information within several of the attachments, these are listed as “Confidential” within this report. Operational copies supplied to Hazard Management Agencies and Emergency Management Agencies will include the confidential contact information. Redacted versions of these will be provided to the public once adopted by Council.

## **LEGISLATION AND POLICY CONSIDERATIONS**

Section 41 of the *Emergency Management Act 2005* requires a local government prepares arrangements (LEMA) for emergency management in the local government’s district.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no additional financial or budget implications for the Town of Port Hedland. The Town received an AWARE grant of \$3500 from DFES to assist in the preparation of the LEMA.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies

### *Environmental*

The protection and recovery of the Towns surrounding built and natural environment is captured within the Town of Port Hedland Local Recovery Plan, with a focus on ‘return to normality’ post disaster.

### *Economic*

Economic implications relating to recovery expenses post disaster are addressed in both the Town of Port Hedland Local Emergency Management Arrangements and Local Recovery Plan.

### *Social*

The Local Recovery Plan has a key focus on returning normality to Port Hedland’s social fabric post disaster.

## **CORPORATE BUSINESS PLAN**

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

- 3.b.2.1 – Implement, monitor and review the Town of Port Hedland Local Emergency Management Arrangements to enable the community to both prepare for and recover from emergencies.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because it is a State Legislative requirement. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

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

## CONCLUSION

The Town of Port Hedland is located on part of the North West coastline that is colloquially known as “Cyclone Ally” and consistently is forecast annually to experience 3-5 cyclones. This type of natural hazard has the potential to impact the Town on many different levels such as environmentally, financially, economically and socially.

The Town of Port Hedland has designated emergency management responsibilities as identified under the *Emergency Management Act 2005*. Effective emergency management arrangements enhance the community’s resilience for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery activities. These Arrangements have been designed to further promote and strengthen resilience with the community.

## ATTACHMENTS

1. Town of Port Hedland Local Emergency Management Arrangements 2021 (under separate cover)

## 11.4 Infrastructure Services

### 11.4.1 LEASE RENEWAL ROSE NOWERS EARLY LEARNING CENTRE

**Author:** Property Management 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 authorises the Chief Executive Officer to negotiate and enter into a community lease agreement in accordance with the s3.58 of the *Local Government Act 1995* with Rose Nowers Early Learning Centre over Lot 2791 on Deposited Plan 213343 26 Boronia Close South Hedland for an initial term of five (5) years with a further one (1) five (5) year option.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider entering into a new lease with Rose Nowers Early Learning Centre over Lot 2791 on Deposited Plan 213343 being the land comprised within the Certificate of Title Volume 1475 Folio 880.

#### DETAIL

Rose Nowers Early Learning Centre currently hold a lease over Lot 2791 (26 Boronia Close, South Hedland) on deposited Plan 213343 with the Town holding the Title Deed to the Land.

The current lease commenced on the 10 August 2011 and expired on the 9 August 2016. Additional option commenced on 10 August 2016 and is due to expire on the 9 August 2021. Rose Nowers Early Learning Centre will be placed onto a holding lease as at the 10 August 2021.

Rose Nowers Early Learning Centre have requested to renew the lease for a further five (5) years with an additional 1 x five (5) year term.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because they have held a lease on this facility for the past 10 years.

#### CONSULTATION

##### *Internal*

- Director Community Development
- Director Infrastructure Services
- Senior Sports and Facilities Officer

*(1) External Agencies*

- Rose Nowers Early Learning Centre

*Community*

N/A

**LEGISLATION AND POLICY CONSIDERATIONS**

Rose Nowers Early Learning Centre complies with the Town of Port Hedland Community Leasing Policy. The Town is in a position to offer a community lease in accordance with s3.58 of the Local Government Act 1995 at a cost of \$200 per annum.

**FINANCIAL AND RESOURCES IMPLICATIONS**

It is recommended for the lease renewal, that the Town negotiate a community lease agreement with Rose Nowers Early Learning in order to ensure compatibility and fairness with other day care providers that are in a leasing agreement with the Town.

The rent for the lease will be charged in accordance with the Town's Community Leasing Policy, which references the Fees and Charges for community leases currently set at \$200 per annum.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There is little risk with approving the lease. Rose Nowers have been operating successfully out of the premises for the last five years. A community lease brings Rose Nowers into line with other childcare providers operating out of Town owned premises. The risk rating is considered to be low (1), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

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

**CONCLUSION**

Rose Nowers Early Learning Centre provides an essential service to the Town. The Town of Port Hedland is in the position to facilitate a community lease to ensure this service continues to be available for residents of the Town.

**ATTACHMENTS**

Nil



**11.4.2 AWARD OF TENDER RFT2021-06 RESIDENTIAL BUILDS - DEMPSTER STREET**

**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 1**

That Council amend the FY21/22 budget allocation for Staff Housing Construction-Dempster from \$2,000,000 to \$2,320,497 and reduce Staff Housing Construction-82 Sutherland from \$750,000 to \$429,503. This results in a zero impact on the 2021/2022 budget.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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**OFFICER'S RECOMMENDATION 2**

That Council accepts the tender submitted by XXXXXXXXXXXX, in accordance with Tender RFT2021-06 Residential Builds Dempster Street, for the total amount of \$XXXXXXXXXX (excluding GST).

*SIMPLE MAJORITY VOTE REQUIRED*

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**OFFICER'S RECOMMENDATION 3**

In the event that XXXXXXXXXXXX does not satisfy the preconditions to the Contract referred to in Officer's Recommendation 2 within 30 Days, or such other date as approved by the Chief Executive Officer, that Council do not proceed with awarding the tender to any other contractors who provided a submission.

*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 RFT2021-06 Residential Builds Dempster Street and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL***Request for Tender*

The Town released a Request for Tender (RFT) on 23 June 2021, requesting a suitably qualified contractor to construct three (3) two (2) storey houses on Dempster Street in Port Hedland.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 23 June 2021 and was advertised in the West Australian and the North West Telegraph on 23 June 2021, with a closing date of 21 July 2021.

#### *Addendum Details*

#### *Addendum 1 – Updated site plan Site Inspection/Briefing details*

Date: 1 July 2021  
 Time: 10.00am  
 Location: Dempster Street Port Hedland

#### *Tender Assessment*

The Town received four (4) submissions for RFT 2021-06 Residential Builds Dempster Street. The respondents were as follows:

1. Acero
2. MJW Building Pty Ltd
3. TEC Services Pty Ltd
4. Thomas Building Pty Ltd

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of four (4) Town employees whose main objectives were:

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

The Procurement Officer facilitated the evaluation meeting held on 3 August 2021.

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

| Qualitative Criteria                     | (%) |
|--|-----|
| Relevant Experience & Key Personnel      | 30% |
| Capacity to Deliver & Resources          | 30% |
| Demonstrated Understanding & Methodology | 30% |
| Project Controls                         | 10% |

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, because the project has been included as part of the FY2021/22 Annual Budget adoption process.

## CONSULTATION

### *Internal*

Internal stakeholders were engaged as required as part of the Staff Housing Strategy.

### *External Agencies*

The Town engaged suitable qualified external consultants to provide design directives for the provision of all requirements under scope.

### *Community*

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 23 June 2021 and was advertised in the West Australian and the North West Telegraph on 23 June 2021, with a closing date of 21 July 2021.

## 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

The preferred tenderer has submitted a price within the current budget for the project. The additional funds proposed are for the use of the Principal at its own discretion.

The additional funds are proposed to be reallocated from the Staff housing Construction budget, which encompasses this project. These additional funds are available due to the cancellation of another residential construction project.

## 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

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

*Corporate Business Plan*

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

1.d.4.1 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards.

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the Town is currently experiencing difficulty attracting and retaining suitably qualified staff due to being unable to provide adequate and fit for purpose housing.

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**

In awarding this tender the Town will be able to successfully attract and retain adequately qualified staff to key positions within the Town's organisational structure.

**ATTACHMENTS**

1. Evaluation Report RFT 2021-06 Residential House Builds Dempster Street - Confidential (under separate cover)
2. Request for Tender RFT 2021-06 - Summary Report - Confidential (under separate cover)
3. Responses to Request for Tender RFT 2021-06 - Confidential (under separate cover)
4. Multi-Party Evaluation Report for RFT 2021-06 - Confidential (under separate cover)

## 11.5 Executive Services

### 11.5.1 POLICY REVIEW: 3/024 VOLUNTEERING POLICY FOR TOWN OF PORT HEDLAND EMPLOYEES

**Author:** Senior Organisational Development Advisor  
**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 adopts amended Policy 'Volunteering Policy for Town of Port Hedland Employees' as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

Volunteering plays an essential role in supporting the fabric of the community, particularly in regional and remote locations where the breadth of services isn't as robust as metropolitan locations.

The Town of Port Hedland (Town) recognises the contribution volunteering makes to the local Port Hedland community and as such has reviewed the *3/024 Town of Port Hedland Recognition of Emergency Service Volunteer Work Policy (2017)*, to incorporate all categories of volunteering and better reflect the needs of the community.

The following categories will be included in this policy: -

- Emergency Services Volunteers (existing category)
- Community Service Volunteers (new category)
- Corporate Volunteering (new category)

#### DETAIL

##### Emergency Services Volunteers

The Town currently has approximately 10 employees who are active Emergency Services Volunteers, who may be called to respond during business hours to emergency situations. These services include:

- DFES Volunteer Fire and Rescue Service (VFRS)
- Volunteer Marine Rescue Service (VMRS)
- Hedland Bush Fire Brigade (HBFB)
- State Emergency Service (SES)
- St John Ambulance Western Australia

When volunteers are called to action, their duties performed are critical to protecting life, infrastructure and the environment from harm and can be essential in helping the community rebuild after an emergency event.

The Towns Enterprise Agreement (EA) 2019 currently defers decisions regarding wages for volunteer work to the National Employment Standard (NES). Under this arrangement, an Emergency Services Volunteer can access unpaid leave to respond to a recognised emergency incident. Over the years, the Town has supported Emergency Services Volunteers to be released from standard work duties and paid up to a maximum of five (5) hours in any fortnight pay period, up to a maximum of fifty (50) hours claimable during a financial year.

This arrangement has supported Emergency Services Volunteers to attend emergency incidents and support the immediate needs of the community, whilst still receiving a portion of reimbursement to compensate for potential loss of wages.

Policy 3/024 *Town of Port Hedland Recognition of Emergency Service Volunteer Work (2017)* has been reviewed to encompass the following changes: -

- Renaming of the current policy to, 3/024 Volunteering Policy for Town of Port Hedland Employees.
- The introduction of two (2) new categories of volunteering to be accessible to Town employees:
  - a) Community Service Volunteers
  - b) Corporate Volunteering

### **Community Service Volunteering**

Community Service Volunteering provides employees with up to a maximum of two (2) days (15.2 hours) of paid community services volunteering leave each calendar year, to participate in voluntary work with a registered charity, local not-for-profit organisation or with an organisation at the discretion and approval of the Chief Executive Officer (CEO).

### **Corporate Volunteering**

Corporate Volunteering provides an option for the Town to support instances where teams of employees (up to and including the entire Town) are encouraged to volunteer during standard work hours. These instances may arise at the request of a Manager, Director or the CEO and are at the discretion and approval of the CEO.

There are robust processes in place which Town employees must adhere to, in order to access any of the Volunteering categories. These include: -

- Meeting eligibility criteria: this policy applies to all Town employees, with Casuals only eligible for Emergency Services Volunteer leave. Contractors and labour hire temporary staff engaged at the Town are not eligible.
- All requests from Town employees must be assessed and approved prior to any release from standard duties.
- Sufficient evidence is to be provided within the specified timeframe for an employee to receive paid volunteering leave.
- All requests and approvals may be subject to operational requirements.
- Volunteering is to be through an identified Emergency Service, a registered charity, local not-for-profit organisation or with an organisation at the discretion and approval of the CEO.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the decision will only affect internal staff, will be managed under strict policy and will not affect the capacity of the Council to perform its duties.

## CONSULTATION

### *Internal*

Consultation was undertaken with the Town's Human Resources Team to ensure the proposed policy in no way conflicted with the National Employment Standard (NES)/Fair Work Act 2009 or Town of Port Hedland Enterprise Agreement 2019.

Consultation was also undertaken with the Town's Executive Leadership Team and the Manager Environmental Health and Community Safety, to ensure that there was support for the proposed changes to the policy.

### *External Agencies*

Online research was carried out on similar volunteering options for internal employees of other organisations.

### *Community*

Should Council adopt the policy, the policy will be added to the Town's Policy Manual which is available on the Town's website.

## LEGISLATION AND POLICY CONSIDERATIONS

- Division 8, Community Service Leave, of the *Fair Work Act 2009* provides the current method for management of leave for community/volunteer service.
- Clause 28, Town of Port Hedland Enterprise Agreement 2019.

## FINANCIAL AND RESOURCES IMPLICATIONS

No additional cost will be incurred by the Town through the implementation of the proposed policy changes. Salary/wages will be covered through operational expenditure and managed within budget allocation

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- |  |  |
|--|--|
| <i>1.a A hardy, healthy and safe people</i>                  | <ul style="list-style-type: none"><li>• Improved levels of health, safety and wellbeing in the community.</li><li>• Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services.</li></ul> |
| <i>1.c A unique, vibrant and diverse community lifestyle</i> | <ul style="list-style-type: none"><li>• Increased participation and ownership by the community in activities, events and programs.</li><li>• Partnerships with industry and government to support events and activities are enhanced.</li></ul>                |

- 3.b A safe and fit-for-purpose built environment
- Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies.

### *Environmental*

Emergency Services Volunteers support the local Port Hedland community in response to emergency incidents in a timing manner, to maintain safety and wellbeing of the town.

### *Economic*

For every \$1 that is invested in Volunteering, \$4.50 in benefits are returned to the community. Western Australian employers enjoy a net productivity premium of \$9.4 billion as a result of their employees' volunteering. Further statistics and research regarding this can be found at [The Economic, Social, and Cultural Value of Volunteering to Western Australia](#) produced by Volunteering WA.

### *Social*

Volunteering in the community increases both individual and civic levels of social benefit.

### *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 7 - Employment

### *Corporate Business Plan*

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

- An inclusive and involved community.

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the perception from the community may be that Town employees should not be released from their standard duties to carry out paid volunteering work. The risk rating is considered to be low (3), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

Volunteering not only provides a valuable service to the community but can enable new members of the community to meet new people and develop a sense of belonging, increasing levels of connectedness and community engagement, through a sense of purpose. Supporting and encouraging employees to engage in volunteer service may also see benefits to the Town through the upskilling of staff across a range of industries.

By endorsing the proposed policy Council will send a clear message that the role of volunteers is respected, and that Council supports staff getting involved which in turn gives back to the community in a positive way.

#### **ATTACHMENTS**

1. 3/024 Volunteering Policy for Town of Port Hedland Employees (under separate cover)

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**Item 12 Reports of Committees**

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**12.1 2021 INTERNAL AUDIT REVIEW OF REGULATION 17**

**Author:** Senior Risk & Audit 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:

1. Receives and endorses the 2021 Internal Audit Review of Regulation 17 of the *Local Government (Audit) Regulations 1996*, as per Attachment 1.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider the outcomes of the 2021 Internal Audit Review of Regulation 17 of the *Local Government (Audit) Regulations 1996* (Regulation 17 Review).

The agreed management actions will be recorded in the Audit Log and progress updates on improvements made by the Town of Port Hedland (Town), will be provided to the Audit, Risk and Compliance Committee on a quarterly basis.

**DETAIL**

The Regulation 17 Review was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 10 August 2021 for consideration. The ARC Committee recommended that Council receive and endorse the Regulation 17 Review.

*Background*

William Buck Consulting (WA) Pty Ltd (William Buck) were engaged by the Town to act as the Town's internal audit function in February 2020. Following the engagement, William Buck prepared a Strategic three (3) Year Rolling and Annual Internal Audit Plan (Internal Audit Plan) that was considered and adopted by the Audit, Risk and Compliance Committee on 11 August 2020 (Committee Decision: ARC202021/013).

The Internal Audit Plan was amended and adopted by the ARC Committee on 10 March 2021 (Committee Decision: ARC202021/133). In accordance with the amended Internal Audit Plan, William Buck were tasked to review the Town's legislative compliance requirements (Regulation 17 Review). This area of review is clearly defined in the Internal Audit Plan, for the 2020/21 financial year.

*Regulation 17 Review*



In accordance with the Regulation 17(1)a of the *Local Government (Audit) Regulations 1996* and Part 7 of the *Local Government Act 1995*, the Chief Executive Officer (CEO) has to review the appropriateness and effectiveness of the Town's systems and procedures in relation to:

- Risk Management;
- Internal Control; and
- Legislative Compliance.

The review may relate to any or all of the matters referred to above, but each of those matters is to be the subject of a review not less than once in every 3 financial years. The CEO furthermore has to report the results of the review to the Audit, Risk and Compliance Committee.

CEO's are required to demonstrate through documentary evidence that they have solid foundations in place for the ongoing management of risks and controls and that the Town complies with any legislative compliance requirements.

A previous Regulation 17 review was conducted by Moore Australia (previously known as Moore Stephens) in December 2017.

#### *Overall Comment & Findings*

Based on the work performed, William Buck have identified 2 medium and 2 high rated findings in relation to the basic design and operation of processes around Risk Management, Internal Controls and Regulatory Compliance which mainly in the following areas:

- Weaknesses identified in current policies, procedures and/or processes;
- Improvement opportunities around the current processes for the timely review of policies, procedures and frameworks;
- Formalisation and approval of the Town's risk management framework, including related policies, procedures, processes and associated risk registers; and
- Formalising training processes which are aligned with training initiatives included in the in the Town's Strategic Workforce Plan.

The Town has started the process of implementing recommendations and has provided timebound action plan for this purpose. The management expects to implement the majority of recommendations by July 2022 and ERP system implementation for asset management by December 2023.

#### **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 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*

- Chief Executive Officer
- Director – Corporate Services
- Director- Regulatory Services
- Manager-Financial Services
- Manager Governance
- Manager Infrastructure Operations
- Manager IT and Program Delivery
- Manager Infrastructure Projects & Assets
- Senior Legal Counsel
- Senior Financial Accountant
- Senior Organisational Development Advisor
- Senior Risk and Audit Advisor
- Senior Governance Advisor

### *External Agencies*

- William Buck Consulting (WA) Pty Ltd.

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

- Part 7 – *Local Government Act 1995*; and
- *Local Government (Audit) Regulations 1996*.

## FINANCIAL AND RESOURCES IMPLICATIONS

The value of works for the first year, as contracted with William Buck and identified in the Strategic 3 Year Rolling and Annual Internal Audit Plan was recorded, considered and adopted in the Audit, Risk and Compliance Committee on 11 August 2020 and the adopted FY2020/21 Budget included sufficient funding for the internal audit costs. 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.b.4 Business approval processes are transparent and pathways streamlined
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 4.b.1 Sound long-term financial planning is implemented
- 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.

### *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 3 – Information; and
- Outcome 4 – Quality of Service.

### *Corporate Business Plan*

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

4.b.3.2 – Ensure all governance information provided to the community is in line with legislated requirements. Risk Management Considerations

2 medium and 2 high rated findings in relation to the basic design and operation of processes in respect to Risk Management, Internal Controls and Regulatory Compliance.

These are compliance and operational risks associated with this item because the Town must ensure that it has adequate procedures and processes in place to preserve and protect its systems, procedures, assets and its reputation by ensuring the compliance of regulatory requirements. The overall risk rating is medium (9), which is determined by a likelihood of likely (3) and a consequence of moderate (3). This risk will be reduced by the adoption of the recommendation and implementing the agreed management actions.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

This report presents Council with an overview of the reviewing process for Regulation 17 Review, and how the Town's administration will be addressing all relevant findings for improvement. It is recommended that Council receive and endorse the 2021 Internal Audit Review of Regulation 17 of the *Local Government (Audit) Regulations 1996*.

### **ATTACHMENTS**

1. **2021 Internal Audit Review of Regulation 17 of the Local Government (Audit) Regulations 1996 (under separate cover)**

**12.2 AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING MINUTES - 10 AUGUST 2021**

**Author:** Senior Risk and Audit 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 receives the unconfirmed minutes of the Audit, Risk and Compliance Committee Meeting held on 10 August 2021 at 5:30pm as published on the Town's website inclusive of the following decisions:

- 11.1 Interim Audit Report 2020/21
- 11.2 Strategic 3 Year Internal Audit Plan
- 11.3 2021 Internal Audit Review of Regulation 17 of the Local Government (Audit) Regulations 1996

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to receive the minutes of the most recent meeting of the Audit, Risk and Compliance Committee and note its decision.

**BACKGROUND**

The Audit, Risk and Compliance Committee has been established in accordance with Part 7 of the *Local Government Act 1995*, as an advisory committee appointed by the Council and responsible to the Council. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. It does not have any management functions and is independent of management.

The Committee's key focus is on matters relating to Audit (internal and external) Risk and Compliance. It liaises with the auditors and oversees the external audit function to promote transparency and accountability in the Town's financial management systems and reporting. The role of the Audit, Risk and Compliance Committee is to report to the Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

Council has delegated the following functions to the Committee, pursuant to ss.5.16, 7.1B and 7.12A(2)-(4) the *Local Government Act 1995*:

- Authority to meet with the Town's Auditor at least once every year on behalf of the Council [s.7.12A(2)];

- Authority to (i) examine the report of the Auditor and determine matters that require action to be taken by the Town; and (ii) ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]; and
- Authority to review and endorse the Town's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].

It is noted the delegation is not authorised for use where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor is to be directed to the Council.

A meeting of the Audit, Risk and Compliance Committee was held on Tuesday, 10 August 2021, where the minutes of the previous meeting of 11 May 2021 were confirmed.

## **REPORT**

The minutes of the meetings of the Audit, Risk and Compliance Committee of 10 August 2021 and the 11 May 2021 are attached as Attachment 1 and Attachment 2 respectively.

## **ATTACHMENTS**

**Nil**

**12.3 INTERIM AUDIT REPORT 2020/21**

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

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**OFFICER'S RECOMMENDATION**

That Council receives and endorses the Interim Audit Report relating to the interim audit conducted in May 2021 for the financial year ended 30 June 2021.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

This report presents to the Council the interim audit findings from the Town's external auditors, Office of the Auditor General (OAG) outsourced to RSM Australia Pty Ltd (RSM), for the interim audit conducted in May 2021 for the financial year ended 30 June 2021.

RSM have presented two findings in their interim audit report.

**DETAIL**

The Interim Audit is predominantly concerned with sample testing of financial transactions and a review of the effectiveness of internal controls to obtain an understanding of the key business processes and risks of the Town of Port Hedland. The Auditors have prepared a Management Letter in accordance with the *Local Government Act 1995* section 7.9(2) or regulation 10(3)(a) and (b) of the *Local Government (Audit) Regulations 1996*. This report includes audit observations, recommendations and management's formal responses.

The Audit, Risk and Compliance Committee (Committee) is to report to Council and provide appropriate advice and recommendations on matters relevant to the Committee's terms of reference. One of the Committee's principal duties is to make recommendations to Council regarding external audit reporting. The Interim audit Management Report was presented to the Committee at the Audit, Risk and Compliance Committee Meeting held on the 10 August 2021 and endorsed.

RSM has identified two items for consideration to be addressed by Management being the approval of invoices and credit notes outside of delegated authority limits (moderate finding) and control over changes to master file data being insufficient (significant finding). Please refer to confidential Attachment 1 for final findings identified during the interim audit.

These items have had process changes and were closed out as soon as they were identified by the auditors. These process changes were recommended by the auditors during the audit and the Finance team implemented them as they provided stronger financial controls for the organisation.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of minor significance as it does not impact the financial position of the Town for the financial year ended 30 June 2010 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

## CONSULTATION

### *Internal*

- Director Corporate Services
- Financial Services Team
- Governance Team
- Audit, Risk & Compliance Committee

### *External Agencies*

- RSM Australia Pty Ltd
- Office of Auditor General

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

- Part 7 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* details the requirements for audit.
- The Department of Local Government and Communities has also prepared Operational Guideline Number 9 to provide guidelines for the ARC relating to Audit in Local Government.
- Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* details the CEO's duties in relation to financial management.

## FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with conducting the interim audit and end of financial year audit are included in the 2020/21 budget and financial statements.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are 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

## CORPORATE BUSINESS PLAN

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

- 4.b.2.1 – Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

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), with risk managed by adequate process controls, managed by specific procedures and subject to regular monitoring.

RSM identified two matters for consideration to be addressed by Management. The Finance team have actioned and closed out the matters internally within the specified timeframe. In order to mitigate this finding in future, the processes for accounts receivable approval and master file data amendments have been altered going forward to strengthen controls.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The Town is continuously working towards improvements in the financial management area and in alignment to this undertaking has created processes to strengthen and reinforce internal controls. Methods of more efficient financial management will be continuously investigated in order to mitigate the risk of audit findings.

## ATTACHMENTS

1. Management Letter Interim Audit 2020-21 - Confidential (under separate cover)



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

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**13.1 ABORIGINAL ENGAGEMENT, PARTNERSHIP AND RECONCILIATION**

**Author:** Manager Community Development  
**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.

I, Councillor Tim Turner, give notice in accordance with Standing Order 5.4, that at the next Ordinary Meeting of Council to be held on 25 August 2021, I intend to move the following motion:

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**MOTION**

That Council:

1. Affirms its commitment to Aboriginal Engagement, Partnerships, and the promotion of Reconciliation within our community;
2. Continues to work with Aboriginal led organisations including, but not limited to, Indigenous Prescribed Body Corporates and Aboriginal Community Controlled Organisation, to provide positive social impact and community wellbeing; and
3. Promotes Aboriginal representation within the community to strengthen the Towns working relationships and engagement with our Aboriginal community, and continue to build effective partnerships.

*SIMPLE MAJORITY VOTE REQUIRED*

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I commend this Notice of Motion to Council.

**PRÉCIS**

- To ensure the value the ToPH places upon its relationships with the traditional owners of Hedland and First Nations people living in Hedland is prioritised.
- To ensure the ToPH has an effective mechanism for representation with the Aboriginal community to inform decision making by ToPH.
- To ensure ToPH works in partnership to leverage opportunity and resources to improve outcomes working with Aboriginal people in our community.
- To ensure ToPH embeds a commitment to reconciliation in the way it conducts its business and relationships with the Aboriginal community in Hedland.

**OFFICER'S RESPONSE**

The Town of Port Hedland has a strong commitment to Hedland's Aboriginal community and are always looking to find new ways to work with, support, learn from and celebrate the local Aboriginal community and the broader Aboriginal community connected to Hedland.

The Town's Reconciliation Action Plan (2016-2019) was reviewed in 2020 and it was determined that the Town pursue an alternative document to continue to work towards reconciliation. In 2021, the Town is working on the development of an Aboriginal Partnership Plan. The purpose of this Plan will be to improve and increase communication, consultation and understanding between the Town and the Aboriginal community. The aim is to increase recognition of the culture, history, issues and achievements of the Aboriginal people in Hedland and provide a collaborative approach in advocating for issues that are affecting the community in order to improve health and wellbeing outcomes. Consultation and engagement has commenced and will encompass working with Aboriginal led organisations including Indigenous Prescribed Body Corporates and Aboriginal Community Controlled Organisations as well as Elders, community leaders, youth and the broader Aboriginal community.

In May this year, the Town acknowledged the 1946 Pilbara Aboriginal Strike and the decedents through the renaming of Leap Park on the corner of Anderson and Wedge Streets in Port Hedland to Strike Park following a suggestion from local Elders in Hedland. The Town supported a community led event to commemorate the renaming and the 75<sup>th</sup> Anniversary of the Strike. It was attended by over 200 members of the wider Aboriginal community including people traveling from Newman, Strelley, Warralong, Jigalong, Punmu and others from the Western Desert for the event.

In September, the Town is establishing the Hedland Aboriginal Support Network. This group will consist of people working to support Hedland's Aboriginal community through their organisations and will meet six times a year as a mechanism for co-ordinating support for Hedland's disadvantaged Aboriginal community and responding to emerging issues.

The Town supported the 2021 NAIDOC Week events through participating on the NAIDOC Week committee and providing event and marketing support to the NAIDOC Week Concert on Saturday 10 July which was attended by over 500 community members. The Town also held a free community screening of the documentary *How the West was Lost* at the Matt Dann Theatre and Cinema to commemorate National Reconciliation Week on 27 May, 2021. The Town will continue to facilitate and support these and other initiatives.

The Town's Aboriginal and Torres Strait Islander Engagement Officer provides an important role in connecting the Aboriginal community members and organisations with local government services but also other local services and relevant organisations for support and assistance; and listens and captures their suggestions and concerns to ensure they have an opportunity to contribute.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of the Town's commitment to ensuring Hedland's Aboriginal community have meaningful opportunities to engage with the Town.

## CONSULTATION

### *Internal*

- Aboriginal and Torres Strait Islander Engagement Officer
- Director Community Services

*External Agencies*

Nil.

*Community*

Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

- Town of Port Hedland Strategic Community Plan; and
- Corporate Business Plan.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The development of the Aboriginal Partnership Plan and delivery of events in 2021/22 including NAIDOC and Reconciliation Weeks have been budgeted for in the 2021/22 budget. Some additional funds have been allocated for the delivery of actions that are identified in the Aboriginal Partnership Plan. Attempts to identify external funding streams will be made to fund key deliverables and collaborate where the Town commits and supports the delivery of additional key initiatives identified in the Plan and budget allocations will be made through the annual budget development process.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because of the Town's commitment to providing meaningful opportunities for Aboriginal people to engage with the Town.

**OPTIONS**

*Option 1 – Adopt the motion*

*Option 2 – Amend the motion*

*Option 3 – Reject the motion*

**CONCLUSION**

Elected Members should note this report in considering Councillor Turner's motion.

**ATTACHMENTS**

Nil

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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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**RECOMMENDATION**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1, 15.2 and 15.3

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**15.1 REQUEST FOR FINANCIAL SUPPORT**

**Author:** Director Regulatory Services  
**Authorising Officer:** Chief Executive Officer

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

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (c), (e(ii)) and (e(iii)) 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, 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 and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

**15.2 APPROVAL FOR STAFF HOUSING PURCHASE**

**Author:** Director Infrastructure Services  
**Authorising Officer:** Director Corporate Services

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

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**15.3 GOVERNMENT REGIONAL OFFICERS HOUSING PROGRAM**

**Author:** Director Infrastructure Services

**Authorising Officer:** Director Corporate Services

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

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clauses (e(ii)) and (e(iii)) 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 and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

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**RECOMMENDATION**

That Council open the meeting to members of the public.

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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 22 September 2021 commencing at 5:30pm.

**16.2 Closure**

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