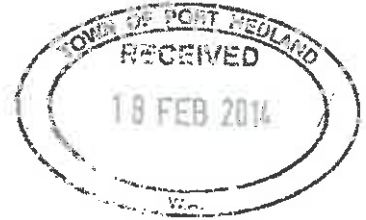


ICR 45786

Attachment 2 to Item 11.1.9



Government of Western Australia
Department of State Development



Your ref: 08/02/0011, 2013/463
Our ref: S0291/201202
Enquiries: Luke O'Donoghue - Ph 9222 0565 Fax 9222 6156
Email: Luke.O'Donoghue@dsd.wa.gov.au

Mr Eber Butron
Director Planning & Development
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

08/02/0011

Eber

Dear Mr Butron

RE: NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

Thank you for providing the Department of State Development with the opportunity to comment on the Town of Port Hedland's proposed *Non-Residential Workforce Accommodation Strategy*. The Department offers these comments:

- The strategy addresses activities that are beyond the borders and jurisdiction of the Town of Port Hedland. While the Town's wish to maximise the benefits and minimise negative effects of resource project activity is understandable, this should not extend to imposing conditions beyond its authority.
- In particular, the policy addresses many matters subject to state-wide policies or covered by State Agreements between the Government and proponents. These include provisions for worker accommodation, local content and legacy benefits. The Town must ensure that the strategy does not impose obligations on projects that are not consistent with State Agreements.
- The Department understands that there was little consultation with stakeholders before the Town of Port Hedland released the current version of the draft strategy. The proposed strategy varies quite significantly from the draft *Transient Workforce Accommodation Strategy* advertised for comment in April 2012. I encourage you to discuss the revised draft with affected resource companies to ensure it has no unintended adverse effects.

If you would like to discuss these comments, please contact Luke O'Donoghue, General Manager Policy Development, on (08) 9222 0565 or Luke.O'Donoghue@dsd.wa.gov.au.

Yours sincerely

Nicky Cusworth
Deputy Director General

13 February 2014

ICR 46187



Government of Western Australia
Department of Lands

Your ref: 08/02/0011, 2013/463
Our ref: 719-2011, A3951267, A4134866.
Enquiries: Rob Edwards, ph 08 6552 4680

Mr Eber Butron
Director Planning and Development
Town of Port Hedland Council
Po Box 41
PORT HEDLAND WA 6721



Dear Mr Butron,

RE: PROPOSED NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

Thank you for your letter dated 12 December 2013 regarding the Town of Port Hedland's proposed non-Residential Workforce Accommodation Strategy (Strategy). The Department of Lands (DoL) appreciates being granted the opportunity to comment on the draft Strategy.

The DoL submission regarding the draft Strategy is attached. In summary, DoL's submission:

- Supports the general thrust and objectives of the Strategy;
- Notes the change in terminology in this Strategy, and would prefer to see a uniform set of definitions and terminology across the State regarding Temporary Workforce Accommodation;
- Suggests that very little legacy benefit is to be achieved by placing the accommodation sites at the airport, given the Strategy states that the site will be converted into light industrial land in the medium term; and
- Notes that while the stated goal of the Strategy is to "integrate temporary workers into the Town", there is a very clear preference for segregating workers in the airport precinct, contrary to the stated goal.

More generally, DoL is heartened by the Town's development of the Strategy, as it demonstrates the importance of managing the impacts and opportunities afforded by temporary workers' accommodation. A consistent approach across the State, with variations for regional difference, is essential. For this reason, DoL would encourage the Town to participate in developing an agreed set of definitions with DoL, the Department of Planning, the Department of Regional Development, and other local governments, in order to reduce confusion in this area.

Such an approach was foreshadowed by the then Minister for Regional Development and Lands, Hon Brendon Grylls, at a meeting of stakeholders in the Town of Port Hedland in November 2013.

For further enquiries please contact Dr Rob Edwards, A/Senior Policy and Project Officer, Strategy and Reform, Department of Lands on telephone 08 6552 4680

Yours sincerely



Amanda Hughes
Executive Director, Strategy and Reform

 February 2014



Your ref: 08/02/0011, 2013/463
Our ref: A4310410
Enquiries: Mike Rowe, ph 6552 1888

Mr Eber Butron
Director, Planning and Development
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Butron *Eber*

PROPOSED NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

Thank you for your letter dated 12 December 2013 inviting comment on the Town of Port Hedland *Non-Residential Workforce Accommodation Strategy* (the Strategy).

The Department of Regional Development (DRD) has been liaising with a number of other State Government agencies, including the Department of Planning, Department of Lands and the Department of State Development together with LandCorp, Tourism WA and the Pilbara Development Commission to consider a common approach on Transient Workforce Accommodation. This work is continuing and will ultimately involve further consultation with the local government sector, including the Town of Port Hedland.

Please find attached DRD's submission on the Town's Strategy which has been influenced by those deliberations. I trust you find the DRD submission useful.

For further enquiries please contact Mr Mike Rowe, Executive Director, Policy and Planning Division, Department of Regional Development on telephone 08 6552 1888.

Yours sincerely

Paul Rosair
Paul Rosair
DIRECTOR GENERAL

31 March 2014

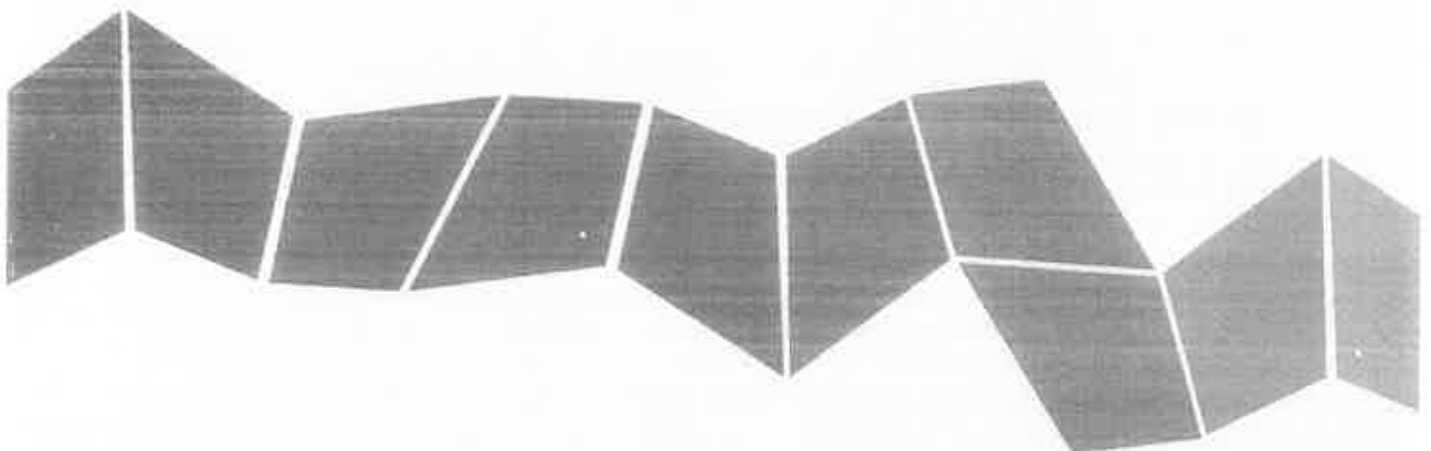


Government of Western Australia
Department of Regional Development

DRD Submission

***Non-Residential Workforce
Accommodation Strategy***

Town of Port Hedland



The Department of Regional Development (DRD) is pleased to provide comment on the *Non-Resident Workforce Accommodation Strategy* (the Strategy).

In September 2013, the Chairman of the Pilbara Development Commission (PDC), Mr Mike Hollett, wrote to the former Minister for Regional Development, the Hon Brendon Grylls MLA, requesting that an overarching policy for Transient Workforce Accommodation (TWA) be developed across the four Pilbara local government authorities.

Subsequently, the Minister for Regional Development, Hon Terry Redman MLA agreed to DRD taking a lead role in facilitating a whole of government approach to the consideration of TWAs in Western Australia, with a particular focus on the Pilbara.

DRD has been working with a number of other State Government agencies including the Department of Planning, Department of Lands, Department of State Development, LandCorp, Tourism WA and the Pilbara Development Commission to develop a common position on TWAs.


DRD is aware that the Town of Port Hedland, the Shire of Roebourne and the Shire of Ashburton each have their own policies to manage TWAs. DRD notes the Town of Port Hedland *Non-Residential Workforce Accommodation Strategy* is the planning framework to manage the establishment, placement and eventual closure of the non-residential workforce accommodation (NRWA) within the Town's jurisdiction.

DRD also notes this Strategy defines a non-residential workforce accommodation (NRWA) facility as follows:

*A temporary land use intended for the resource sector only and which is limited to a maximum period of 5 years or as otherwise approved by Council and designed in a manner that may be capable of conversion to a permanent use. Such facility may restrict the inclusion of amenities such as communal facilities, gym, cinema and restaurant.*¹

DRD would like to see a common terminology for TWA or NRWA accommodation to assist in developing a common set of policies across the Pilbara local governments. DRD and the other agencies developing a common policy on TWAs have agreed to refer to Transient Workforce Accommodation for the sake of consistency and would like to encourage local governments, including the Town of Port Hedland, to use the same terminology.

¹ The ToPH Town Planning Scheme No. 5 defines Transient Workforce Accommodation as: "dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas." The above definition will be reviewed to Non-residential Workforce Accommodation as part of the Local Planning Scheme review process.



In terms of the overall Strategy, DRD is concerned that it appears to be inconsistent with the current Town of Port Hedland Growth Plan and the Airport Master Plan both of which intended land at the airport to be used for industrial purposes only.

DRD takes the view that any new TWAs should provide a legacy benefit to their host communities. It would be difficult to convert TWAs at the airport to industrial uses and similarly, it would be difficult to convert airport TWAs to other legacy purposes such as aged care. This view is broadly consistent with the views of the other agencies involved in considering TWAs in Western Australia.

DRD considers the effective management of TWAs in the Pilbara is particularly important in terms of the achievement of the Royalties for Regions Pilbara Cities Vision. From a legacy benefit perspective, it may be beneficial to locate any new TWAs at the western or eastern fringes of Port Hedland so they could later be integrated into new residential suburbs. If the TWAs were to be built to a sufficiently high standard, it might be possible for the TWA administration blocks to be converted to community centres (they already need to be cyclone rated) and the individual accommodation units could be sold as private residences.

DRD also sees a role for the Department of Planning to lead the development of appropriate planning instruments to enable local governments across the State to follow a consistent policy concerning the placement, term of operation, conditions of closure and legacy benefits for any new TWA developments.

DRD commends the Town of Port Hedland for developing the Strategy and trusts it finds these comments useful.



ICR 46817

08/02/0011



Our Ref: D14/983
Tourism WA File: IPD/1521

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Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Osborne

NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

Tourism WA welcomes the opportunity to provide input into the draft Town of Port Hedland Non-Residential Workforce Accommodation (NRWA) Strategy.

Over the past decade, the Pilbara region has emerged as the economic powerhouse of Australia, fuelled by global demand for iron ore and natural gas. The significant number of mining and construction projects has given rise to the immediate need for accommodation to house temporary workers, and as a result, leisure tourism into the area was impacted by the lack of available rooms and high prices. A number of transient workers accommodation (TWA) villages were also developed to cater for this demand, and due to the need for expediency, many matters that may normally be considered in the approval process were overlooked, including a strategic vision and potential impacts.

Tourism WA supports the preparation of a strategy to guide the planning and development of new TWAs. However, given the broader strategic nature of this issue it is Tourism WA's view that a state wide policy should be developed to provide consistency throughout the Pilbara region and beyond. This process could be led by the Department of Planning in consultation with the various stakeholders, and will ensure that matters such as definitions, objectives and implementation are addressed in a strategic manner.

One of the key issues from a tourism perspective that has been identified by the industry in recent times is the use of TWA facilities for short stay accommodation for the commercial travelling public. The downturn in the resources sector is now impacting on hotels in Port Hedland who are competing with TWAs for the same clients.

In relation to the draft NRWA Strategy, Tourism WA provides the following feedback:

Restricting the Location to Airport Land

The strategy proposes to locate TWAs on Airport zoned land. It is noted that this land is owned by the Town of Port Hedland and therefore the Town will receive financial benefits through restricting all future TWA development to this land. However, confining the development of TWAs to airport land limits the potential for these facilities to be developed for suitable uses in the future, thereby not capitalising on its legacy potential.



Legacy Potential

In 2011, Tourism WA commissioned the preparation of the report, 'A Strategic Approach to Caravan and Camping Tourism in WA'. This report noted that 'caravan parks on greenfield sites can often be too expensive to set up due to costs of below the ground infrastructure. This is even more so the case in highly seasonal locations in the north, where many mining and infrastructure projects are underway.' It further stated that 'Project developers could be required to liaise with local government on the location of camps and consideration given to residual or redundant use of the facility. Even the smallest workers camp will require several million dollars to be expended on below ground services for power, potable water and sewage reticulation with a condition of many camp approvals that the services infrastructure is removed at the end of the project life.' (Brighthouse, 2012).

As a result of this report, the Caravan and Camping Action Plan 2013-2018 was developed and endorsed by the State Government. Recommendation 11 of the Action Plan states: "Investigate the potential for conversion of accommodation infrastructure used by the resources industry for tourism purposes in priority locations". It is now government mandate to facilitate the implementation of this initiative. In this regard, and given the importance of diversifying local economies traditionally reliant on single industries, it is recommended that the strategy includes provisions to facilitate the conversion of appropriate TWA facilities to caravan parks.

Tourism Impacts

While Tourism WA does not support restricting new TWAs to purely airport zoned land, Tourism WA does object to TWAs being developed on land zoned or reserved for tourism purposes, such as that proposed on Lot 300 Pretty Pool. In addition, Tourism WA does not support the conversion of existing tourism product into TWA facilities without adequate evidence of a lack of tourism demand to justify the removal of the tourism use.

Tourism WA supports objective 2 of the strategy, and the principles that the draft strategy proposes to ensure that TWA camps are developed to cater for specific project needs and not be speculative. It is important that TWAs do not compete with formal short stay accommodation providers such as hotels or local amenities such as restaurants, and are used for the purpose of accommodating workers for a specific resource project with a restricted timeframe.

I trust this information is of assistance to you. Should you have any enquiries regarding the above please do not hesitate to contact Tourism WA's Development Manager, Vicki Robertson, on 9262 1866.

Yours sincerely



STEPHANIE BUCKLAND
Chief Executive Officer

28 March 2014

D U B O I S
G R O U P

3 February 2014

The Chief Executive Officer
The Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Sir,

**Non-Residential Workforce Accommodation Strategy ("NRWAS")
Issued December 2013
Submission**

We provide the following submission on the above document on behalf of our clients who are the following ratepayers of the Town of Port Hedland ("TOPH"):

- The Hospitality Inn
- The Walkabout Motel
- The Esplanade Hotel
- The Ibis Styles Motel

1. Background

- 1.1 Our clients are operators of hotels and motels in Port Hedland, which provide accommodation, food and beverage and ancillary services. Over the past fifteen months, our clients' businesses have been severely impacted by a downturn in trade, which has to a great degree been caused by the operation of transient worker accommodation facilities ("TWA's") within the Town of Port Hedland ("TOPH") increasingly trading as hotels in direct competition with our clients.
- 1.2 Whilst our clients are pleased that TOPH is finally seeking to finalise a coherent strategy with respect to TWA's, unfortunately past decisions of TOPH and in our view its ongoing failure to properly administer its obligations and enforce compliance under various statutes, have led to significant long-term damage to not only the hotel and motel industry, but indeed across the whole real estate sector, as well as a significant number of local businesses in Port Hedland.
- 1.3 We are particularly disappointed that, notwithstanding the issue of NRWAS in December 2013, TOPH at its Council Meeting on 11 December 2013 has proceeded to approve the terms of a ground-lease for a TWA with Ausco Pty Ltd that has a number of significant and material variations from the key underlying principles proposed in NRWAS. Given the submissions made to TOPH regarding the Ausco proposal, by a wide cross section of the community and the nature of the

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concerns raised by those parties, we are at a loss to understand why Council proceeded to make such a decision whilst NRWAS was on foot and allowed conditions under the lease which appear in some cases diametrically opposite to the proposed principles in the NRWAS. This is further detailed in Section 7 of this submission.

- 1.4 NRWAS appears to only address future proposals for new developments and in our view, TOPH should also apply the principles established in NRWAS to existing TWA's in Port Hedland, such that any future requests for expansion/change of facilities of existing facilities or renewal of leases for TWA's, are required to encompass the principles eventually to be established under NRWAS.

2. NRWAS- Overview

- 2.1 The NRWAS document does not have any page numbers and for reference sake we will reference our submission with consecutive page numbers starting with The Introduction as page 1 through page 8 being the map of the preferred locality for non-residential work-force.
- 2.2 We are concerned that NRWAS has a number of inconsistencies within the document that lead us to the question whether the principles and objectives as espoused in pages 1 and 2 of the document are in any way meaningful as they are contradicted later in the document by subsequent statements.
- 2.3 We consider that the NRWAS is fundamentally flawed as the strategy fails to address key issues of concern. The measures proposed will in fact continue to create significant problems for the council, its ratepayers and is inconsistent with the Pilbara Port Cities Growth Plan ("Growth Plan"). Indeed if adopted it may mitigate against the development of a large resident population base within TOPH as envisioned by that plan.
- 2.4 In the NRWAS, there are two distinct types of non-permanent residential workers identified that have been seeking accommodation in the TOPH, namely construction workers and operational workers (perhaps often commonly referred to as FIFO operational employees). We consider that there is a further class of non-permanent residential workers that visit Port Hedland in significant numbers, who have been omitted from consideration, namely short term visitors to Port Hedland on business, but who are not employed as long-term ongoing operational FIFO type employees.
- 2.5 These workers include people who reside or live elsewhere and whose primary place of residence is other than Port Hedland, but who periodically have occasion to do work in Port Hedland for days or even weeks at a time. These persons would

not normally be considered to be FIFO employees as their place of work is usually their place of residence, but they are periodically obligated to work in the field.

- 2.6 These workers until more recent times were often typically accommodated in short stay accommodation such as motels and hotels and have been increasingly targeted by TWA's or enforced by employers, the resource companies, or those companies undertaking work for the resource companies to utilise TWA accommodation.
- 2.7 The NRWAS should specifically consider and elaborate policy with respect to this class of non-residential worker and indeed the interface between NRWA's, hotels and motels, such that clear principles are established and codified.
- 2.8 We understand that the TOPH position as set out in the Growth Plan is that it is desired in the medium-term that the TOPH move to having a residential workforce for ongoing operations in the resource and related industries with a phasing out of, or significant reduction in the FIFO operational workforce. To the extent that such a FIFO operational workforce continues, such workers should be integrated into the community by way of being accommodated in typical residential type accommodation (houses, flats and apartments) and not in TWA's.
- 2.9 Over the past five years our clients were encouraged by various authorities, to accept in the town's and state's best interest and without seeking to exercise their rights at law, to allow the development of TWA's which were needed to meet the needs of the major mining houses in urgently deploying their expansion plans. It was represented that such TWA's would only be temporary to meet these short-term needs and that they would not compete for custom ordinarily accommodated in hotels. The TWA's have proved neither to be temporary and they have strongly competed for custom with hotels and motels.
- 2.10 Our clients have no objection against the continuing operation of and potential future development of temporary NRWA facilities for construction workforce employees. We support the TOPH's intent to move towards the use of local residential operational employees with a significant reduction in FIFO operational employees. We further support that such employees be integrated and housed within the community and not be housed in temporary TWA's.
- 2.11 We further understand that the situation in Port Hedland with respect to availability of existing residential housing, the removal of bottlenecks for the development of additional residential accommodation inventory and the costs of rents and residential housing are all leading to a situation where in the medium term, the TOPH's objectives of being able to accommodate a predominantly residential operational workforce will be attained.

- 2.12 As such we do not see why any consideration should be given to the establishment of any further NRWA's that cater for operational employees. The existing TWA's currently have and have for the past year ample available capacity and given the improving outlook for residential housing, further such accommodation is not needed and any future NRWA should be strictly limited to the provision of accommodation for construction workforce employees only.

3. Definition of NRWA and Term of Approval

- 3.1 We consider the definition of NRWA is fundamentally flawed. At page 1 it is stated:

"This strategy defines a non-residential workforce accommodation facility ("NRWA") as follows:

A temporary land use intended for the resource sector only and which is limited to a maximum period of 5 years or as otherwise approved by Council and designed in a manner that may be capable of conversion to a permanent use. Such facility may restrict the inclusion of amenities such as communal facilities, gym, cinema and restaurant. The intention being to possibly integrate the workforce within the urban framework."

- 3.2 At page 4 it is stated that:

"Non-residential workforce accommodation facilities should only be provided to meet specific project needs and not be speculative".

"A non-residential construction workforce accommodation facility will provide for any number of beds but be limited to a period of 5-10 years. The period of establishment can be extended at the absolute discretion of the Town. By failure to accede to a request for an extension beyond 5 years (up to 10 years) may lead to the financial inability of the developer to provide a higher quality development in a shorter period of time....Non-residential construction workforce accommodation facilities must be able to demonstrate clear links to approved and or forecast projects."

- 3.3 With respect, this highlights the inconsistencies of this strategy. It is our view, as previously expressed, that there is no need for any additional NRWA for operational employees in Port Hedland. As such the only needs will be for housing temporary construction workforce employees, which of its very nature are likely for any specific project to be short-term, that is unlikely to exceed five years in duration (and in reality is likely to be significantly less than five years). Accommodation for construction employees has historically been temporary structures (dongas/transportables) and remains the acceptable standard for the industry, which is consistent with the short-term and volatile nature of demand for such accommodation, with frequent mobilisation/demobilisation and relocation of such facilities.

- 3.4 If a NWRA is a temporary land use and acceptable contemporary standards for construction employees are as set out in 3.3 above, why under the definition of a NRWA is it being specified that the facility be designed in a manner that **may** be capable for conversion to a permanent use? To design a temporary facility for conversion to a permanent use is clearly going to require the design of accommodation facilities that will be more expansive (and significantly more expensive to construct) in order to meet the higher design standards and building codes required of permanent accommodation.
- 3.5 In our view, the facilities should not be obligated to be designed with a view to future conversion to permanent use. It is inconsistent with the needs of its users (construction workers) and it is inconsistent with the stated desire for such facilities to be short-term, to be linked to specific projects and for such developments not to be speculative.
- 3.6 One of the fundamental problems and causes of the current issues with respect to TWA's in Port Hedland is that this industry has moved from a traditional model for accommodating transient workers in accommodation owned by (but not necessarily operated by) the respective resource or construction company (hereinafter referred to as "the Sponsor") to a completely outsourced model of both ownership and operation to a third party developer/operator (hereinafter referred to as "the Operator").
- 3.7 We consider that the objective of aligning the provision of NRWA facilities to specific projects is generally incompatible with the use of the contemporary sponsor/operator model as set out in 3.6 above.
- 3.8 Under the traditional model where the Sponsor was the owner of the NRWA facility, the capital costs of such development were sunk project costs and the entire operating costs were either a further capital costs of the project or expected to be fully absorbed as a cost of operations of the sponsor.
- 3.9 Under some of the existing TWA facilities, we understand that the Sponsor still provides the funds for the capital costs of the facility, the contractual obligations between the Operator and Sponsor are such that a reasonable level of financial risk is adopted by the Operator, that in turn creates the demand from the operator for longer tenure as well as then introducing the commercial imperative for an operator to seek to maximise their profits (or minimise losses) by undertaking a broad range of ancillary activities and seeking alternative (non-Sponsor) income.
- 3.10 The introduction of the Operator has, in our opinion, allowed the Sponsors the ability to disclaim their corporate and civic responsibilities through the intervention

of a third party arrangement, which has probably been of significant financial benefit to the Sponsors, but to the detriment of the TOPH and its residents.

- 3.11 As the Operator is the contracting party with TOPH, the TOPH can only have regard to the commercial interests of the Operator and not that of the Sponsor who is ultimately funding the development. In our view these arrangements have caused TWA's to have excessive terms of tenure, have and will impede the ability of TOPH to secure the objectives of its Growth Plan.
- 3.12 We consider that in accordance with the NRWAS objectives of being a temporary land use, being non-speculative developments and being aligned to specific projects, for with future NRWA facility approvals these be for a period of no more than five years, or specifically linked to a particular project and sponsor where that project may require tenure greater than five years.
- 3.13 Alignment in such circumstances in our view means that the NRWA should be restricted to only service those (construction) workers engaged on that Sponsors project and not accommodate any other persons, other than the operator's employees. Also to be subject to the general principles as set out in page 4 of the NRWAS but subject to comments on these principles as set out in Section 4 below.

4 Principles to be applied to NRWA

- 4.1 At page 4 of NRWAS there are set out seven principles to be applied with respect to NRWA accommodation. These are listed on the following page with our commentary on these principles:

	Principle	Our Comment
1.	Require all guests to have ABN	Agree
2.	Must render no services to the public that are widely available within the town, such as catering/restaurant (subject to review) and the preparation of a mobilisation strategy.	We agree with this, however we do not understand why the provision of such facilities as catering and restaurant should be subject to review. They are simply incompatible facilities. We understand that a NRWA facility (for construction workers) would require messing facilities, with which we agree, however we do not consider that such a mess should be allowed to serve alcohol. We also agree with the need for a mobilisation strategy as part of this process
3.	No advertising to general public	Agree
4.	Space made available in reception	No comment.
5.	The accommodation will be used for the purpose of the construction workforce and must not house operational employees on a permanent basis	The facility should not house operational employees (other than the staff operating the facility). The words "on a permanent basis" must be deleted.
6.	NRWA facilities must periodically submit a guest register so that lease terms can be verified by the council	With due respect to TOPH and from past experience, we have significant concerns as to it carrying out its enforcement and compliance role. We would recommend that as a term of approval and any underlying lease that the operator/lessee be obliged to have third party certification of compliance submitted to the council every six months. In addition, a protocol be established in case of non-compliance, such as penalties and possible lease termination be incorporated.
7.	Minimum period of continuous stay is 1 (one) week.	We are of the view that guests permitted to stay in such facilities be limited to those staying for a continuous stay of not less than 21 days.

- 4.2 We would like to emphasise that we consider that an independent third party be obligated to audit and report on the compliance by an operator of its obligations with respect to operating in accordance with approval/lease, such as nature of employment (construction), compliance with being a transient worker, meeting minimum length of stay obligations and being aligned to a specific contract/project. This could for example be undertaken by industry organisations such as Tourism Council (WA) in conjunction with their regular tourist accreditation activities in the Pilbara region.
- 4.3 Given the TOPH's likely involvement as lessor under any future NRWA development, we consider it appropriate from a governance and probity perspective that TOPH not be obliged to be responsible for assessing compliance on a project with which it has a financial interest.
- 4.4 We consider that TOPH should in any event immediately seek an independent assessment of compliance by existing TWA operators and continue a regular ongoing compliance program into the future.
- 4.5 We would further recommend that the design of an accommodation unit at such a NRWA be of only one type and one size consistent with industry standards (e.g. no

more than say 18m².) We note the increasing tendency of some TWA developers and operators to provide "executive" units of say double this size, which is enabling such facilities to offer guest rooms similar in size with hotels and motels and then proceeding to operate such rooms as short-stay accommodation competing with hotels and motels.

5.0 Conflict of Interest of Council

- 5.1 Our clients have been very concerned for some time at the conduct of TOPH and its apparent failure to comply with its statutory obligations. Further, our clients remain concerned at the inherent conflict of the TOPH's position as approving authority, enforcement authority and financial participant in various TWA ventures.
- 5.2 We note that by way of letter dated 16 October 2013 (appended as Appendix 1 to this submission), issued by Lavan Legal on behalf of our clients, which raised significant concerns as to the fundamental conflicts arising from this position.
- 5.3 In reviewing NRWAS, we remain concerned as to the inconsistencies within this document which suggests that it has been drafted with an overriding view of protecting and enhancing the TOPH's interests, to the detriment of others.
- 5.4 We do not understand on what basis, other than the financial self-interest of TOPH, that any future NRWAS facilities will only be approved on leasehold land owned by TOPH. We do not believe there is any planning or community justification for such restrictions.
- 5.5 NRWAS indicates that all future NRWAS's will only be to house construction workers and are temporary land uses. As set out in Section 3 of this submission, the NRWAS further requires that such facilities be designed such that they are capable of conversion to permanent use.
- 5.6 We understand that the position with respect to permanent housing availability and cost of same has changed dramatically in Port Hedland and that significant interest exists from developers to rapidly increase the inventory of residential accommodation to satisfy Port Hedland's medium term needs.
- 5.7 We do not understand why if the construction industry is requiring short-term, modest accommodation to satisfy its needs, NRWAS is obligating the providers to develop much higher cost accommodation that can ultimately be converted to permanent accommodation.
- 5.8 If we assume that the residential accommodation needs of Port Hedland can be satisfied in the medium term, why is TOPH requiring that future NRWAS facilities be capable of permanent use?
- 5.9 In our view, this obligation therefore requires developers to incur significantly higher capital costs, additional costs which will inevitably be borne by the construction company client and in order to defray these costs will need longer

term ground leases to offset the higher capital costs through the imposition of this requirement.

- 5.10 This in turn will place significant uncertainty on other developers and land owners as to the potential impact of the ultimate conversion of a NRWA facility to another permanent use. This would include potential short-stay accommodation providers such as hotels, motels and serviced apartments who would be faced with the potential addition of a significant inventory of guest rooms as well as residential investors and developers who would be concerned at the potential for a significant increase in residential inventory with potentially severe and adverse implications for future real estate development and for real estate values in Port Hedland.
- 5.11 As currently drafted, NRWAS appears designed to secure the financial position of the TOPH to the detriment of others. The needs of the construction workforce are temporary and the optimal developments to accommodate such a workforce are temporary facilities capable of demobilisation and removal at the end of a project.
- 5.12 The obligations under NRWAS are not optimal for industry, will force the development of facilities that are not aligned to specific projects as the term of operations will exceed the term of any construction project and will create significant uncertainty within a broad range of real estate sectors in Port Hedland.
- 6.0 Existing TWA's and Failure to Enforce Compliance**
- 6.1 It is our clients' view that TOPH has failed to properly carry out its responsibilities with respect to enforcing compliance by existing TWA facilities with various statutes.
- 6.2 Fundamental to this is the question of what constitutes a "transient worker" as within the terms of the respective Development Approvals, such facilities are usually restricted to house this class of guest.
- 6.3 We consider that a number of TWA operators in Port Hedland have consistently breached the terms of their respective Development Approvals by accommodating guests who were not transient workers including, tourists.
- 6.4 Our clients have identified a significant number of potential breaches by Port Hedland TWA operators of their obligations under the Liquor Control Act, which have been reported to the Department of Racing, Gaming and Liquor
- 6.5 We consider that TOPH has either not sought to consider whether there is compliance by existing TWA operators as to only housing transient workers, or if it has, it has taken an overly generous (and in our opinion totally erroneous) view of what constitutes a "transient worker" which unfairly benefits those operators to the financial detriment of my clients.
- 6.6 A transient worker is in our view is not a person temporarily visiting a destination for business. In our view a transient worker is someone who is engaged in employment

activities that require that worker to be ordinarily away from their usual place of residence to undertake their work.

- 6.7 This may be contrasted with a worker who is required to undertake occasional or even regular short term employment activities away from home, but who has his or her place or base of employment in the town or city where they have their usual place of residence. In our view this person is not a transient worker and not entitled to be accommodated in a TWA.
- 6.8 The term transient worker is a description of their vocation not a description of their occasional activity.
- 6.8 Existing TWA's (and any future NRWA facilities permitted to house operational workers) should only be providing accommodation to typical FIFO operational workers who are engaged in regular ongoing FIFO employment. In our view the accommodating of short-stay occasional visitors such as senior executives, line management and employees of the various resource companies and their contractors is not in accordance with the relevant Development Approvals as these persons are not transient workers.
- 6.9 Notwithstanding our view that the definition of a transient worker is capable of much more prescriptive interpretation by TOPH, for the absence of doubt we consider that the relevant planning policy should define a transient worker in the following terms:
- A transient worker is someone who is engaged in employment activities that require that worker to be ordinarily away from their usual place of residence to undertake their employment.*
- 6.10 To further remove any ambiguity, the terms of any future Development Approval, or Variation to existing Development Approvals, should also provide that a transient worker can only be accommodated in a TWA/NRWA facility and such stay shall be of a period of not less than 21 continuous days.
- 6.11 We further highlight the recommendation included in Section 4.3 of this submission that lessees/operators are obligated to provide independent certification of compliance of the terms of such approvals with respect to the guests accommodated at such facilities.
- 6.12 We further recommend that TOPH immediately secure an independent assessment of compliance by existing TWA operators and maintain an ongoing program of independent compliance assessment.

7.0 Council Approval of Ausco Pty Ltd Lease terms

- 7.1 As detailed at Section 1.3 of this submission, our clients are staggered that TOPH at its meeting of 11 December 2013, agreed to a ground lease with Ausco Pty Ltd with terms at such variance with NRWAS (which was in final preparation at the time of this meeting) and its key principles. We note that in 2012 (date of issue of document was not ever specified) a Draft FIFO and TWA strategy document had

- already been issued by TOPH which also highlighted many of the matters of concern included in NRWAS.
- 7.2 The NRWAS identifies a significant number of concerns as to the deficiencies of current planning and lease arrangements for NWRA facilities, which it seeks to address. Given the timing of the release of the NRWAS in December 2013, these deficiencies and the potential adverse impacts of the Ausco Pty Ltd proposal, these must have been well known to TOPH officers and councillors, particularly given the issue of the earlier 2012 Draft FIFO and TWA Strategy of 2012
- 7.3 Given the TOPH's knowledge of the adverse matters as set out at 7.2 above, the nature and extent of the submissions made by the public against this proposal and the significant deficiencies identified by some of those submissions of the TOPH "Business Case" in assessment of the proposal, it is simply extraordinary that TOPH approved this lease proposal at its meeting on 11 December 2013.
- 7.4 We can only deduce that in the light of Council's knowledge that its overriding self-interest of gaining a long-term financial benefit from the lease of its land was given priority over the interests of its ratepayers and the long-term good of its community.
- 7.5 For the record, we highlight the key variances between the principles set out in the NRWAS issued in December 2013 and the Council ground lease terms with Ausco issued on 11 December 2013:

	Principle	Comment
1	Only for the housing of construction workers and not used for housing operational workers	As per Council's minuted approval, occupancy restricted to construction workers and operational workers not permanent residents of Port Hedland. As such this would mean that FIFO operational workers are permitted to be residents of this facility in contravention of this principle.
2	Facility provided to meet specific project needs and not be speculative	We believe this project is speculative and is not aligned with any specific project
3.	Land use restricted to the resource sector and term of approval/lease to be 5-10 years	Land use not restricted to resource sector and lease term 10 years plus 2x5 year options.
4	No advertising to general public	Principle not applied
5	Minimum period of continuous stay is one week	Minimum period of stay is 5 days, not specified to be continuous.

- 7.6 The decision by Council to proceed with the Ausco lease on the terms agreed to, in full the knowledge of the issues identified and at such variance with the principles being espoused gives my clients little comfort as to the future adoption or consistent application of the principles included in NRWAS.
- 8.0 **Conclusions**
- 8.1 In our view, we consider that Port Hedland is well supplied in accommodation for non-residents (TWA's, motels and hotels) and that there is no commercial support

- or likely to be any justification for an increase in such accommodation, including the recent ground lease with Ausco Pty Ltd.
- 8.2 Consistent with the Growth Plan, Port Hedland has or will have in the relatively near future the infrastructure, land availability and accommodation inventory to pursue its objectives to locally house its operational work force and significantly reduce its current reliance on FIFO employees. Accordingly TOPH should be taking active steps to pursue these objectives.
- 8.3 As a consequence of these changed circumstances, TOPH should be moving in accordance with the Growth Plan to reduce the available inventory of TWA accommodation that houses operational employees and move to ensure that all or the great majority of those workers are either local residents or housed within the community and integrated with the local community and not housed in TWA's.
- 8.4 To the extent that any existing TWA seeks to expand or seek an extension of an existing facility or new Development approval, such application must be considered in the light of the policies eventually adopted in NRWAS.
- 8.5 To the extent that additional NRWA accommodation is required, this accommodation should only be for workers engaged in the construction industry and not utilised by any other workers.
- 8.6 Such facilities should be temporary, aligned with a specific project or sponsor and only be approved for a period of no more than five years. Such facilities should not be built to standards such that they can be converted to permanent use and should be decommissioned at the end of the term.
- 8.7 Should the circumstances arise where additional accommodation is required for operational workers (which we do not consider is likely to be justified) such a facility be temporary and on the terms as set out in 8.6 above. Further that as part of the DA or lease that such a facility only house transient workers as defined in Section 6 of this submission and house those guests for a consecutive stay of no less than 21 days.
- 8.8 That TOPH undertake an immediate review of its interpretation of the term transient workers and its application to current practices by existing TWA operators. To the extent that current TWA operator practices are inconsistent with such interpretation, it move to enforce compliance.
- 8.8 That TOPH institute an ongoing program of external audit/certification of compliance by all existing TWA's and any future NRWA facilities be required to provide TOPH a regular independent certification (at its cost) as part of the lease or Development Approval.

We would like to thank you for the opportunity to present this submission.

Our clients have significant financial investments in Port Hedland and are highly supportive of the objectives of the TOPH Growth Plan to provide a vibrant locally based community.

The development of TWA's was to meet an immediate and urgent need, which has now passed and this change has occurred much quicker than originally envisioned. We do not consider that NRWAS reflects the needs of the current situation.

TOPH should as part of its policy on NRWA's, be looking at the process of transition of the workforce from predominantly FIFO to predominantly local residentially based workers in the resource sector. As currently drafted, we are concerned that the NRWAS will continue to provide conditions and opportunities for the resource sector to frustrate these desirable objectives and to continue significant uncertainty across broad sectors of the local community and the broader investment and finance sectors.

We would be pleased to discuss this submission with TOPH, its officers and councillors, as we believe that we can constructively assist in dealing with this highly complex issue and assist in the ultimate enhancement of the future of Port Hedland and its residents.

Yours sincerely,
Dubois Group Pty Ltd



Alan Boys B.Com.,CA
Director
Encl.



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L2 16 Parliament Place WEST
PERTH Western Australia 6005

Enquiries: richard.bairstow@pdc.wa.gov.au

By email: directorpd@porthedland.wa.gov.au

Mr Eber Butron
Director Planning & Development
PO Box 41
Port Hedland WA 6721

Dear Eber

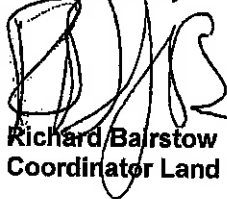
**INTERIM RESPONSE TO THE PROPOSED NON-RESIDENTIAL WORKFORCE
ACCOMMODATION STRATEGY (NRWAS)**

I refer to your letter, dated 12 December 2013, seeking input to the Town of Port Hedland (ToPH) Proposed Non- Residential Workforce Accommodation Strategy (NRWAS).

Dr Ken King, has requested that the input prepared by Commission staff be referred to the Commission's Board for its meeting on the 2 April 2014 prior to its forwarding to the Town of Port Hedland. The input and covering letter signed by the CEO will be sent following the meeting on the 2 April 2014.

Should any further information be required please contact me, on (08) 9338 3507 or Richard.Bairstow@pdc.wa.gov.au.

Yours sincerely



Richard Bairstow
Coordinator Land Development

28 March 2014

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*The catalyst for
regional growth and development*



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Mr Eber Butron
Director Planning & Development
PO Box 41
PORT HEDLAND WA 6721

Dear Eber

**RESPONSE TO THE PROPOSED NON-RESIDENTIAL WORKFORCE
ACCOMMODATION STRATEGY (NRWAS)**

I refer to your letter, dated 12 December 2013, seeking input to the Town of Port Hedland (ToPH) Proposed Non- Residential Workforce Accommodation Strategy (NRWAS).

The Commission views the public advertising of the NRWAS as a positive step. As you'd be aware, the Pilbara Planning Committee (PPC) has recommended that a Regional Forum into Transient Workforce Accommodation be held. It was confirmed with the PPC Chairman by a Commission Representative that the Forum would be held before the end of this financial year, and that an appropriate planning response would be released by the end of this calendar year.

I would encourage the ToPH to engage in the Forum, and wait for the planning response prior to finalising the NRWAS.

Attached for your consideration is the Commission's input on the NRWAS.

Should you require any further information from the Commission regarding this matter please contact Mr Richard Bairstow, Coordinator Land Development, on 9338 3507 or via email at Richard.Bairstow@pdc.wa.gov.au

Yours sincerely

Dr Ken King
Chief Executive Officer

2 April 2014
Att.

Attachment 1 - COMMISSION'S INPUT ON THE NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY.

A legislative response to the TWA land use and activity is supported by the Commission. The NRWAS contains a number of innovative and well thought out points for the control and management of occupants of NRWAs.

The ToPH NRWAS objectives are clear, however the proposal for a single location for all construction worker NRWAs within the Airport Precinct is of significant concern. Whilst the Commission recognises that the ToPH owns and controls the land, and therefore can provide easy and fast access, the location and continued use will not generate the infrastructure legacy, nor facilitate any kind of integration with the community facilities, commercial areas, or general community.

The NRWAS objectives section advocates the Pilbara's Port City Growth Plan's (PPCGP) position of *"a balanced and dispersed approach to the siting and location of non-residential workforce facilities"*. Further, the NRWAS states *"The establishment of TWAs away from existing or future planned urban development areas is contrary to the aims of the Growth Plan, which is to create a tangible, sustainable Regional City"*.

When comparing the NRWAS to other ToPH Strategic and Business documents, there are conflicts between various sections of the following documents:

- PPCGP - location and permanency of use;
- Port Hedland International Airport Masterplan (PHIAM) - use;
- Business Plan for the redevelopment of Precinct 3 (Kingsford Business Park) – inclusion of resource sector; and
- Business Plan for Kingsford Business Park – Non-Residential Workforce Accommodation sites – inclusion of resource sector.

Whilst the ToPH can change these Strategic and Business documents to reflect the aspirations of the NRWAS, it's a concern that the NRWAS doesn't reflect the above named documents, given their importance.

Additionally, the mix of accommodation and industrial uses, in a location adjacent to major rail and aeronautical activities will lead to land use or operational conflicts, a scenario that is not dissimilar to the Wedgefield Camp.

It's the Commission's recommendation that, given the high level nature of the Strategy and the Regional Significance of FIFO activities generally, the ToPH should work with the Department of Planning (DoP), Department of Regional Development (DRD), and other Local Governments and State Government Agencies towards the development of an appropriate planning response that may include a State Planning Policy on Transient Workforce Accommodation (TWA).

To this end, the DoP has advised that the Discussion Paper prepared in November 2012 was considered by the Pilbara Planning Committee in March 2014. DoP will provide an update separately, as part of their response.

Commission staff will work proactively with the ToPH, other Local Governments, other State Government Agencies, and the DoP, to develop a Strategy and subsequent Planning Policy.

Should the ToPH determine to pursue the Western Australian Planning Commission (WAPC) to developed an appropriate planning response, it is recommended that the NRWAS be forwarded to the DoP for consideration, and include the ToPH's proposed timetable for the finalisation of the NRWAS and subsequent actions. The Commission is willing to support the DoP, to the best of its abilities, to maintain these time frames within its own Strategy and Policy development.

The Commission maintains that a DoP Strategy and Policy is the best outcome for the legislative control of NRWA / TWA / FIFO facilities.

Should the ToPH determine to proceed with the NRWAS, the following recommendations are encouraged to be addressed:

1. The PDCB adopted the following policy position with regard to Transient Workforce Accommodation (TWA) Policy / Position at its November 2013, PDCB Meeting;
"Pilbara Development Commission does not support the development of new or existing Temporary Worker Accommodation unless the projects can demonstrate a need and a social benefit to the community."

The PCDB recommends that the principles contained within the above Policy / Position be reflected in any Strategy, whether developed by the ToPH or the DoP.

2. The inconsistencies between the NRWAS and other ToPH Strategic and Business documents should be addressed.

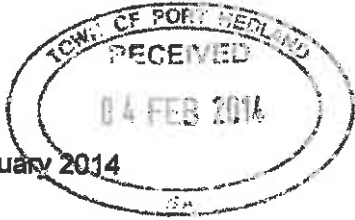
3. If NRWA facilities are only for the use of the resource sector, where are the city building or non-resource sector construction workers going to be accommodated? The business cases for the Kingsford Business Park and NRWA/TWA sites emphasised that these sites were only for non-resource sector and City Building projects. This is a major inconsistency that will need to be addressed.

4. As an alternative to using the Kingsford Business Park exclusively, consideration be given to developing sites within the future urban areas of the western edge or north-eastern edge of South Hedland in collaboration with Department of Lands and Landcorp, to ensure that the infrastructure legacy opportunities are realised. PDC staff are willing to work with all parties to investigate whether the opportunities that the Kingsford Business Park provides the ToPH can be realised within a future urban area rather than an industrial precinct.

5. Ensure any potential land use conflict issues are considered and addressed.

In summary, the ToPH's NRWAS is a good first step towards the need for a legislative approach to the TWA land use and operations. The ToPH has been encouraged to work with the DoP and others on the development of a Regional/State response, and to consider alternative future urban locations as opposed to the industrial precinct of the Kingsford Business Park.

ICR 45444



3rd February 2014

Eber Butron
Director Planning and Development
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

03/02/2014

Dear Eber

Proposed non-residential workforce accommodation strategy

Thank you for the opportunity to provide comment on the proposed non-residential workforce accommodation (NRWA) strategy.

The Association of Mining and Exploration Companies (AMEC) is the largest peak industry body for mineral exploration and mining companies within Australia. The membership of AMEC comprises hundreds of exploration, mining and service industry companies, some of which have accommodation requirements within the Town of Port Hedland.

In making comment on the proposed strategy, AMEC refers to its comments dated 18 April 2012 in respect of the Town of Port Hedland Draft FIFO and TWA strategy.

AMEC continues to support FIFO for construction and operational workers as a legitimate strategy that provides an adaptive management capacity in order to meet industry demand and the differing needs, timing and aspirations of the workforce.

Industry requires clarity and certainty in the public policy and regulatory framework for financing, investment and normal business decision making processes.

AMEC member companies and their suppliers / contractors choose workforce attraction and retention strategies that suit their individual and business case requirements. This ensures that the optimum workforce model is chosen and in doing so returns the greatest benefits to Australia from its natural resources.

AMEC supports the concept of long term strategic planning for infrastructure; the provision of suitable housing and land releases; government services; and public amenities that support the mining sector.

AMEC supports in principle the thrust of the Pilbara's Port City Growth Plan which aims to create a livable, sustainable regional city.

Association of Mining and Exploration Companies
info@amec.org.au | www.amec.org.au

Perth Head Office:

6 Ord Street, West Perth WA 6005
PO Box 943, West Perth WA 6872
P: 1300 738 184 | F: 1300 738 185

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Level 7, Suite 39, 320 Acclafice Street
Brisbane QLD 4000
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Level 3, 66 Hunter Street
Sydney NSW 2000
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AMEC members currently operate in a manner consistent with the strategy objectives noting that FIFO mine workforces are generally accommodated on site; and port and mine support employees are either residential or FIFO but accommodated in an urban setting, where possible.

AMEC members have already implemented various community integration initiatives to support non-residential workers to more fully integrate into the Town's community.

Although AMEC supports the broad principles of the NRWA strategy, it does not support the strategy in its current format in view of the following concerns and observations:

1. It is not clear how the NRWA strategy links in with the Town of Port Hedland's long term growth plan
2. The proposed NRWA strategy will be unduly restrictive, extremely prescriptive and not be sufficiently flexible to meet the changing operational needs and workforce demands of the resources sector
3. The statement *'that accommodation will be used for the purpose of the construction workforce and must not house operational employees in Port Hedland on a permanent basis. The operational workforce must be integrated in the framework'* is completely impractical and unacceptable to AMEC, noting the lack of suitable, cost effective and affordable accommodation alternatives
4. The NRWA strategy has the potential to add significant costs to future projects and add a further layer of uncertainty for business planning purposes
5. The strategy appears to be based on forecast demand for non-residential workers to 2035, however no supporting data is provided
6. The strategy proposes that the location of non-residential workforce accommodation facilities will be restricted to Airport zoned land. In doing so, such a location is not conducive to encouraging convenient, easy access to public and social facilities for day and night shift workers who have limited free time to fully integrate with the community. Such accommodation should be in a 'walkable catchment' area
7. There appears to be some contradiction in the NRWA strategy which seems to want to embrace the 'integration' of the workforce into the urban framework in a 'dispersed' manner, yet then restricts the accommodation facilities to the Airport zoned land. This may relate to operational workers rather than construction workers but this is not articulated clearly in the strategy. Further the strategy seeks to:
 - a. Limit the inclusion of on-site amenities yet isolates them to the Airport zone away from urban amenities
 - b. Oblige companies to produce a 'mobility strategy' to make use of off-site amenities

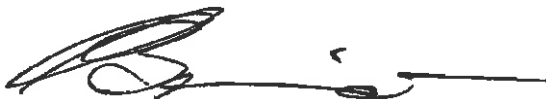
Not only are these requirements potentially impractical, but their implementation may also result in outcomes that adversely impact town amenity. For example with large numbers of construction workers being transported by bus to public facilities, and displacing local residents

8. The proposed 5 year time limit appears to be too tight and provides no flexibility for project specific and unforeseen economic and financial circumstances
9. The NRWA principles include a minimum period of continuous stay of 1 (one) week. It is assumed that this principle is included with the goal of preventing NRWA displacing hotel/motel accommodation. However the principle is impractical and should be re-examined to ensure that it does not have wide unintended consequences
10. The strategy appears to focus on Build Own Operate (BOO) by proponents as the model for NRWA. AMEC considers that the strategy should allow for other funding models, including NRWA owned by third parties

AMEC looks forward to further consultation on this issue prior to it being referred for Council approval.

If you have any specific queries in respect of the submission please do not hesitate to contact me or Graham Short.

Yours sincerely

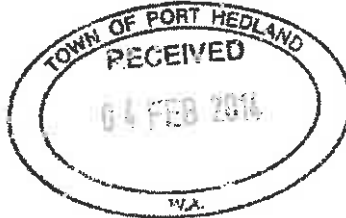


Simon Bennison
Chief Executive Officer

ICR 45443



Our Ref: Doc# 10217866
Enquiries Steve Hiller
Telephone: 9420 2023



29 January 2014

The Chief Executive Officer
Town of Port Hedland
P.O. Box 41
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Western Australia
PO Box 100
Leederville 6902
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Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Attention: Mr M.J. Osborne

COMMENT ON PROPOSED NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

In response to the Town's request for public comment on the above strategy, the Water Corporation advises that it is currently working with BHP, through its project engineers, Pritchard Francis, to provide a water service to the Kingsford Business Park.

The water service is being provided in accordance with the WAPC conditional subdivision approval for application 145870, issued on 8 May 2012. Subdivision works are underway, however, the distribution main required to connect water to the Park has not been commenced and is unlikely to be completed before the middle of the year.

Because the Kingsford Business Park is an industrial area, the Water Corporation has not undertaken any wastewater planning to serve this land use.

If it is proposed to provide Non-Residential Workforce Accommodation within the Kingsford Business Park consideration will need to be given as to the method of wastewater disposal to serve an anticipated 5,000 workers, based on the Strategy report. This number of workers could generate around 1 mega litre of wastewater per day.

Should the Town amend its scheme to provide for Non-Residential Workforce Accommodation in the Kingsford Business Park, some additional planning may need to be undertaken to provide water service and/or wastewater services to the land to facilitate both the short-term accommodation and the longer term industrial re-use within the Business Park.

Any queries should be directed to the Land Servicing Team Leader, Mr Mark Busher on 9420 2076.

Steve Hiller
Manager Development Services Branch

03/02/0017



1CR45738

PSA Ref: 3181

4 February 2014

Chief Executive Officer
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Attention: Planning Services

Dear Sir,

**NON RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY WORKSHOP
REQUEST FOR NOTIFICATION OF ADVERTISING**

Planning Solutions acts on behalf of BHP Billiton Iron Ore Pty Ltd in respect of this matter.

We understand the advertising period for the Non Residential Workforce Accommodation (NRWA) Strategy has been extended until 31 March 2014 to allow for community engagement workshops.

We respectfully request Planning Solutions be formally notified when the dates of the workshops are released. Further, we request the opportunity to make representation to any meeting of a committee or Council at which this matter is considered.

Can you confirm receipt of this letter, and acknowledgement of our request.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the writer.

Yours faithfully,



**ROSS UNDERWOOD
SENIOR PLANNER**

140204 3181 Letter to ToPH re NRWA Strategy Workshops



PLANNING SOLUTIONS
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E: enquiries@planningsolutions.com.au
W: www.planningsolutions.com.au
ACN 143 673 184 ABN 23 143 573 184
Planning Solutions Pty Ltd

Chloe Speakman

From: Carly Thompson
Sent: Thursday, 13 February 2014 5:10 PM
To: 'admin@planningsolutions.com.au'
Subject: ICR45738 - Non Residential Workforce Accommodation Strategy Workshop
Request for notification of advertising

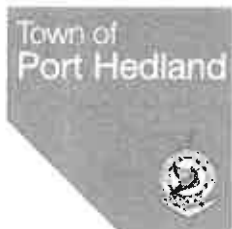
Good Morning,

Thank you for your letter received on the 6th February.

The Town of Port Hedland are holding a Community Forum to discuss the Non Residential Workforce Accommodation Strategy on the 15th March 2014 from 9-10:30am in the Council Chambers.

Please advise if you wish to attend.

Kind Regards,



Carly Thompson
Executive Assistant – Planning & Development
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9325 Fax: (08) 9158 9389
Email: eapd@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

PSA ref: 3181

31 March 2014

Mr M Donovan
BHP Billiton Iron Ore Pty Ltd
PO Box 7122 Cloisters Square
PERTH WA 6850

Dear Sir,

**NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY
TOWN OF PORT HEDLAND**

We have reviewed the Town of Port Hedland (**Town**) draft Non-Residential Workforce Accommodation Strategy (**NRWA Strategy**) which was prepared and released by the Town for public inspection, and prepared the following advice for BHP Billiton Iron Ore Pty Ltd (**BHPBIO**). We note the public consultation period closes on 31 March 2014.

SUMMARY

1. It is our opinion that certain aspects of the NRWA Strategy cannot be justified on planning grounds, including:
 - (a) Restricting the use of Non-Residential Workforce Accommodation (**NRWA**) to only construction workforce through an amended land use definition and policy provisions.
 - (b) Identifying the Airport as the only location for NRWA.
 - (c) Imposing time limited approvals for NRWA.
 - (d) Implementation of a Developer Contributions Plan.
2. The overriding goal of the NRWA Strategy is drawn from the Pilbara's Port City Growth Plan (**Growth Plan**) which has a number of strategies for sustaining and diversifying economic growth. In this regard, the Growth Plan considers the impact of Transient Workforce Accommodation (**TWA**) and identifies the need to "*encourage a shift to a more permanent and integrated skilled workforce in Port Hedland*". The NRWA Strategy identifies three objectives to achieve this goal which are also drawn from the Growth Plan.
3. In general terms the NRWA Strategy seeks to make all TWA's temporary, and redefine the use as NRWA, with time limited approvals. NRWA is to be occupied by construction workforce and must not accommodate operational workforce. By limiting this accommodation choice to construction workforce it would appear the Town intends for BHPBIO's entire operational workforce to reside in Port Hedland.

4. We have been advised the WAPC's Pilbara Regional Planning Committee met on 19 March 2014 and considered the issue of workforce accommodation in the Pilbara. We also understand the issue of TWA's is to be considered by the Western Australian Planning Commission (WAPC) in the next 2 months at its meeting to be held on either 22 April or 27 May 2014. The Town's NRWA Strategy will be guided by any future decision of the WAPC, and therefore it would be in the interests of orderly and proper planning for the Town defer consideration of the NRWA Strategy pending further direction from the WAPC.

CONTEXT

Pilbara Planning and Infrastructure Framework (January 2012)

5. The Pilbara Planning and Infrastructure Framework (Framework) is prepared under the State Planning Strategy, which sets state-wide planning principles and objectives, outlines planning directions and is a context for decision-making on the growth of the state. The Framework informs the preparation of local planning strategies and schemes, with which land use and development proposals must comply.
6. The framework contains a number of settlement objectives/actions, including objectives/actions applicable to fly-in, fly-out workforces as follows:
 - Fly-in fly-out:*
 - Provide for fly-in, fly-out workforces that do not adversely impact on the resident population.*
 - a. *Identify appropriately located sites to accommodate fly-in fly-out workforces through the preparation of regional and local government transient workers accommodation policies.*
 - b. *Encourage urban based transient worker accommodation that is located close to commercial centres, to serve multi-purpose functions within the region's communities.*
 - c. *Support the use of on-site transient worker accommodation during the construction stage of major community, commercial and housing development projects.*
 - d. *The State, in consultation with industry and local government, to develop a specific policy relating to workforce accommodation in the Pilbara.*
7. In relation to action Item "d.", as noted above the WAPC will consider the issue of workforce accommodation in the Pilbara at its meeting to be held in April or May. The outcome of this meeting may be the WAPC adopts a state wide approach to workforce accommodation for transient workers. It is our opinion that the Town should defer consideration of the NRWA Strategy and await the outcome of the WAPC's meeting in the interests of orderly and proper planning.
8. It is noted the Town is progressing the NRWA Strategy for the purpose of informing its Town Planning Scheme Review. A Strategy prepared by the Town will need to be consistent with any policy position or statement of the WAPC. The NRWA Strategy will also need to be endorsed by the WAPC.

Pilbara's Port City Growth Plan

9. The Town's Growth Plan was endorsed by the WAPC on 27 December 2012 as the Town's Local Planning Strategy (LPS). LPS's are prepared in accordance with the Planning and Development Act 2005 and provide the rationale for the zones and other provisions of the Scheme.
10. Whilst the Growth Plan has been adopted as the Town's LPS it does not specifically address the issue of TWA's beyond identifying a series of objectives. The purpose of the NRWA Strategy is to elaborate on the Growth Plan for the purpose of providing a rationale for textual changes to the Town's Town Planning Scheme No. 5 (TPS5).
11. From our review, the Growth Plan does not appear to provide any specific or targeted social and economic analysis (including consequences) that would support the NRWA Strategy which will result in the entire operational workforce ultimately residing permanently in Port Hedland.
12. It is noted the Growth Plan advocates a dispersed approach to the location of TWA's and has identified the following precincts as appropriate locations for TWA's:
 - Precinct 2 – East End Urban Village
 - Precinct 7 – Airport and Surrounds
 - Precinct 9 – Western Gateway
 - Precinct 10 – South Hedland West
 - Precinct 12 – South Hedland East
 - Precinct 13 – Eastern Gateway
13. Whilst there are a number of precincts identified, the Town has actively pursued the concentration of TWA's at the Airport. This approach is inconsistent with the Growth Plan given the Town has not facilitated the release of any other (dispersed) locations identified by the Growth Plan as suitable for TWA's.

Town Planning Scheme No. 5

14. Development within the Town is guided by the provisions of the Town's TPS5. We note TPS5 is currently under review.
15. In accordance with clause 1.7.1 of TPS5, words in the Scheme requiring a specific interpretation shall have the respective meanings given to them in Appendix 1 - definitions. Appendix 1 defines the land use of transient workforce accommodation as follows:

***transient workforce
accommodation***

dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.

16. The definition does not distinguish between the type of transient workers (ie. construction or operational), nor does it prescribe a maximum term of approval. The definition also provides for both temporary and permanent facilities.
17. In addition to being a defined land use under the Scheme, Transient Workforce Accommodation is also a Zone under TPS5, and falls under the category of Residential.
18. The Zoning Table indicates the permissibility of land uses within particular zones. The land use of Transient Workforce Accommodation is capable of approval in the following zones:

Residential	Strategic Industry
Urban Development	Rural
Transient Workforce Accommodation	West End Residential
Airport	

RESPONSE TO DRAFT NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

General

19. The overriding goal of the NRWA Strategy is drawn from the Town's Growth Plan which has a number of strategies for sustaining and diversifying economic growth. Specifically, the Growth Plan considers the impact of TWA's and identifies the need to "encourage a shift to a more permanent and integrated skilled workforce in Port Hedland".
20. In general terms the NRWA Strategy seeks to make all TWA's, redefined to NRWA, as temporary land uses with time limited approvals. Worker types are to be defined and NRWA is to be occupied by construction workforce and must not accommodate operational workforce. The outcome of this is that the NRWA Strategy intends that the entire operational workforce will reside in permanent residential accommodation within the Town of Port Hedland. The NRWA Strategy identifies three objectives to achieve this, also drawn from the Growth Plan.

Objective 1 *Where possible, to integrate non-residential operational industry workforce within existing urban areas/urban framework and thereby encouraging the integration of temporary and permanent residents in Town.*

Objective 2 *To provide clear time limits on the operation of non-residential workforce accommodation facilities to secure a more permanent and integrated skilled workforce.*

Objective 3 *To revise the Town's statutory and policy framework to include the principles and development requirements associated with non-residential workforce accommodation facilities, as well as providing prospective non-residential workforce accommodation facility developers with the relevant guidance in site selection and facility design.*

21. The NRWA Strategy includes discussion under each of these objectives which provides detail on how these objectives are to be met. The detail provided under each objective overlaps in some circumstances. The following is a summary of the issues identified to meet the objectives:
 - (a) NRWA will be temporary facilities, linked to specific projects, with time limited approval periods of between 5 – 10 years, occupied by construction workforce.

- (b) To achieve integration with the existing permanent resident population occupation of NRWA will not be permissible for operational workers.
- (c) Location of NRWA to be restricted to the Airport.
- (d) Principles to be applied to NRWA use (ie. Type of worker, public access including to amenities, local promotion, minimum stay periods).
- (e) Implementation of a Developer Contribution Plan targeted at NRWA.

Non-residential Workforce Accommodation definition

22. The NRWA Strategy redefines TWA as Non-residential Workforce Accommodation as follows:

A temporary land use intended for the resource sector only and which is limited to a maximum period of 5 years or as otherwise approved by Council and designed in a manner that may be capable of conversion to a permanent use. Such facility may restrict the inclusion of amenities such as communal facilities, gym, cinema and restaurant. The intention, being to possibly integrate the workforce within the urban framework.

23. It is unclear whether the definition of operational and construction workers discussed in the NRWA Strategy also forms part of the definition of NRWA. The NRWA Strategy states:

Operational workers (from the resource and industry sector) refers to the component of the workforce that serves on-going, operational aspects of a project/business and is likely to be employed on a fixed term or permanent basis (eg. Resource extraction/processing, administration, human resources).

Construction workers refers to the component of the workforce that is employed for a limited period only until the completion of the particular project (eg. Project start up, dwelling/ infrastructure construction, irregular servicing/ maintenance).

24. The proposed definition of NRWA is a significant change to the existing TWA definition which does not distinguish, nor restrict, worker types and provides for a permanent approvals. It is our view the new definition has the potential to result in significant adverse impacts upon the supply of residential accommodation, and therefore cost. Furthermore the definition is overly restrictive as it will limit the accommodation choice by requiring operational staff to reside in Port Hedland.

Temporary NRWA for construction projects

25. The NRWA Strategy generally recognises the temporary workforce associated with construction projects can adversely affect the Town's housing supply. The NRWA Strategy supports the development of NRWA that is linked to the construction of specific projects which may take place over a 5 – 10 year period, or in certain cases, over a longer period.
26. It is our opinion that time limiting NRWA to a period of 5 years or to a specific construction project has no planning basis. The existing definition of TWA should be retained. It appropriately defines the land use and is not overly restrictive given the need for a flexible approach to workforce accommodation that can be responsive to rapidly changing market conditions.

Temporary land use

27. The characterisation of NRWA as temporary by the NRWA Strategy represents a shift from the current TPS5 definition which provides for permanent TWA facilities. It is our opinion that any future definition should retain the ability for NRWA to be approved as a permanent facility. This approach would give the Town the flexibility to approve NRWA as permanent facilities thereby providing certainty of accommodation over lengthy periods of construction which may occur over a 10 – 15 year period, or longer.

5 year time limit

28. It is our view that time limiting NRWA to a maximum period of 5 years unless otherwise approved by Council, with time extensions beyond 10 years at the absolute discretion of the Town, has no planning basis as stated above. The extension of time limited approvals should not be at the absolute discretion of the Town. This denies a proponent procedural fairness and a right of independent review.
29. We also consider that limiting NRWA approvals to a maximum of 5 years without the certainty of an extension would result in poor building design outcomes. This could occur as facility providers seek to minimise costs if extensions to the approval term are not granted.

Conversion

30. Given the Town's NRWA Strategy position is that NRWA is a temporary land use the new land use definition requires NRWA to be designed in a manner that may be capable of conversion to a permanent use. Unless the conversion is to a similar type land use (ie. NRWA for operational workforce, tourism) there will be increased upfront costs associated with constructing a NRWA facility. These increased costs would need to be amortised over the life of the facility. A 5 year timeframe may result in unnecessary increased costs associated with designing for conversion/adaptability.
31. These increased costs may relate (but are not limited) to:
- Higher standard of infrastructure to allow for public use/private ownership (publicly trafficable roads, footpaths, utility infrastructure).
 - Adaptable building types.
 - Reconfiguration of site layout.

Integration by restriction

32. In order to achieve a sustainable and diversified economy the Growth Plan encourages a shift to a more permanent and integrated skilled workforce in Port Hedland. As previously stated the NRWA Strategy seeks to achieve this integrated workforce by establishing a planning framework that forces operational workforce to reside permanently in Port Hedland by restricting their use of NRWA.

33. This is a significant departure from the current Scheme provisions which do not distinguish between operational and construction workforce and provide for permanent TWA's. As previously stated this approach has the potential to have significant adverse impacts upon the supply of residential accommodation and therefore cost in the Town. Moreover, the definition is overly restrictive and limits accommodation choice that is currently available.

Principles to be applied to NRWA

34. The NRWA Strategy envisages a number of principles be applied to NRWA which are summarised in Table 1 below with our corresponding response.

Table 1 – Summary of NRWA principles and response

Principle	Response
Occupants to have an ABN	Whether or not an occupant customer has an ABN is not a land use planning matter
No public use of onsite amenities	Agree
No advertising to the general travelling public	Agree
On site advertising of local business and amenity	Agree
Used for construction, not operational workers, and integrated into urban framework	Do not agree, TWA's/NRWA should provide the flexibility to allow operational workforce
Submission of a guest register to Town	This is not a land use planning matter
Minimum period of continuous stay is 1 (one) week	Do not agree, some workers may only be required to stay for shorter periods

35. One of the principles above contemplates the provision of on-site amenities, however the definition of NRWA includes the following "...Such facility may restrict the inclusion of amenities such as communal facilities, gym, cinema and restaurant. The intention, being to possibly integrate the workforce within the urban framework."
36. The restriction of on-site amenities has no planning basis. It is common practice for large singular residential (apartments) and short stay/tourist accommodation developments to incorporate onsite amenities for the benefit of the occupiers. Occupants of NRWA/TWA facilities should not be precluded from having access to such amenities on-site. The location and opening hours of publicly available facilities may not adequately cater for the specific needs of the workforce, or have the capacity to cater for peak demands for such amenities and may be used at times in conflict with other residential population.

Airport location

37. The NRWA Strategy seeks to restrict NRWA to the Airport. More specifically a Local Planning Policy is to be prepared that incorporates locational provisions that limit the establishment of NRWA to the Airport (runway south west). Restricting the development of NRWA to Airport zoned land is contrary to the Growth Plan which advocates a dispersed approach and one, which seems to be anti-competitive
38. We raise the following concerns regarding the concentration of NRWA on the Airport:
- (a) The Town, acting in the role of Planning Authority has restricted the development of NRWA/TWA's to the Airport (being land it owns), which may be anti-competitive, and is certainly self-interested.

- (b) The Town as land owner (of the Airport land) has sought to impose planning conditions, through lease conditions and terms (eg. nature of workforce, time limited approvals, developer contributions) without providing NRWA/TWA proponents an opportunity for the proper administrative review of these conditions and terms.

Developer contributions

39. The NRWA Strategy indicates a developer contributions plan (DCP) be prepared that establishes an appropriate contribution rate for NRWA. It is our opinion that the implementation of a DCP targeted at NRWA has no planning basis and would be inconsistent with the principles of orderly and proper planning.
40. If a DCP is to be implemented it should not apply exclusively to NRWA but must apply to existing and future residents to be fair and equitable, as outlined in State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP3.6). This means that the burden of the cost for new or additional infrastructure is shared between the Town (ie the Town contributes on behalf of existing residents) and developers (who pay a proportionate contribution for new or additional infrastructure). In other words, a DCP should not collect contributions from developers retrospectively, nor should it target a specific type of land use such as NRWA.
41. We understand BHPBIO has made significant development contributions to the Town for infrastructure. It is our view these contributions should be incorporated into any DCP in the form of a credit to BHPBIO which should be offset against any future development contribution sought through a DCP.

MIXED USE CARAVAN PARK BUSINESS PLAN – PRETTY POOL

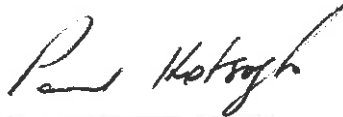
42. The Town is advertising a Business Plan relating to the lease and development of a 'Mixed Use Caravan Park' at Lot 300 (Reserve 29044) Styles and Sheridan Roads, Pretty Pool. We understand the proponent has indicated 348 single rooms will be used as a TWA and will accommodate both construction and operational transient workers.
43. The development of the subject site for the purposes of a TWA is inconsistent with the objectives of the Town's own draft NRWA Strategy for the following reasons:
- (a) The location of TWAs/NRWA is preferred to be on Airport Zoned land;
 - (b) No specific construction project has been identified which the TWA will service;
 - (c) The proposed lease term is 21 years is far greater than the maximum 5 year term prescribed in the NRWA Strategy.
44. It is inconsistent for the Town to advertise a Business Plan that will allow under the guise of a 'Mixed Use Caravan Park' short term and permanent accommodation for FIFO workers and at the same time be proposing the NRWA Strategy that is directed at industry.
45. Furthermore, the Business Plan does not define the use of the site as a TWA, rather it is described as a "Mixed Use Caravan Park", which is not a defined use in TPS5. It is unclear why the Town has not described the proposal as TWA when it is the proponents intention to use it as such.

CONCLUSIONS

46. The NRWA Strategy continues to recognise the importance of NRWA/TWA's for construction workforce, however there are a number of aspects of the NRWA Strategy that are, in our opinion, inconsistent with orderly and proper planning. These are:
- (a) Restricting the use of Non-Residential Workforce Accommodation (NRWA) to construction workforce only through an amended land use definition and policy provisions.
 - (b) Identifying the Airport as the only location for NRWA.
 - (c) Imposing time limited approvals for NRWA.
 - (d) Implementation of a Developer Contributions Plan.

In addition we are advised by the WAPC scheduled to consider the issue of workforce accommodation at its April or May 2012 meeting, and it is our view that the Town should defer consideration of the NRWA Strategy pending further direction from the WAPC.

Yours sincerely,



PAUL KOTSOGLO
MANAGING DIRECTOR

140331 3181 Advice to BHPBIO - NRWA Strategy

ICR 45760



North West
Infrastructure

3 February 2014

Mr Eber Butron
Director Planning & Development
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Sir

Town of Port Hedland: Proposed Non-Residential Workforce Strategy

North West Infrastructure (NWI) is writing in response to the Town of Port Hedland ('the Town') Proposed Non – Residential Workforce Accommodation Strategy ('the Strategy') that was released last month. We refer you to our previous submission (to the 2012 Draft TWA & FIFO Strategy) and to our ongoing participation in the Town of Port Hedland's Community Integration Working Group.

Please contact me if you have any questions about NWI's submission and we would welcome the opportunity to discuss our comments with you prior to the finalisation of your Council submission.

Yours sincerely

Mike Loly
Project Director



14, Oak Copse, Port Hedland, WA 6721
North West Infrastructure

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3100-3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 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NWI Submission

Town of Port Hedland Proposed Non Residential Workforce Accommodation Strategy

3rd February 2014

Introduction

NWI (formerly the North West Iron Ore Alliance) is an incorporated joint venture company whose purpose is to facilitate the construction of a port facility capable of annually exporting 50 million tonnes of iron ore from the South-West Creek location at the Inner Harbour at Port Hedland, Western Australia.

Executive Summary

NWI supports the underlying goals of the Town of Port Hedland Proposed Non Residential Workforce Accommodation Strategy to identify a clear direction for NRWA's and provide a statutory framework, seeking to deliver benefits to both developers and the Port Hedland community. However NWI is concerned that:

1. The strategy does not clearly articulate how the Town's strategic goal will be delivered.
2. There appears to be an underlying assumption that adequate land is available at Precinct 3, yet Precinct 3 is too far from the town's amenities to allow integration.
3. The strategy as currently proposed would add significant additional costs to any new project.
4. Only new developers will be impacted by the strategy, yet the established major mining companies control ~78% of the existing NRWA's.
5. The Strategy doesn't appear to help introduce a competitive environment by allowing independent 3rd party providers into the market.

NWI appreciates the intent of the NRWA Strategy and supports its underlying goals, whilst noting that some of the stated objectives are contradictory. As a potential developer requiring construction and operating accommodation we will be impacted by any changes to the Scheme Amendment.

North West Infrastructure

After Roy Hill and FMG have completed their current inner harbour expansions, NWI will have the largest single unallocated demand for accommodation still to be met (RHI's accommodation is now built and BHPB's outer harbour having been deferred). NWI is very focused on project costs and would be concerned about any further cost imposts due to increased planning and approvals requirements.

NWI contributed to the previous Town of Port Hedland Draft FIFO and TWA Strategy and has attended / contributed at all of the subsequent Community Integration Working Group meetings as part of our corporate commitment to work with local authorities and stakeholders to establish positive outcomes in the areas of our (future) operations.

NWI has a 3-5 year time accommodation demand of some 454,000 bed nights with a peak demand close to 800 rooms. To mitigate for any demand surges and minimise for any risks its likely NWI will seek to access a total of 1,000 beds but not necessarily in the same facility.

BHPB, FMG & RHI, the three major users of NRWA and FIFO staff in the Port Hedland area all have their existing accommodation facilities which they own or have primary rights to access. From an assessment of the existing NRWA Villages in Port Hedland (and the immediate area) it's clear that there are very limited 3rd party (independent) NRWA providers for FIFO workers.

Strategic Goals & NWI's Comments

- **Housing Supply Issues and Demand for Services & Facilities.**

Strategic Goals:

'Any new NRWA should be located in Precinct 3 and limited to construction workers'

NWI Comments:

The introduction to the Strategy appears contradictory to the proposed Scheme Amendment. The introduction states that the 'Growth Plan highlights the short to medium term imperative to provide adequate levels of transient workforce accommodation in order to cater to the necessary operational and construction workers and to help relieve immediate housing supply issues'.

The Strategy also directs that any new NRWA should be located in Precinct 3 and limited to construction workers, but the above statement infers that operational NRW staff should also be accommodated here when elsewhere in the Strategy it is stated that Operational Staff should be integrated into the towns and preferably residentially based.

A proportion of the non-residential workforce (NRW) is quoted as being accommodated in permanent residential housing, while a large number are accommodated in existing NRWA's. This suggests a 'small' number of NRW's are having a significant impact on residential housing supply, but no supporting evidence is provided to substantiate this.

- **NRWA Demand**

Strategic Goals:

Estimating the demand for NRWA and land required to accommodate these NRW's.

NWI Comments:

The April 2012 Draft FIFO & TWA Strategy contained a previous estimate (2010 to 2031) of the projected number of FIFO workers and thus accommodation demand in Port Hedland. NWI had been asked to contribute confidentially to an estimate at this time along with all other organisations involved with projects in the area.

In this Strategy, comment is made about the projected demand out until 2035 but no supporting data on the FIFO numbers or timings are provided to substantiate this and NWI are unaware of any

update to the previous forecast; but since 2012 there has been a major pull back by a number of projects in the Pilbara, notably BHPB deferring its outer harbour project.

The calculation of the land demand in this document suggests that 5,000 NRWA beds will be required (50ha at 100m² per room / bed), but there's no context, is this (1) construction demand (2) operational demand, (3) shut maintenance demand, (4) future peak demand, (5) or additional demand above the existing base line, (6) and no timeline / duration for this is provided either.

- **Assessment of FIFO Demand for Services & Facilities.**

Strategic Goals:

Ensuring FIFO workers have a minimal impact on Services and Facilities for the residential community.

NWI Comments:

Over the last 18 months some members of the CIWG have stated that FIFO workers are placing significant additional burdens on the limited community services and facilities in the ToPH (notably but not limited to medical practitioners), this is again stated in this introduction.

No evidence has been provided to the CIWG to substantiate this sensitive area of genuine community concern. NWI support any initiative to gather data to support or refute these anecdotal comments, the Federal Government review on 'Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia' also commented on the lack of 'robust empirical evidence' on this subject.

Classifying Types of Non Residential Workforce Accommodation Facilities

- **Balanced Approach to Siting of NRWA's & Integration into the Town.**

Strategic Goals:

The Growth Plan advocates 'a balanced approach to siting and location of NRWA facilities' and that they are integrated into the towns.

NWI Comments:

This Strategy will enforce all future NRWA's be built in Precinct 3, while many of the existing facilities are located close to community infrastructure (notably Camp Hamilton, The Gateway Village, and TAFE's Pundulmurra), which are all located within easy walking distance of the amenities in South Medland.

- **Ability to Convert NRWA Post Usage**

Strategic Goals:

An NRWA is defined as the 'temporary land use....designed in a manner that may be capable of conversion to a permanent use'

NWI Comments:

If a plan for the land usage post NRWA is readily available then the layout can be designed for its subsequent / eventual use and the NRWA constructed over that. NWI believes that this is best suited to be undertaken by the ToPH or other Regulatory / Government Planning body. At this time NWI is unaware of any plans for the land use for Precinct 3 subsequent to being used by NRWA's, and accordingly should we be building in this area now would be unable to incorporate any such opportunity for conversion later.

- **Resource Sector Only**

Strategic Goals:

This Strategy states that NRWA's are "intended for the resource sector only".

NWI Comments:

All projects that fall within the jurisdiction of the ToPH that require NRW's should be captured under the same Scheme Amendment that is approved from the Strategy document.

- **Definition of Operational and Construction Workers**

Strategic Goals:

Construction workers are defined as the proportion of the workforce employed until completion of this project.

NWI Comments:

This infers until the project is 'operational' and the commissioning crew have finally been stood down and operations have accepted the facility. Incorrectly maintenance workers are included under the same category, but they are different to construction workers, being a type of operational worker. NWI suggests that a better definition of each employee category is required to remove ambiguity from future planning.

Strategy Objectives

Strategic Goals:

The preamble to this section states that 'regardless of non-residential workforce accommodation type, the Growth Plan advocates a balanced and dispersed approach to the siting and location of non-residential workforce facilities', but in the next section (Meeting the Objectives i) it is stated that 'the location of non-residential workforce accommodation facilities will be restricted to Airport zoned land'.

NWI Comments:

The above statements appear incompatible.

Strategic Goals:

Throughout this Strategy there is mention of integration, inferring the (1) NRW is physically located within the urban framework and (2) encouraging the use by the NRW's of community amenities (such as but not limited to sports facilities, shops and restaurants).

NWI Comments:

The physical integration can 'easily' be achieved by locating an NRW 'close to the towns', the 'social / community' integration where by the NRW's can readily access and utilise the community amenities is far harder to achieve.

Construction crews will be working 12 hours shifts and thus have limited free time at the start / end of their shifts, easy access to the community amenities is the key factor. The key drivers in this are (1) distance, preferably walking distance and (2) that they are open at times before and after working hours.

NWI is supportive where and when possible of limiting the amenities in any NRW and encouraging NRW's to make use of the in-town community amenities. But as neither of the two key drivers are under the influence of the project proponent, such as NWI, this has to be worked out on a site by site basis.

Meeting the Objectives

• Precinct 3

Strategic Goals:

NRWA's will be restricted to Precinct 3.

NWI Comments:

The ToP's direction that Precinct 3 is set aside for future NRW's is welcomed. Pre-owned land that is already appropriately zoned and readily available for the development of a NRW village should shorten the approvals process, allow for speedy transactions, and potentially contain costs. Knowledge that any lease income returns to the community through a regular revenue stream provides an additional benefit.

One area of concern for NWI is that it appears that the majority of the 80 ha zoned land is already allocated or applied for. BHPB have leased 60ha, 4.5ha have recently been leased to Ausco and 14.5ha of the remaining 15.5ha is under an application by Finance Unlimited, leaving only 1.0ha available for any additional facility.

• Precinct 3 – Proximity to Town Facilities.

Strategic Goals:

Restricting NRW's to Precinct 3 while limiting some amenities available in the NRW in favour of integration with the community amenities in the town.

NWI Comments:

While NWI recognises the attraction of Precinct 3 and the ToPH's efforts to reserve the land for NRWA's, we also recognise that this location imposes a number of practical limitations on any user in meeting the ToPH's stated goal of integrating the workforce within the urban framework and restricting the inclusion of certain amenities.

While close to South Hedland, any NRWA located in Precinct 3 would be some 6km from the closest amenities in the town centre; this is not within a reasonable walking distance. In contrast Club Hamilton and the Gateway Village are within easy walking distance and accordingly duplication of some internal amenities (e.g. sports, shopping and wet messing) could, and has been restricted in favour of utilising the community amenities. At 6km any NRWA in Precinct 3 effectively needs to be self-contained with only bussing of staff into town the effective means of access (as most NRW's will not have direct access to vehicles), and practically this severely limits the level of integration that's realistically likely to occur when compared to residents of Club Hamilton and the Gateway Village. Conversely if residents were to have individual access to vehicles this could add significantly to the level of traffic and parking in the main amenity areas. Furthermore many NRWA's do not allow residents to have private vehicles on site, further restricting the numbers of residents who have the mobility to travel into town.

• Other Potential NRWA Locations

Strategic Goals:

NRWA's will be restricted to Precinct 3.

NWI Comments:

NWI has been working with a number of interested parties who have developed concepts for NRWA locations outside Precinct 3, one was contacted after meeting with the ToPH's Director of Planning & Development and a subsequent meeting and direction from 'Pilbara Cities'. These have been discussed and investigated with several State Government Departments; these are located closer to community amenities though not in the centre of South Hedland and are more likely to aid integration than NRWA's at Precinct 3 if these site(s) were developed.

For the kind of integration that is envisioned in this strategy and has been discussed over the last two years in the CIWG, NWI suggests that other sites close to the centre of South Hedland are identified and be considered. N.B. The Metro Standard's for walking distances are between 400m and 800m maximum, these are termed 'walkable catchments'. The Pilbara with its cyclonic weather and extreme heat in summer are likely to have somewhat reduced distances.

• Clear Time Limits - 5 Year Limitation

Strategic Goals:

The strategy defines an NRWA facility as 'a temporary land use.....which is limited to a maximum period of 5 years....'.

NWI Comments:

This description of a maximum period being for 5 years does not highlight if this commences at (1) execution of the lease or (2) commencement of operations / occupation, (3) and no mention is made of the possible dismantling time; and whether this is included or not in this timeframe. As villages typically take 2 years to design, finance and then build, this could reduce the time any village could be actively used to approx. or less than 3 years.

Villages built to 'today's' standard in a cyclone rated area are expensive and should 'easily' last 20 years, thus limiting them to an initial maximum approval period of 5 years appears unnecessarily restrictive, financially unattractive and an extra hurdle to any proponent. Options could include allowing (1) allowing longer leases and or (2) encouraging owners to sell and transfer ownership once their project have been commissioned. Both options allow longer use of a valuable asset.

With most major projects already having been completed in Port Hedland, any organisation building an NRWA exclusively for its needs will have to write off the capital cost over 1/4th the time thus incurring substantial additional unit costs as no extension can be guaranteed. As the South West Creek project will be a major employer of labour and will require the use of a large, potentially 1,000 bed (A\$120M) NRWA NWI believes that this time limitation has the very real potential to add significant costs to its project which other earlier proponents have not had to bear.

Services to the Public

Strategic Goals:

The NRWA must render no services to the public.

NWI Comments:

In the 2012 Draft TWA & FIFO Strategy, accessing facilities in the TWA villages not available in Port Hedland was clearly articulated and wanted; this message has been regularly repeated during the subsequent CIWG meetings. This new Strategy states that facilities must not render any services to the public that aren't widely available and must seek council approval before any use is approved. This process may be unnecessarily slow and reduce benefits available to the community that may be expected.

Rio Tinto at Dampier (Peninsular Palms), Tom Price (Windawarri Lodge), and Paraburdoo (Rocklea Palms) have operated for many years an open door policy where its residential staff and the town residents can walk in individually or with their families for a meal. The Shire of Ashburton has entered agreements with Rio Tinto to have rooms available at Windawarri Lodge or Rocklea Palms to support the Karajjini Tourist trade. In Dampier an older Rio Tinto TWA has been leased to the Education Department and converted into the Pilbara Camp School. These community benefits are provided by Rio and supported by the local Shires and Education Department.

- **Independent NRWA Providers**

Strategic Goals:

The strategy states that companies are not allowed to build for 'speculative reasons'.

NWI Comments:

One of the options to efficiently amortise the significant capital cost of a new facility is for 3rd party accommodation providers to develop MRWA's and provide accommodation for a number of project's over a longer say 20 year time frame . This would need to be at a competitive cost and not seen as a monopoly which in essence a 5 year limit imposes, by limiting project developer's options. The best option is for a number of providers with a variety of product offerings have NRWA facilities competing in an open market place.

- **Built for Construction & Operations**

Strategic Goals:

This Strategy states that "accommodation.....be used....for the construction workforce and must not house operational employees".

NWI Comments:

This means any project proponent potentially must build two types of accommodation at significant additional cost; it might be possible to develop accommodation that ultimately will house an operational workforce but initially accommodates the construction staff. Under the current prescriptive Strategy this would not be approved.

- **Submission of Guest Register**

Strategic Goals:

Conditions of lease verified by submission of guest register.

NWI Comments:

By the end of 2014 there will be some 5,680 FIFO beds in Port Hedland, if a guest register is submitted monthly this means the Shire will need to make 170,000 individual checks. NWi suggest this is unrealistic and a more practical, less time consuming method of ensuring compliance is agreed. NWi is also of the understanding that Government Legislation doesn't allow such information to be reported.

- **Minimum Period of Stay**

Strategic Goals:

The minimum period of stay is one week.

NWI Comments:

The stipulation that the minimum period of continuous stay is one week is quite unrealistic. Whilst the majority of staff work longer rosters; head office based staff, specialists and other ad hoc visitors will often visit for shorter durations. An artificial limitation where the proponent has capacity in their NRWA will only add cost for no value. If proponents are forced to have staff stay in hotels, then accommodation must be guaranteed to be available at any time and at reasonable rates.

Implementing the Strategy

- **Grandfather Exemption or Retrospectivity.**

Strategic Goals:

Introduction of the Proposed NRWA Strategy

NWI Comments:

BHPB, FMIG & RHI all have their NRWA facilities built with presumably operating leases which allow continued use for many years. With some 5,680 beds already constructed in the immediate vicinity of Port Hedland and the mining boom peaking or on the wane, in essence this Strategy is 10 years too late. Will the new Scheme Amendment outlined in this Strategy be retrospectively enforced on these existing facilities or will they only be imposed on new NRWA's providing existing facilities 'grandfather exemptions'? If the latter is the case this is likely to impose restrictions and cost burdens on new projects that the others are not liable for, and if they are imposed on all facilities (new and existing) there are likely to be serious repercussions for the existing companies.

- **Terms Used**

NWI Comments:

This Strategy introduces new terminology, why are 'TWA' and 'FIFO workers' not suitable when they are both widely used and understood terms, NWI sees no reason for complicating matters and introducing new phrases where existing ones already exist.

Additional NWI Comments

- **Employee Preferences**

NWI's draft attraction and retention strategy highlights that for site Operational staffing needs residential employment will be preferred, this NWI believes will align with the goals of the State Government, Pilbara Cities and ToPH. But NWI also recognises that some staff due to a variety of personal commitments may not wish to be Pilbara based, or due to family circumstances many wish to change (from residential to FIFO at a later date) and these also needs to be recognised.

- **Land Availability & Utility Capacity**

To allow as many operational employees as possible to become residentially based there must be cost effective land and housing options available for both companies and individuals to buy / lease. Power, town water and waste water treatment have all been limited over recent years, restricting some developments. Community infrastructure, including but not limited to medical facilities and schools must be of a standard that is at least as good as elsewhere and the ambience of the area must be attractive and residents must feel safe, to make Port Hedland a regional centre new staff would wish to live.

No mention of these supporting factors has been discussed in the Strategy which could encourage potential operational staff to choose residential employment over FIFO. NWI acknowledges that many of these elements have been improved substantially over the last 10 years, but some are still wanting and will be 'show stoppers' limiting the proportion of operational staff who take up the 'live local' option. These factors are all out of the control of NWI.

- **Federal Government Report on 'Fly-in, Fly-out & Drive-in, Drive-out Workforce Practices in Regional Australia**

This report completed in January 2103 covers the breath of the National and a wide variety of drivers, blockers and influencers on this topic; some are pertinent to the Pilbara and some definitely not. Section 5, on Governance covers a number of issues out of the control of the resource companies and the ToPH but have a big impact on this topic. Changes to taxation law that supported residential occupancy and not adding costs (as now) could help the strategic goal of encouraging residential living and assist with growing the population of Port Hedland.



Mike Loly
Project Director

Addendum

- **Port Hedland and Area Accommodation Supply**

NWI has recently undertaken some desk top research into the projected NRWA supply, the following estimate tabulated below is based on the existing facilities (existing rooms, announced closures and investment commitments so includes closure of the Wedgefield Camp and includes the soon to be built AUSCO facility); this shows there will be some FIFO 5,680 beds in the Port Hedland area by late 2014. In addition there are a further 700 beds / rooms / caravan plots available to the general public.

Resource Company – Village Name	Number of Beds
RHI's Gateway Village	1,200
BHPB's Port Haven	1,200
FMG's Club Hamilton	900
ESS's Wedgefield (excluded)	768 <i>Closing mid 2014</i>
BHPB's Mooka	617
FMG's Camp 25a	514
Ausco's Precinct 3 (included)	450 <i>Opening Q4 2014</i>
Auzcorp's the Beachfront (excluded)	400 <i>On care and maintenance</i>
Auzcorp's Mia Mia	255
Private - The Landing	240
Pilbara TAFE's Pundulmurra	186
Private - The Walkabout	121
Total FIFO Rooms (Q4 2014)	5,683

N.B. Mining Companies control the largest villages and by far the largest proportion (4,431/5,683) or 78% available FIFO beds in the Port Hedland area.

Permanent Town Accommodation	Number of Beds / Rooms
Cooke Point Caravan Park	190
Blackrock Caravan Park	150
The Esplanade Hotel	108
South Hedland Hotel	104
Ibis Styles	65
Hospitality Inn	36
The Lodge	30
Pier Hotel	18
Total Rooms / Caravan Sites	701

Chloe Speakman

From: Angus Spencer <Angus.Spencer@ausco.com.au>
Sent: Tuesday, 11 March 2014 12:36 PM
To: Mal Osborne; Records; Eber Butron
Subject: ICR46268 - Response to Proposed Non-Resident Workforce Accommodation Strategy
Attachments: 140311 NRWA Guidelines submission.pdf

Mal,

Please see attached our response to your request for submissions from the public regarding the proposed non-resident workforce accommodation guidelines for the Town of Port Hedland.

Stayover by Ausco thanks the Town of Port Hedland for the opportunity to provide comment and be engaged in the preparation of its proposed Non-Resident Workforce Accommodation Strategy.

We encourage the Town of Port Hedland to maintain the positive engagement with the accommodation industry and the broader community before finally adopting a strategy.

Our submission intends to provide the Town of Port Hedland with constructive feedback to strengthen the capacity for this strategy to be effectively implemented into the future.

I would welcome a further opportunity, to discuss this submission with both yourselves, council officers and the elected members in person.

Warmest regards,
Ausco Modular



Angus Spencer
Development Manager - Stayover

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Tuesday, March 11, 2014

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Mr. Eber Butron
Director Planning & Development
directorpd@porthedland.wa.gov.au

Re: Response to Proposed Non-Resident Workforce Accommodation Strategy:

Dear Mal,

Please see attached our response to your request for submissions from the public regarding the proposed non-resident workforce accommodation guidelines for the Town of Port Hedland.

Stayover by Ausco thanks the Town of Port Hedland for the opportunity to provide comment and be engaged in the preparation of its proposed Non-Resident Workforce Accommodation Strategy.

We encourage the Town of Port Hedland to maintain the positive engagement with the accommodation industry and the broader community before finally adopting a strategy.

Our submission intends to provide the Town of Port Hedland with constructive feedback to strengthen the capacity for this strategy to be effectively implemented into the future.

I would welcome a further opportunity, to discuss this submission with both yourselves, council officers and the elected members in person.

Warmest regards,
Ausco Modular

AC Spencer
Development Manager – Stayover by Ausco

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1.0 INTRODUCTION

Stayover by Ausco thanks the Town of Port Hedland for the opportunity to provide comment and be engaged in the preparation of its proposed Non-Resident Workforce Accommodation Strategy. This strategy will have long term implications on future workforce accommodation supply issues in the Town.

We encourage the Town of Port Hedland to maintain the positive engagement with the accommodation industry and the broader community before finally adopting a strategy. We also encourage the Town to review the 'Non-Resident Workforce Accommodation Guidelines' adopted by the Urban Land development authority in Queensland. These guidelines were prepared following extensive engagement with all affected sectors and are considered to be largely practical in application, unambiguous and beneficial to affected communities.

Our submission intends to provide the Town of Port Hedland with constructive feedback to strengthen the capacity for this strategy to be effectively implemented into the future.

2.0 Non-Residential Workforce Accommodation Definition

Stayover by Ausco considers the proposed definition of Non-Resident Workforce accommodation inappropriate as it differentiates between industry sectors by referencing specific use of the resource sector only. We consider that the definition incorporates time-frame restrictions which do not reflect the known long-term need for non-resident workforce accommodation beyond a 5 or 10 year period.

2.1 Restriction to the Resource Sector

The proposed definition refers to the '*use for the resource sector only*'. There are numerous other Small to Medium sized Enterprises (SME's), industries and temporary projects which are entirely unrelated or loosely linked to the resource sector that continue to rely on non-resident workforce accommodation in the Town of Port Hedland. For example, major city building projects such as the Great Northern Highway realignment or relocation of the Port Hedland Waste Water Treatment facility would not be permitted to use non-resident workforce accommodation under the proposed definition.

Other industries in the community such as the service industry sector and retail sector who rely on access to skilled labour through non-resident employment could not use such facilities. It is unreasonable to permit one industry access to this form of accommodation and no other. It would impact on the quality and availability of services that can be offered to the Port Hedland community by heavily restricted the labour pool for all industries except the resource sector. Implementation of this definition would also place further pressure on housing affordability by forcing businesses to accommodate FIFO staff within residential housing. This would continue to create a residential market where business will outbid residents who want to live in the community on house prices and rentals.

Stayover by Ausco therefore considers and recommends that reference to the exclusive use of non-resident workforce accommodation by the resource sector should be removed to address the matter.

2.2 Temporary Nature of Use

The definition refers to the temporary use of the land only which is reiterated numerous times throughout the strategy and within the policy framework. This is contradictory to the requirement to provide long-term, permanent and stable accommodation for resident and non-resident workers alike. This opening statement of the strategy highlights long-term demand and therefore supply requirements:

"The demand for non-residential workforce accommodation is expected to continue well into 2035."

The introductory statement is supported by long-term population projections completed by Industry and Government which suggest continued demand for non-resident accommodation into the future. The Pilbara Industry's Community Council suggests a requirement and growth for non-resident workforce leading to 2020 and beyond, forecasting a rise in the demand for beds by over 19,000 from 2012 to 2020 across the Pilbara Region. The Pilbara Planning and Infrastructure Framework recommends a minimum of 6,448 of these beds will be required to be provided in close proximity to Port and South Hedland Localities. Factoring in the gap in knowledge about the use of residential housing and illegal accommodation (i.e. current undercount), this long-term requirement is likely to be much higher.

Limiting approval periods for operation of non-resident workforce accommodation creates market uncertainty about future supply and lead to heightened speculation in the market, increasing the cost of all forms of accommodation rather than just non-resident workforce. The Growth Plan highlights:

The key consideration to improving the land supply equation and therefore the local economy is to address the housing issue and provide certainty with regard to the property supply pipeline.

By providing clear signals to the market of the existence of a large, responsive, targeted and flexible pipeline of property, volatility and speculation that characterise the current market will decrease. It will also provide a buffer to absorb short-term spikes in property demand, associated with the resource sector investment cycle and changes in global economic drivers.

Council's studies show that it considers the long term demand for non-resident workforce accommodation to be approximately 50ha. The airport land includes up to 80ha for the provision of non-resident workforce accommodation and the strategy highlights that council considers that this is the appropriate location for non-resident workforce accommodation within the community. As such, long-term supply can be guaranteed by protecting the longer term, permanent use and development of airport land for non-resident workforce accommodation. This would alleviate market uncertainty, ensure proper land use planning and protection of land for a designated purpose to meet demand. In doing so, effective mitigation of market speculation or short term spikes in the cost of living in Port Hedland can be achieved.

Stayover by Ausco considers that rather than limiting the time-frame for use of land for non-resident workforce accommodation across the entire Local Government Area, restrictions should be applied based on land use zone and not a blanket definition. This can be achieved by additional Scheme or Policy provisions to protect the permanent long-term use of Airport zoned land with other zones being subject to time limited approvals. This is consistent with the Council's current Policy framework for the development of Non-Resident Workforce Accommodation outlined in the Kingsford Business Park Design Guidelines.

2.3 Recommendations

Recommendation 1 – The definition of ‘Non-Residential Workforce Accommodation’ be amended to read the following

‘means Premises used to provide accommodation for non-resident workers. The use may include provision of recreational and entertainment facilities for the exclusive use of occupants and their visitors.’

Recommendation 2 – Council explores appropriate scheme mechanisms to protect the permanent use of the southern section of the Town of Port Hedland Airport for non-resident workforce accommodation. As an example, as part of the Scheme Review:

- A Special Control Area affecting this portion of land could be included into the Scheme with appropriate provisions which provide for unrestricted periods of operation for non-resident workforce accommodation;
- a provision under the proposed new ‘Non-Resident Workforce Accommodation’ section of the Scheme which articulates that all non-resident workforce accommodation approved outside of the above-mentioned Special control area will only be granted approval for a maximum of ten years or as otherwise determined by Council; and
- amend the Non-Resident Workforce Accommodation strategy to consistently reflect the above throughout the document.

3.0 Distinguishing between ‘Construction’ and ‘Operational Workforce’

An attempt to define separate types of non-resident workers leaves gaps which create a lack of clarity on who, or when it will be appropriate to utilise non-resident workforce accommodation. This could lead to a level of uncertainty between the regulator and the operators of accommodation and make effective regulation of the land use difficult to achieve. Additionally, separating the definition fails to accommodate the numerous Small to Medium sized Enterprises (SME’s) currently operating and providing specialist services in the region.

3.1 Example: Defining a Shutdown Crew or Repair Crew

‘Shutdowns’ are an integral component of many heavy industry operations that occur throughout the Town of Port Hedland. They are critical to the safety and longevity of operations and involve the closure of plant or equipment material for short periods of time in order to complete maintenance or undertake upgrades and replacements. Shutdowns of varying scale occur on a frequent basis and require a higher labour volume for a short period of time and with varying gaps between service provisions. Employees working on shutdowns generally also have specialised skills and trades required for specific tasks within a shutdown period. This means that many sub-contracting employees may service projects or operations with different gaps between the works when they are away. These workers are also within the community completing work for varying stay periods. They could also arrive in the community to service a number of different projects over a single period.

Would these workers be defined as operational or construction workers? It could be argued they are operational because the service they provide in the community is for a fixed period of time occurring on an occasional basis. Alternatively the gaps between the services undertaken are irregular and relate to maintenance and therefore be construction workers.

Who would decide this, and as a result, where would such workers would be permitted to stay within the community? How would this be determined and who would be responsible for determining it?

We consider this highlights the ambiguity in attempting to define what constitutes operational or construction workers. It could lead to significant administrative burdens to the industry and the regulator, being the Town of Port Hedland, in addition to cost blowouts and decreased productivity to the primary industry of Hedland due to delays time delays associated with figuring where workers can sleep whilst in Port Hedland.

3.2 Addressing Non-resident Workforce Accommodation Types through Built Form

Stayover by Ausco has extensive front-end involvement in the preparation of the ULDA Non-resident Workforce Accommodation Guidelines. These guidelines have now been adopted by the Queensland document (refer <http://www.dsdip.qld.gov.au/resources/guideline/pda/guideline-03-workers-accom.pdf>). Through this process, we have come to experience that it is simply too difficult to segment the non-resident workforce due:

- to the nuances and specialised services associated with regional heavy industry operations;
- the regularity or irregularity at which they are provided; and
- the variance in the contractors who may be appointed to provide them.

The ULDA's approach in Queensland was to provide controls for the type and quality of non-resident workforce accommodation depending on their location within the community. Essentially, non-resident workforce accommodation within the community should be to a standard and quality that makes a positive contribution to the amenity of a community. It provides opportunity for integration and alternative long-term adaptive reuse. Other facilities which are more remote may not be required to achieve the same quality or standard in accommodation.

By setting varying built form standards, the quality of accommodation within the urban framework has a competitive advantage through the quality of accommodation available as compared to less integrated accommodation. In doing so, non-resident employees are likely to seek higher quality forms of accommodation which are in the community as a result of natural labour market forces. This would particularly be the case where stays in the community are more regular. In doing so, the intent of defining and thereby restricting location of where certain non-resident workers can stay will (i.e. within the urban framework) will naturally be achieved without any broader public policy intervention. Stayover by Ausco considers the ULDA process highlighted that effective management of non-resident workforce through built form controls is a more efficient way to deliver integration with the broader community. It is a policy that can be implemented during the planning approval stage rather than through compliance processes. It also is far more definitive and clear in its application for both the regulator and the industry.

3.3 Recommendations

Recommendation 3 – A single definition for non-resident worker is defined in the strategy and the separate definitions for operation and construction worker be deleted. The following definition for 'non- resident worker' be incorporated into the strategy

'means an employee participating in the workforce who does not reside on a permanent basis within the Local Government Area'

Recommendation 4 – Council prepare a Local Planning Policy which reflects broadly the built form guidelines set out in the ULDA Non-Resident Workforce Accommodation Guidelines which requires higher quality accommodation to be provided within the urban framework of the Port Hedland Community.

4.0 Providing the Right Type of Accommodation for the Right Reasons

4.1 Matching Supply with Demand – Regulating How Accommodation is used

Short-stay accommodation is one type of accommodation in the Pilbara. Its use is interconnected with residential, non-resident worker accommodation and key service worker housing. Movement with-in one of these markets has a defined impact across the others. As such, how the varying forms of accommodation are used is important to managing the stable supply and demand of accommodation within the market. It also has important social impacts in the community.

Stayover by Ausco considers that the use of hotels, motels and other forms of tourism accommodation and also residential housing inappropriate for the provision of the fly-in-fly out market. Accommodation types should be used for their intended markets being:

- Short stay visitors (both leisure and business) for hotels, motels and caravan parks;
- Permanent residents for residential housing; and
- Non-resident workforce accommodation is used to accommodate non-resident workers who are on a fly-in/fly-out roster or undertaken special projects for a period of time.

Improved management of how different forms of accommodation are used can better alleviate impacts on changing market conditions in the community. It would ensure balanced supply for the right forms of accommodation to match demand profiles. For example, if there is a lack of appropriate non-resident workforce accommodation, as has been the case in the preceding several years, demand may be met by other forms of accommodation such as hotels or housing. This can lead to overleveraging by investors/ developers based off an artificial. The long term outcome is an oversupply of certain types of accommodation compared to more long-term stable demand profiles.

If Council ensured investors and developers were fully aware of the intended/ allowable use of these forms of accommodation through better regulation/ management, investment from the private sector would be directed to the rights types of accommodation to meet demand. In other words, supply of the various accommodation types would match the long term demand for short stay visitors, permanent residents and non-residents. It would future proof communities from situations such as the one Hedland is experiencing where many hotels now have very low occupancy due to their over reliance on non-resident workforce. The only used short stay accommodation types were being used (hotel, motels and caravan parks) was because non-residential workforce accommodation in Port Hedland did not meet demand.

The long term direction of Council to develop areas such as Kingsford Business Park provide greater certainty to meet long term demand for non-resident workforce accommodation. Better management of the use of the other forms will ensure greater accessibility to residents or people wishing to move here and tourists by directing business to relocated non-resident staff into non-resident workforce accommodation.

4.2 Impacts on Short-Stay and Tourism Accommodation

The use of hotel, motel and caravan parks to address short term accommodation demand has hampered the growth of a \$250 million industry to the Pilbara Region. The value of tourism to the local economy and importance it has in diversification is highlighted by AEC's report on short-stay accommodation in the Pilbara prepared for the PDC:

Albeit relatively unknown, the Pilbara has an underlying tourism industry. While the tourism sector in the region has been dominated of late with business travellers associated with the resource and mining activity, the region has a drive based leisure tourism market focused on the natural amenity of the area. The region currently experiences over 500,000 visitors annually, and before 2006, leisure visitors outnumbered business visitors.

While the tourism sector currently represents less than 1% of the economy (in GRP terms), it does inject \$250 million in expenditure into local communities and much of this money is usually received by local, small businesses. Reducing the reliance on the mining sector through tourism can help to provide more sustainability to local communities and represents an important injection of expenditure into the region.

Over the preceding 'boom' years, the lack of accessibility to suitable business and leisure accommodation due to large scale use of hotels, motels and caravan parks for non-resident workforce accommodation has likely restricted growth of this part of the economy or even potentially reduced its contribution. The Federal Government's *Cancer of the bush or salvation for our cities?* Report highlights:

"...access to transport and accommodation for the leisure sector is being seriously hampered by the rising trend of FIFO work."

This issue is reiterated by submissions made to the Committee including the Town of Port Hedland's submission which outlined:

However in recent years the tourism industry in Port Hedland has been almost non-existent majorly due to the severe shortage of tourist accommodation and services and industries that support the tourist industry.

The potential impact on the growth of the tourism industry was more explicitly expressed by the Queensland Government where it outlined

The FIFO/DIDO model has the potential to reduce the capacity of regional Queensland to benefit from tourism. For example, tourist accommodation in local towns that would typically be used by leisure visitors may be utilised - particularly during the pre-construction and construction phases, by the FIFO/DIDO workforce, putting pressure on the availability of tourist accommodation. In some cases, employers of FIFO/DIDO workers have booked out accommodation premises for an extended period of time, even if not fully utilised. In other cases, mining companies have purchased accommodation premises (e.g. caravan parks). Reports of complaints from travellers about the unavailability of accommodation in towns that tourists wish to visit are not isolated. As a result, these destinations have lost these visitors and the economic benefit (in terms of expenditure) tourists would have otherwise brought.

Regional Development Australia advocates proactive responses and strategies to address tourism growth and development:

The Pilbara's natural and cultural heritage assets, such as its coastline, Karijini and the Burrup Peninsula's rock-art galleries, are planned to be 'conserved, celebrated and cherished'. In particular, the tourism sector

has significant development potential, and strategies must be found to facilitate this expansion notwithstanding the various impacts, some detrimental, that resource development activities have on accommodation and services costs to visitors.

Effective regulation of the use of the tourism accommodation facilities in the Town through closer collaboration and monitoring of the use of caravans, hotels and caravan parks in accordance with their intended use would ensure longer term improved accessibility for tourists to accommodation in the community. This would provide a pathway for growth of the industry and further diversity of the economy.

The approach is similar to the proposed monitoring and regulation of non-resident workforce accommodation proposed under the strategy which aims to restrict use for tourism/ short stay purposes. Stayover by Ausco supports this approach noting our comments below around the terms of stay period.

4.3 Social Impacts and Residential Amenity – Using Housing for Non-Resident Workforce Accommodation

The use of residential housing to support fly-fly-out rosters drives up the cost of housing in communities and also can negatively impact on the social well-being and amenity of a community with respect to safety, crime and anti-social behaviour.

The Cancer of the Bush report cites many anecdotes from communities highlighting the impact of FIFO working living directly in and around residential areas. The Queensland Nurses Council highlighted the following in a submission:

Declining visual amenity due to growth in the number of houses occupied by multiple temporary residents who did not care for gardens or premises. The more houses in the street taken up by miners sharing the rent, the bigger the decline in neighbourhood status with many large vehicles parked in the area and increases in noise levels

Other submissions and representations reiterated this issue noting young women being afraid to walk the street of their home towns because of the number of young men on the streets and the increasing number of workers adding to a transient feel making places less desirable to live.

Another submission highlighted the difference where workers are located in well-designed villages specifically planned to cater for non-resident workers:

When I am walking home at night, it is scary sometimes. I like walking along by the MAC camps. You see drunken guys who do not live in the MAC camps and it is scary. They run amok and do silly stuff, destroying stuff because they know that it is not their community.

No definitive investigations have been completed to understand the social impacts of using residential housing. There are however clear indications which suggest companies who accommodate workers into non-resident workforce accommodation and prevent use of housing can reduce the sense/ feeling of a transient community and limit external anti-social impacts that are experienced. The International Finance Corporation's Guidance Workforce Accommodation (2009) implies that without properly planned workforce accommodation:

“social impacts including increased demands on infrastructure, services and utilities, development of illicit trade activities (drugs, prostitution, selling of stolen goods) and inflation in local rent and other subsistence items with detrimental consequences for the local population.”

The Chamber of Minerals and Energy reaffirms this in a submission during the 'Cancer of the Bush' inquiry citing:

- FIFO accommodation providers are able to exert a greater influence over the behaviour of workers than can be achieved in the wider community; and
- High quality of FIFO accommodation is more attractive to workers, and can result in higher standards of expected behaviour in and around the facilities.

Effective supply of well-designed, co-located non-resident workforce accommodation can reduce the requirement for the use of residential housing for workforce accommodation reducing social impacts. As supply is met by improved, well managed workforce accommodation through such initiatives as Kingsford Business Park, it is important Council implements appropriate regulatory framework to prevent the on-going use of residential housing for non-resident workforce accommodation. In doing so, the amenity of residential areas is likely to improve and affordability of housing will increase through greater supply of permanent housing options to the market.

4.4 Period of Stay Restrictions

Stayover by Ausco notes that many rosters for major industry include a variety of rosters. This includes some rosters which are undertaken within less than a one week period (i.e. 5 days on, 2 days off, 4 days on, 2 days off). A time restriction of a minimum one-week period as proposed in the strategy would therefore have a substantial impact on regular operations of major industry and affect productivity of the region. We recommend the removal of time periods is recommended by Stayover by Ausco. Other restrictions on the use and management of non-resident workforce accommodation will prevent its use for tourism purposes.

4.5 Recommendations

Recommendation 5 – Council notifies the Hedland Community that the use of housing and short stay accommodation is not consistent with the intended use of such accommodation. In doing so, a new compliance and regulatory process (through suitable policy framework) is established to address complaints from the community about the use of accommodation in this way and suitable action measures.

Recommendation 6 – The minimum stay restriction includes in the strategy be removed from the strategy.

5.0 Community Benefits/ Legacy

Stayover by Ausco supports the consideration of community benefits when considering the development and long term operation of non-resident workforce accommodation. We urge Council to ensure that such contributions are:

- negotiated and agreed between the proponent and the Town;
- are responsive to the market conditions over time; and
- flexible in what can be a community legacy/ contribution and how it is provided.

Individual villages will have different operating overheads and are subject to varying rates of occupancy throughout the duration of their operations. It is important that village operators are able to work with Council to ensure that as occupancy and revenue rates fluctuate over time community contribution/ legacy agreements do not cripple an operation to the point where it may no longer be financially viable to operate. This outcome would not only impact on the local economy but also result in longer term community benefits being lost.

A long-term fixed agreement also could impact on an operator's capacity to make contributions to a situation or group that might alleviate pressure on community activities/ infrastructure.

If locked into a longer term financial commitment with the Town, operators could be hindered in their capacity to help the community groups when they seek assistance on projects/ events.

Operators may also be able to offer variable services or contributions to suit changing community expectations or through the utilisation of a specific operator's skills/ resources. As an example, Stayover by Ausco's affiliation with Ausco Modular might allow them to donate facilities to a local club or for a local event to help offset costs. Other operators may be unable to make such a contribution and might rely on financial commitments to projects.

The approach suggested above is consistent with international best practice. In Canada, Community Benefits Plans are established which address local hiring, Indigenous and gender equity plans, contribution to infrastructure and skills development and supplier development. There are effective in building capacity in regional communities and leave long term legacies.

Recommendation 7 – Community Legacy/ Benefits Agreements between the Town and Village operators focus on operators making reasonable contributions to the community through community development plans. Community development plans would identify opportunities for operators to contribute to the integration and improvement of the Port Hedland community through such matters as local hiring, Indigenous and gender equity plans, contribution to infrastructure and skills development and supplier development.

6.0 Conclusion

Stayover by Ausco supports Council's direction on the development of non-resident workforce accommodation strategy. We have reviewed the policy and consider the above points and recommendations will strengthen the propose strategy and improve the provision of accommodation in the Hedland community moving forward. We look forward to discussion our thoughts on this matter moving forward and thank the Town for the opportunity to comment.

ICR46340



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11 March 2014

The Chief Executive Officer
The Town of Port Hedland
PO Box 41
Port Hedland WA 6721

08/02/0011

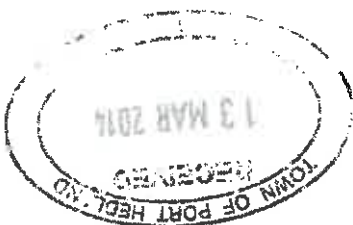
Dear Sir,

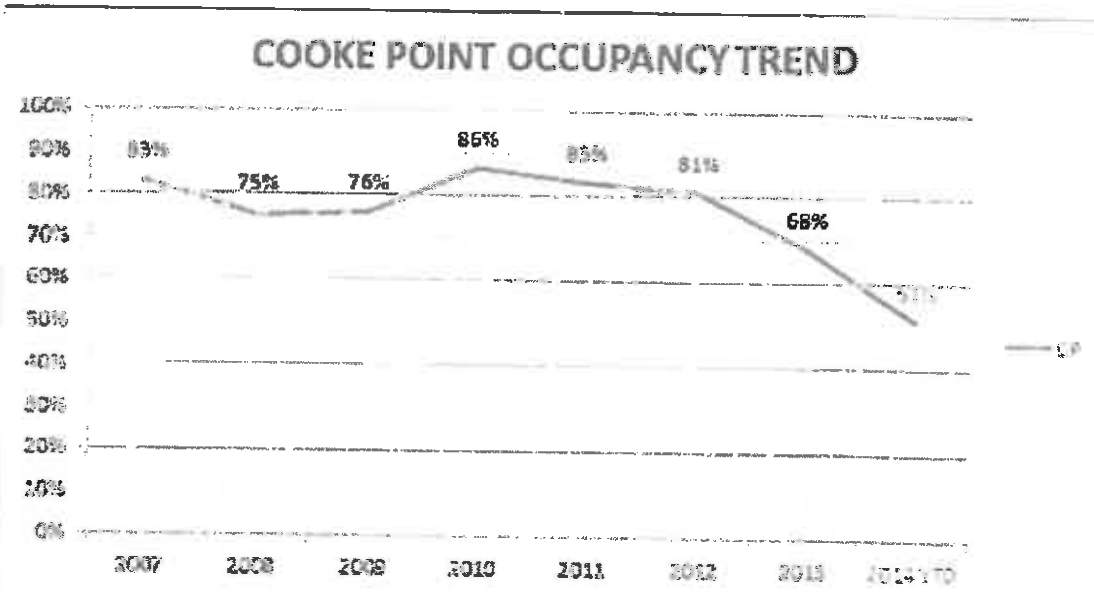
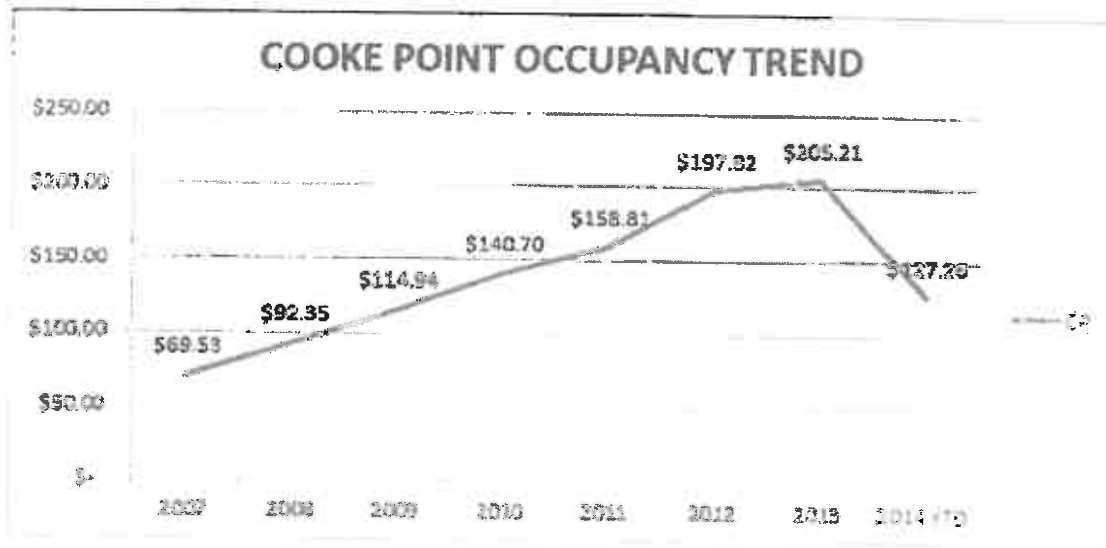
Submission - Non residential Workforce Accommodation Strategy

We write to provide the following submission on the abovementioned strategy in our capacity as the Lessee of the Town of Port Hedland's Cooke Point Holiday Park asset.

As has been well documented, there were major accommodation shortages in the Pilbara during the significant lift in mining construction activity from 2009 to 2012. During this period and beyond capital investment (both private and public) has poured into the Pilbara to address accommodation shortages including the provision of major servicing infrastructure, alternative forms of residential housing and other ancillary accommodation. Concurrent to the completion of this activity increasing supply, comparative capital investment in mining construction has declined significantly.

In light of the mining construction activity moving to an operational phase, we consider that the Town of Port Hedland has adequate supply of accommodation for its non residential operational workforce. Any consideration of further supply should give due regard to the exposure of existing accommodation suppliers. Whilst acknowledging a robust period of return on investment when supply was constrained, it is important to consider the impacts of the increased accommodation supply in a normalised market albeit our current experience suggests the market is still in continued decline. The graphs below articulate the history of the room rate and occupancy rate at the Cooke Point Holiday Park pre and post the increase in mining construction activity from 2009 - 2012.





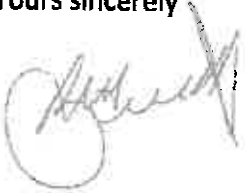
What is evident in these graphs is that:

1. mining construction activity peaked in the first half of 2012;
2. current occupancy rates are at pre 2007 figures;
3. there has been significant decline in occupancy and room rate in the past 12 months;
4. the market is still in decline; and
5. room rates are likely to fall significantly further as they are a lag to occupancy which continues to decline

As a result of the increased accommodation supply now available to the market, the Town of Port Hedland (consistent with its own growth plan) should move to ensure it reduces the amount of core Transient Workers Accommodation inventory available. This will ensure that the operational workforce will either be directly housed within the community or in accommodation already imbedded within the community providing sustainability to local business and industry. We strongly urge the Town of Port Hedland to take the time to understand the impact the additional accommodation supply has had in normalised market conditions as it appears the additional supply is likely to have already more than catered for demand in such an environment.

Should you have any queries please do not hesitate to contact the writer directly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brendan Acott', written over a circular stamp or seal.

Brendan Acott



27 March 2014

Mr Eber Butron
Director Planning and Development
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Butron,

TOWN OF PORT HEDLAND's NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

The Chamber of Minerals and Energy of Western Australia (CME) welcomes the opportunity to provide comment on the Town of Port Hedland's Non-Resident Workforce Accommodation Strategy (the Strategy).

CME understands the Town of Port Hedland wishes to provide clarity on how it will deal with existing Transient Workforce Accommodation (TWA), assess future applications for TWA and the content required for such applications. However, the Strategy in its present form is not supported by the resources sector.

The Strategy is considered to be overly prescriptive in its requirements, unenforceable and presents a major disincentive for the resources industry to invest in the future of Port Hedland. It is imperative further work is undertaken on the Strategy to provide certainty for future developments and effective and reasonable conditions that do not take away the industry's ability to manage their workforce.

CME considers the revised proposal contained in the Strategy will impose additional costs for resources projects in the Pilbara at a time when the sector is already facing significant cost pressures. Recent increases by the Town in the differential rates for TWA have added to these cost pressures.

Resources companies value greatly their role as part of the community with many substantial voluntary community contributions, in addition to the mandatory requirements, being made. Through these contributions, resources companies provide key support to the long-term efforts to realise the "Pilbara Port City Growth Plan" vision of the Town and the State Government's *Pilbara Cities*. These programs support essential health and education service delivery, local government programs, as well as many other community organisations.

The imposition of additional mandatory provisions in the Strategy may have the unintended consequence of impacting on the ability of resource companies to continue to provide the same level of voluntary contributions.

Many CME member companies have been working towards more effectively integrating their workforce into the Port Hedland and South Hedland's communities through various housing projects. However, it needs to be recognised there will always be a component of the workforce that flies in from another part of the state or country.

In-town accommodation and housing is not an appropriate option for all operational workers, and may have adverse consequences for the community. The potential unintended consequence for the community of preventing use of TWA facilities for operational workers may be further increases to the cost of living in the town, through low rental vacancy, rising rental rates, high house prices and lack of housing stock. For industry, the consequence will be difficulty attracting and retaining a workforce for those who do not want to relocate to the Pilbara region.

CME provides the following specific comments in relation to the Town of Port Hedland's Draft Strategy and notes while the Town seeks to change the terminology from transient workforce accommodation to non-residential workforce accommodation – the former is more commonly accepted and will be used throughout this submission. CME does not consider a clear differentiation has been provide between the two terms nor justification for the change.

Classifying Types Of Non-Residential Workforce Accommodation Facilities (Page 2)

Five (5) years, as proposed by the Strategy, is an insufficient time-frame for the life of a TWA facility. There are high costs associated with the construction of these facilities, currently over \$100,000 per bed. To amortise the cost of this investment, a longer period of time is required. CME recommends the Town of Port Hedland should enable a proponent to indicate in their application the period for which they are seeking to require the TWA and that this should be able to be for a period of at least 10 years.

It appears contradictory for the Town of Port Hedland to limit the period of a TWA facility to five years while at the same time requiring the facility to be designed in a manner that may be capable of conversion to permanent use. Proponents for a TWA facility should have the option of determining for what time period the facility is intended to be used and the design should reflect this. To require all facilities to be built to a standard for permanent use will add significant cost impost to ensure it complies with required building standards if the permanent use of the building is to be for purposes other than temporary accommodation.

The Strategy identifies TWA is intended for the resources sector only. CME notes there is significant use of fly-in fly-out (FIFO) by other industries, health included, who would benefit from use of TWA and considers the application of the Strategy should not be limited to the resources sector.

The Town of Port Hedland is proposing to restrict the inclusion of amenities such as dining, gym and entertainment facilities in TWA to force integration of the workforce into the urban framework. CME does not support this proposal.

Forcing TWA residents into communal facilities has the unintended consequence of causing twice daily congestion at gyms and restaurants as a consequence of the 12 hour roster cycles worked by the resources sector. This congestion has the potential to create conflict with permanent residents preventing them from having access to the facilities at these times.

As employers, the resources sector seeks to provide maximum opportunity for their employees to have rest and recuperation while rostered off, and this is achieved by providing gym and catering facilities on site enables the employees to maximise their rest periods. If forced to require their employees to utilise communal facilities, there is greater potential for delays in service given the influx which will occur during the peak periods.

The distinction between construction and operational workforce is not always clear. It is also a reality that some operational personnel will live in other parts of Australia and will need to operate on a FIFO basis. An example is the FMG train drivers which need to operate out of different bases on each swing due to complex train scheduling. With the complex rostering arrangements, many operational workers such as train drivers head off to different localities on every swing, therefore they cannot be realistically located in one town.

There is a need to ensure the Strategy enables sufficient flexibility for the resources sector to be able to accommodate the maintenance workforce required to undertake the regular shut-downs which occur. At this time, there is a significant influx of personnel to site who require accommodation who are brought to site for the specific purpose of the shutdown.

With regard to the short-term maintenance workforce who are used during shut downs and ongoing repair work that does not require personnel to be on hand all the time, it is essential they be able to utilise TWA. Companies structure their maintenance schedules according to operational needs and they require accommodation facilities to be available when required. It is not practical to expect maintenance workforces can be accommodated within residential housing or other town based accommodation.

STRATEGY OBJECTIVES (Page 3)

CME does not agree that the Strategy Objectives are in the best interests of the Town of Port Hedland nor the resource industry.

While Objective (i) seeks *"to where possible, integrate non-residential operational industry workforce within existing urban areas/urban framework thereby encouraging the integration between temporary and permanent residents in Town"* it is not clear how the Town of Port Hedland define integration and how it will manage some of the potential consequences of forcing non-residential operational industry workforce into urban areas. These consequences include further increases to the cost of living in the town through low rental vacancy, rising rental rates, high house prices and lack of housing stock.

Individuals, regardless of whether they reside in TWA or a permanent dwelling will make a personnel choice regarding integration with the local community. Residents of existing TWA facilities already participate in local clubs and sporting facilities where they are motivated to do so and the work rosters allow. The Town of Port Hedland can facilitate this occurring by enabling the construction of TWA in close proximity to the town's facilities to provide for ease of access.

Forward planning is required by the Town of Port Hedland to ensure that, in imposing the time limits on the operation of TWA they do not inadvertently impact negatively on housing affordability in the region. While improvements have been made with regards to the flow of land release onto the market, a clearly defined strategy on this matter is required on an ongoing basis to ensure sufficient housing stock.

Facilities that allow for responsiveness to accommodate a major shut down workforce and workers for potential future large construction projects is necessary to prevent a reoccurrence of the incredibly tight accommodation situation that Port Hedland has found itself in previously.

CME does not consider it is possible to mandate a time period as indicated in the Strategy, but rather seeks to time period removed and the focus instead remain on reuse beyond initial planning approval.

MEETING THE OBJECTIVES (Pages 4 and 5)

As stated previously, CME does not support limiting the use of TWA to construction only workers. It is important to recognise a component of the resources sector workforce will be FIFO and suitable accommodation facilities will be needed for them as not everyone who chooses to work in the sector will choose to live in the Pilbara region.

The restriction imposed by the policy to use of TWA facilities only for construction workers and not operational workers presents challenges for resource companies in managing their projects and responding to the work preference of many employees.

Further clarity is required from the Town of Port Hedland to articulate what the TWA requirements are that need to be complied with and the detail of the Local Planning Policy. Consultation with industry should occur on both these matters if they are proceeded with.

The requirement for TWA facilities to be restricted to the Airport-zoned land appears to contradict the objective of integration with existing urban areas. This area is neither urban nor planned to be urban nor does it provide for ease of access to the communal facilities of the townships. The provision to group TWA facilities together in one location will not lead to encouraging integration of temporary and permanent residents in Town.

In addition, Airport zoned land is almost fully utilised with the areas put aside for TWA being committed to BHP Billiton Iron Ore, Ausco Modular and Finance Unlimited Pty Ltd. Incongruent with the Strategy is the development of the Town of Port Hedland and MAC Group proposal to put TWA accommodation at Pretty Pool Caravan Park.

CME understands a number of conditions have been imposed by the local government authority on some existing TWA facilities requiring them to make rooms available to the public. These conditions were appropriately imposed at a time when there was limited accommodation in the region. The Council needs to communicate clearly to the broader community where it does this to prevent the perception TWA operators are offering rooms in competition to hoteliers.

The proposal to limit the inclusion of catering or communal services at TWA facilities and the requirement for a mobility strategy to demonstrate how the workers will be able to travel to and from the Town's amenities to ensure integration in the urban framework will impose additional costs and be administratively onerous. Companies who utilise the TWA facilities cover the cost of these services for their workforce. To require TWA residents to use restaurants and gyms within the township will either require those workers to absorb the cost of this or voucher/invoicing systems to be established between the local businesses and companies.

CME does not support the requirement to impose a minimum period of continuous stay of one week. This would create inefficiencies and added costs to the management of TWA. Some staff working for the resource industry may be required to be on site for less than seven days for a number of reasons, including short site visits from head office, moving between different company locations or just short work rosters. Additionally, some shut down maintenance personnel may not be required to be on site for that period.

In addition, CME does not support the requirement to periodically submit a guest register for verification purposes. This appears to be overly prescriptive and administratively onerous for both the operator of the TWA and the Town of Port Hedland. It is not obvious how the Town of Port Hedland would be able to verify the register and the cost of compliance to do so would be counter-productive. Prior to adopting these provisions, the Town would need to identify the means of enforcement and penalties to be prescribed where evidence of noncompliance is identified.

CME agrees the TWAs should not advertise for general travelling public or tourists. However, as noted above, the reason this currently occurs in some instances is due to the conditions imposed by the local government at the time approval is given for the TWA to proceed. These provisions in the Strategy will require the Town to review all conditions imposed to ensure congruency with this requirement.

IMPLEMENTING THE STRATEGY (Page 7)

CME notes the attempt of the Town to ensure Scheme Amendment to replace the use of transient workforce accommodation with no-residential workforce accommodation.

However, it does not appear there is a common understanding amongst stakeholders regarding the terms and definitions used relating to this issue. CME considers further work is required to ensure clarity in the range of definitions used to reduce ambiguity.

Terms used in the document should be defined to provide clarity and guidance to applications. These terms include "transient workforce accommodation", "non-residential workforce accommodation", "integration", "fly camps", "traditional hotel", "community benefit" and "general travelling public".

Given the majority of resources sector companies work across a number of local government areas, it is important for these terms to be used consistently across each region.

CME considers it imperative for the development of the Local Planning Policy to occur in close consultation with the resources sector.

GENERAL COMMENTS

While there is merit in pursuing a TWA strategy, the overall approach is too prescriptive. Resource companies and related parties have previously negotiated agreements with the Town and been able to reach mutually beneficial outcomes. The development approval process allows for each proposal to be judged on its merits.

By adopting a formal and heavily prescriptive policy it may act as a disincentive for companies to be creative about how they can look at different arrangements to meet both the company's and the community's needs and will restrict flexibility in the type of contribution that can be given or requested.

A number of resource companies are already working to better integrate TWA with local communities. The steps resource companies are already taking off their own accord should be considered by the Town.

CME, working with member companies, developed best practice guidelines known as "A Matter of Choice: Capturing the FIFO Opportunity for Pilbara Communities" to examine FIFO in the Pilbara, demonstrated best-practice by companies and new opportunities for industry and the community.

The publication focuses on ways companies can and do deliver benefits to regional communities through FIFO, how to apply best practice in FIFO integration and also current in-town Pilbara FIFO practices. This document is attached for your consideration.

While CME does not support this policy in its current form, our member companies would welcome the opportunity to participate in discussions to look at other alternatives that may assist the Town of Port Hedland in achieving its desired development outcomes.

If you have any questions, please don't hesitate to contact Chub Witham, Manager – North West on 9220 8500 or at c.witham@cmewa.com.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Reg Howard-Smith', with a long horizontal flourish extending to the right.

Reg Howard-Smith
Chief Executive

Chloe Speakman

From: Andrew Shorter <ashorter@iinet.net.au>
Sent: Monday, 31 March 2014 9:56 AM
To: Records
Subject: ICR46718 - FW: Port WA Pty Ltd - NRWA Public Comment
Attachments: NRWA - Port WA Pty Ltd - Public Comment - signed.pdf

To whom it may concern,

Re: Port WA Pty Ltd - NRWA Public Comment

Please find attached our public comment regarding NRWA Strategy

Regards,

Andrew Shorter
Director Port WA Pty Ltd
0411 429 039
E: ashorter@iinet.net.au
Postal Address: 22 Pelican Ramble, Yangebup, WA, 6164

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27/03/2014

Town Of Port Hedland
PO Box 41
Port Hedland 6721

Attention: Chief Executive Officer - Town of Port Hedland (TOPH)

Dear Sir / Madam

RE: Non-Residential Workforce Accommodation Strategy (NRWA)

We are in full support of the Non-Residential Workforce Accommodation Strategy (NRWA).

Further can you please advise of the following with respect to the implementation of the Non-residential Workforce Accommodation Strategy.

1. Scheme Amendment, how long does TOPH expect this process to take?
2. Developer Contribution Plan, how long does TOPH expect this process to take?
3. Local Planning Policy, how long does TOPH expect this process to take?

Yours faithfully
Port WA Pty Ltd



Andrew Shorter
Director
0411 423 039
E: ashorter@iinet.net.au
Postal Address: 22 Pelican Ramble, Yangepup, WA, 6164

Iron Ore



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125 St Georges Terrace
Perth WA 6000 Australia
PO Box 7122 Cloisters Square
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Tel +61 8 6321 0000 Fax +61 8 6322 9978
bhpbilliton.com

31 March 2014

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mr Osborne

SUBMISSION IN RESPONSE TO THE TOWN OF PORT HEDLAND (TOPH) DRAFT NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY (NRWA STRATEGY)

Thank you for giving BHP Billiton Iron Ore (BHP Billiton) the opportunity to provide the ToPH with a submission on the NRWA Strategy. In preparing this submission, we have sought independent town planning advice, attached, which should be read as part of our submission.

BHP Billiton does not support, and urges the ToPH to not proceed with, the NRWA Strategy. The NRWA Strategy imposes artificial constraints that will unnecessarily interfere with how we operate our business by restricting how we accommodate our workforce in Port Hedland.

In order to continue to maintain and grow our Western Australian Iron Ore business flexibility and long term certainty is required. We need to provide a range of permanent accommodation options to support our workforce who may or may not reside in Port Hedland – including residential dwellings and also facilities like Port Haven that cater for Fly-In Fly-Out (FIFO) workers. The extraordinary growth in the Pilbara over the last ten years has required a range of employment options to attract and retain a high performing workforce. For some people, working remotely suits their lifestyle or personal circumstances – it is a personal choice. The NRWA Strategy will adversely impact our ability to provide employment options for our workforce.

FIFO is a legitimate and accepted work practice and we believe is here to stay. A recent draft report released by the Productivity Commission into Geographic Labour Mobility (November 2013) recognised that *"FIFO has been instrumental in attracting sufficient mining and construction workers to mining areas during the resources boom, and spreading the benefits of the boom across the economy more broadly."* The Commission noted that FIFO has enabled local communities to better respond to changes in market conditions and *"has also dulled the boom-bust cycle that mining towns might otherwise experience if all employees had to be residential."* Our ability to respond to changes in market conditions means flexibility is required in how we accommodate our workforce. BHP Billiton is competing in a global market. There have been

significant changes in market conditions since the world financial crisis commenced in 2007, again when iron ore prices fell in 2012 and now as we move towards a focus on productivity and asset utilisation. The NRWA Strategy will impact our ability to respond to changes in market conditions.

The NRWA Strategy is unfairly targeting industry and we believe it will not deliver the *"shift to a more integrated skilled workforce"* that the ToPH is seeking. By way of example the ToPH has recently advertised a proposed *"Caravan Park"* at Pretty Pool with around 350 short stay accommodation units. The proponent has confirmed its intention to make them available to FIFO workers. Even if the ToPH seeks to impose restrictions, enforcement of those restrictions will at best be problematic. The NRWA Strategy will prevent industry from accommodating its own workforce but will allow third parties to benefit under the guise of providing short term accommodation options to accommodate operational FIFO workers. If this is the intended outcome then the NRWA Strategy is discriminatory. BHP Billiton should continue to be able to provide quality accommodation to our own workforce at a reasonable cost.

The NRWA Strategy advocates a *"balanced and dispersed approach"* to accommodation required to service industry but in contradiction to this approach it proposes a number of onerous restrictions, including:

1. Replacing the definition of Transient Worker Accommodation (TWA) in Town Planning Scheme No.5 with a new definition of Non-Residential Workforce Accommodation (NRWA).

The NRWA definition is open to be interpreted as only permitting FIFO construction workers to occupy FIFO accommodation facilities like Port Haven. The existing TWA definition in Town Planning Scheme No.5 should be retained. Preventing operational FIFO workers from residing in TWA facilities will, over time, result in significant increases in real estate and rental prices. Given the criticisms about the high cost of living in Port Hedland, and the role industry has played in the increase in those costs, it is recommended that the ToPH carefully consider the potential unintended consequences of the NRWA Strategy.

2. Imposing time limits on FIFO camps.

Limiting approvals to a maximum of 5 years disregards the size and scale of existing planned future investment in Port Hedland. BHP Billiton has been operating in the Pilbara since the 1960s, we have undertaken a series of expansion projects since 2002, we have invested more than \$25 Billion in our business in that time, our expansion projects are continuing and our resources have more than a 100 year life. A range of permanent accommodation options is required. Imposing an arbitrary time frame of 5 years will act as a significant disincentive to investment and will force BHP Billiton to consider alternatives to best operate our business.

3. Restricting development of FIFO camps to only land adjacent to the airport.

Mandating construction on land adjacent to the airport owned by the ToPH is inconsistent with the 2012 Pilbara's Port City Growth Plan and is potentially anti-competitive and self-interested.

4. Requiring a minimum stay of one continuous week.

Restricting stays to a minimum of one week is arbitrary, unreasonably restricts our ability to accommodate our workforce and will, over time, result in significant increases in short stay accommodation prices. Given the criticisms levelled at industry for causing the substantial increase in short term accommodation prices that has only relatively recently begun to

normalise, it is recommended that the ToPH carefully consider the potential unintended consequences of the NRWA Strategy and its potential to detrimentally impact tourism and normalisation of the local economy.

5. Mandating both Developer Contribution Plans and Community Benefit / Legacy contributions for each development.

Having regard to BHP Billiton's growth projects since 2002, and the significant commitment to the Port Hedland community made during this time, we do not support a development by development approach to contributions. We recommend that the ToPH consider the overall commitment and benefit provided to Port Hedland.

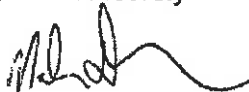
BHP Billiton has:

- Invested more than A\$52 million in community development projects in Port Hedland over the last four years (FY2010-FY2013).
- Paid more than \$3.7 million in ToPH rates in FY2014 and is the ToPH's largest rate payer.
- More than 1,000 Company-owned residential dwellings in Port Hedland.
- Constructed more than 180 additional residences in Port Hedland at a cost of more than \$140M between FY2011 to FY2013.
- Procured more than \$470M in goods and services for our operations from Port Hedland based businesses in FY2013.

In the context of the Town Planning Scheme review, the ToPH should be guided by proper and orderly planning outcomes so as to guard against short term decisions being taken that will have unintended negative consequences in the longer term. We also understand that the Western Australian Planning Commission (WAPC) is considering a State wide policy position or principles on FIFO accommodation. Therefore, the ToPH should defer consideration of their NRWA Strategy pending further direction from the WAPC.

Whilst we appreciated the recent opportunity to discuss the intent of the NRWA Strategy with the ToPH, facilitated through the Chamber of Minerals and Energy (CME), we consider that further comprehensive consultation is required to resolve the issues and concerns put forward in this submission. I would be pleased if you would contact me to arrange a suitable opportunity to further discuss this important policy initiative.

Yours sincerely



J Julius Matthys

**Vice President, Corporate Affairs WA
BHP Billiton**

Attachments:

- (1) Advice from Planning Solutions (Australia)

ICR46793



Our Ref A1047610
Enquiries (08) 9482 7408

Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

2014/04/01

By email: council@porthedland.wa.gov.au

Dear Mal

SUBMISSION RELATING TO THE TOWN OF PORT HEDLAND PROPOSED NON-RESIDENTIAL WORKFORCE ACCOMMODATION STRATEGY

I refer to the Town of Port Hedland's request for public comment on the proposed Non-Residential Workforce Accommodation Strategy and provide the following comments on behalf of LandCorp.

LandCorp supports the Town of Port Hedland's approach in providing a strategic document that seeks to expand on the vision set out in the Pilbara Port City Growth Plan to provide stakeholders with clear direction that delivers a statutory framework which sets out the criteria for the appropriate development, operation and location of non-residential workforce accommodation (NRWA). Providing this guidance is considered to be a positive step in affording the general public, existing short-stay operators and potential investors in the town with certainty as to how the Town of Port Hedland will deal with future NRWA applications, and the terms on which any future NRWA will be able to operate.

It is accepted that NRWA may be required to deal with peak construction demands as non-permanent workers can have a significant impact on permanent housing supply. However, it is considered essential that the volume of NRWA provided is limited so far as possible and does not detract from the demand for the take up and/or potential investment in short, medium and long term permanent housing product.

It is clear that some existing NRWA in Port Hedland is actively securing business that is typically accommodated in hotels and motels, and is offering highly competitive rates inclusive of other services such as restaurants, gyms and other uses. LandCorp considers it to be important that this strategy restricts the ability of future potential NRWA operators to advertise or accept any bookings from the general public.



As set out in this draft strategy, LandCorp supports the Town's view that NRWA facilities should only be provided to meet specific project needs and not be speculative. It is LandCorp's opinion that NRWA should only be used for the purpose of accommodating the construction workforce that demonstrates clear links to approved and/or forecast major projects for a finite period of time.

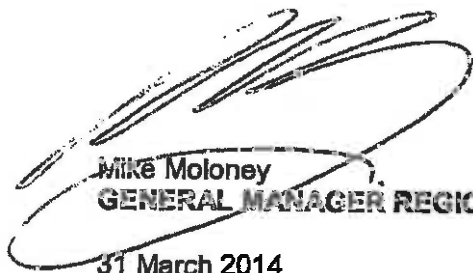
LandCorp would encourage the Town to implement its recommendation that the future accommodation of operational non-residential workers should be consistent with that of permanent residents, such that operational non-residential workers are integrated into existing urban areas and housed in existing permanent accommodation in town, rather than any future NRWA.

It is agreed that the creation of very large, self-contained non-residential workforce complexes (including all associated facilities and key services) in locations removed from existing or future planned urban development areas is contrary to the overarching aims of the Growth Plan to create a liveable, sustainable regional city. It is important the location of NRWA facilities be encouraged in strategic locations that integrate into the urban framework with well-planned developments that will leave a legacy benefit to the local community where the land can potentially be developed for a higher and more permanent use.

LandCorp supports the Town of Port Hedland's Pilbara Port City Growth Plan and growing Port Hedland into a permanent population of some 50,000 people. Therefore, this strategy should implement the necessary schema amendments and formulation of a local planning policy that provide clear and robust guidelines to help achieve these population targets.

Should you wish to discuss these comments or the NRWA Strategy in any further detail, please do not hesitate to contact the undersigned.

Yours sincerely



Mike Moloney
GENERAL MANAGER REGIONAL NORTH

31 March 2014

ICR 46677

19 March 2014

The Chief Executive Officer
The Town of Port Hedland
PO Box 41
Port Hedland WA 6721



Transient Worker Accommodation

I write on behalf of the tourism industry regarding the operation of Transient Worker Accommodation (TWAs) in the Town of Port Hedland (TOPH).

Tourism Council WA (TCWA) is the peak body representing tourism businesses, industries and regions in Western Australia. TCWA promotes the value of tourism, facilitates sustainable tourism development and advocates industry policy on behalf of its members. TCWA represents over 1,100 businesses whose industries employ 89,000 people in Western Australia.

TCWA is extremely concerned with TWAs inappropriately trading as short term accommodation in competition with the tourism industry; and strongly supports the submission to TOPH by the Dubois Group dated 3 February 2014 regarding the *Non-Residential Workforce Accommodation Strategy*.

TWAs trading as short term accommodation is unfair competition, which will severely impact on existing and future tourism investment in Western Australia. TCWA supports the genuine use of TWAs, but current practice has been inconsistent with assurances given to TCWA (by TOPH) that TWAs would not operate in competition with the tourism industry.

TCWA believes that a simple and enforceable definition of TWAs is required to ensure they are not misused as short term accommodation. Short term accommodation is primarily defined by a length of stay not exceeding three consecutive months or ninety days. Similarly, TCWA contends that TWAs should primarily be defined by a length of stay of not less than twenty-one days.

TCWA supports the other principles to be applied to TWAs that are expressed in the Dubois Group submission; and would be willing to undertake the compliance auditing role proposed at paragraph 4.2 of the submission. TCWA undertakes significant quality assurance and compliance auditing of accommodation and tourism operations in the Pilbara and our standards are recognised by Tourism WA and the Department of Parks & Wildlife for policy and licencing purposes.

I would be pleased to further discuss our concerns and proposed resolutions with TOPH officers and councillors.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Evan Hall".

Evan Hall
Chief Executive Officer

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31 March 2014

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721
By Email: council@porthedland.wa.gov.au

copy:
Directorpd@porthedland.wa.gov.au
Councillors
Clients

Dear Mr Osborne

Submission in response to advertising of proposed "Non – Residential Workforce Accommodation Strategy" (Strategy)

- 1 I make this submission on behalf of:
 - 1.1 Dubois Group;
 - 1.2 The Esplanade Hotel,
 - 1.3 The Walkabout Motel,
 - 1.4 The Hospitality Inn; and
 - 1.5 The Ibis Styles,(collectively my **Clients**).
- 2 This submission is made further and in addition to the Dubois Group submission dated 3 February 2014, and follows as a consequence of discussions at a meeting held at my office on 11 March 2013 between my Clients, representatives of the Lodge Motel and representatives from the Town of Port Hedland (Town) to discuss the advertised Strategy.
- 3 The need for this submission arises as a result of, among other things:

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

- 3.1 a lack of formal response to my letter to you dated 16 October 2013 (and subsequent letter to Councillors dated 22 November 2013), setting out the apparent failure of the Town and the Council to comply with and apply its statutory obligations with respect to Transient Workers Accommodation (TWA) operations (**attached**); and
- 3.2 a lack of formal response to my letter to you dated 18 December 2013, reiterating my Clients' frustration at the lack of action and raising further concerns in relation to issues of good governance and the conduct of the Council in respect the continued support of TWA operations on land owned by the Town (**attached**).

Submissions

- 4 It is my Client's submission that:
 - 4.1 there are deficiencies in the content of the advertised Strategy, in as much as it contradicts itself on a number of occasions, and bases assumptions on severely out of date data (for example, by quoting Growth Plan, when the supply issues facing the Town at the time the Growth Plan was developed are not being faced by the Town now or are likely to be faced again unless the Outer Port is constructed)
 - 4.2 the Town should not be introducing a new land use definition to deal with non- residential workforces, but rather should be clarifying the definition of, among other things, Transient Worker under Town of Port Hedland Town Planning Scheme No. 5 (TPS5); and
 - 4.3 to introduce a new definition, which is not related to any landuse under TPS5 seems pointless, and will mean that any positive action taken with respect to clarifying inconsistencies with future approvals will be difficult to enforce against existing TWA operations approved under TPS5.
- 5 While my Clients are pleased that the advertised Strategy attempts to deal with aligning the Towns requirements and expectations with respect to leasing land owned by the Town, and the provisions of TPS5, of significant concern to my client is the fact that:
 - 5.1 the wording and structure of the advertised Strategy is not in compliance with the requirements of Part V the TPS5 (as there is no statutory basis for the Town to develop, advertise, implement or enforce a "strategy" under TPS5);
 - 5.2 the advertised Strategy (due to the wording at the top of page 6), appears to have no affect unless significant amendments to TPS5 are made (which could take years to implement);
- 6 Accordingly, my Clients have instructed me to prepare a draft policy (**attached**) for consideration by the Town, which is based on the general intent of the Strategy, but which could comply with the requirements of a Local Planning Policy under Part V of TPS5 if the proper process is followed.

- 7 It is my Clients submission that a new Local Planning Policy is required to rectify the deficiencies in the advertised Strategy and to adequately addressing my Clients' concerns, related to, among other things:
- 7.1 the ability of the Town to implement enforcement against existing TWA operators for breaches of planning and lease conditions;
 - 7.2 identifying consistent planning and lease model conditions for future proposals by TWA operators which would allow the Town to monitor and easily enforce against for beaches of planning and lease conditions;
 - 7.3 clarification of the definition of "transient worker" for the purposes of interpreting the definition of Transient Workers Accommodation as a defined use under LPS 3, which will ensure that TWA facilities were not legally operated in manner which undermines the viability of providing permanent facilities such as Single, Grouped and Multiple dwelling residential, Hotel, Motel and Restaurant uses in established, and well planned urban areas;
 - 7.4 ensure consistency with the principles set out in the Pilbara Port Cities Growth Plan;
 - 7.5 ensure that there is the ability for the Town to equitably deal with TWA proposals on land under its control and avoid conflicts of interest; and
 - 7.6 provide clear direction on potential land use conflicts by ensuring that:
 - 7.6.1 TWA facilities should only be approved and operated as temporary landuses;
 - 7.6.2 approvals for TWA facilities should be time limited;
 - 7.6.3 TWA facilities must demonstrate need based on specific projects; and
 - 7.6.4 should not be speculative in nature.
- 8 I anticipate that the attached draft policy will need to be advertised by the Town in accordance with the provision of Part V of TPS5, and encourage the Town to do so as it will go a significant way towards addressing the issues identified by my Client.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Craig Wallace
Partner – Planning & Environment

Encl

Town of Port Hedland: Policy Manual

10/010 TRANSIENT WORKFORCE ACCOMMODATION POLICY

1 Preliminary

1.1 Authority to prepare and adopt a Local Planning Policy

1.1.1 Clause 5.1 of the Town of Port Hedland (Town) Town Planning Scheme No.5 (LPS5) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

1.1.2 This Policy will be made effective once Council has completed the process provided by Clauses 5.1.4-5.1.7 of LPS5.

1.2 Relationship of this Policy to LPS5

1.2.1 Pursuant to clause 5.1.2 of LPS5, if a provision of this Policy is inconsistent with LPS5, LPS5 prevails to the extent of the inconsistency.

1.2.2 This Policy is not part of LPS5, and does not bind the Council in respect of any application for planning approval. However, due to clause 5.1.3 of LPS5, Council shall have due regard to each of the provisions of the Policy and each of the objectives which the Policy is designed to achieve before making a determination pursuant to LPS5..

2 Purpose and Intent

2.1 The demand for Transient Workers in the Town is expected to continue well into 2035. While a proportion of that workforce is accommodated in permanent residential housing in established areas, a large number currently accommodated in TWA facilities as a result of historical land and housing supply constraints.

2.2 Transient Workers have a significant impact on accommodation supply, servicing and community facilities within the Town. While it is acknowledged that this sector of the community is important to the economic diversification of the Town, and that TWA facilities will be required to accommodate some of these workers in the short to medium term, the Town's strong preference is for a predominantly residential based workforce, as opposed to workforces based in TWA developments.

2.3 The Town's preference is based on the strongly held perception in the community that such styles of accommodation:

2.3.1 damage to the provision of adequate levels of community services and facilities;

- 2.3.2 undermine the establishment and continued operation of small and medium size businesses in the Town;
 - 2.3.3 are more likely to promote an unsustainable demographic framework for the Town; and
 - 2.3.4 provide a drain on the Town's existing limited resources.
- 2.4 In recent times, the mining industry has had a focus on reducing their direct and indirect operational costs, which has resulted in a granular focus on accommodation asset optimisation.
- 2.5 This focus, when coupled to:
- 2.5.1 an oversupply of beds in existing TWA facilities due to a scaling back of construction activity in the Town;
 - 2.5.2 the lack of a clear definition for Transient Workforce Accommodation under TPS5; and
 - 2.5.3 a lack of policy direction from the Town with respect to clarifying inconsistencies in the assessment, approval and enforcement of TWA facilities,
- has resulted workers and visitors of all descriptions being actively encouraged to utilise those excess beds to the detriment of permanent accommodation providers within the Town, whether it be through the undermining of existing hotel or motel operations, or the undermining of investment in permanent single, grouped and multiple residential dwellings.
- 2.6 This consequence is contrary to the intent of strategic planning documents for the Town and must be rectified as a matter of priority.

3 Transient Workforce Accommodation

- 3.1 The existing planning framework is unable to deal with these issues now faced, in particular, the land use "transient workforce accommodation" is defined under TPS5 as:
- "Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas".*
- 3.2 However, a "transient worker" is not currently defined under TPS5.
- 3.3 The only documents which currently attempt to classify a transient worker are the Town's Draft FIFO and TWA Strategy and the Town's Pilbara's Port City Growth Plan, which both provide by implication that transient workers are "operational and construction FIFO workers".

- 3.4 Operational workers are defined in those documents loosely as skilled workers which are required on an ongoing basis whereas construction workers are required for a certain aspect of a project only.
- 3.5 A "Transient Workforce" is however defined under the Government of Western Australia Department of Regional Development and Lands Temporary Workforce Accommodation Policy Statement as:
- "Any member of a workforce, including both operational and construction, who is not permanently located within the community where they are employed. ... It includes only workers who are employed within an existing town/city's boundaries or on a project within 30 minutes travel time from any existing town's boundaries."*
- 3.6 Accordingly, there are significant inconsistencies in the current definitions and interpretations of what is a 'transient worker' with the consequence that there is lack of clarity in the manner in which the TWAs are currently being assessed, approved, developed and operated.
- 3.7 In particular, concerns have been raised regarding existing and proposed TWA operators undermining existing permanent, temporary accommodation and food and beverage providers in the Town by, for example:
- 3.7.1 offering excess rooms to tourists or to short stay contractors / executives employed on projects unrelated to the projects under which the original planning approval for the TWA was granted (i.e. operating a hotel or motel without approval);
- 3.7.2 by offering the services of licenced works canteens to the general public (i.e. operating a restaurant or tavern without approval); and
- 3.7.3 by offering the use of the function rooms to the general public (i.e. operating a function centre without approval).
- 3.8 Accordingly, consideration has been given to the drafting this Local Planning Policy with a view to provide certainty to future and existing TWA operators about what is, and is not acceptable.

4 Policy Objectives

- 4.1 The objectives of this policy are to:
- 4.1.1 provide clarity to the definition of Transient Workforce Accommodation, as it is currently defined under LPS5, by providing:
- (a) a definition of Transient Worker which is determined by reference to being either a Construction Worker or an Operational Worker;
- (b) a definition of Construction Worker;

- (c) a definition of Operational Worker
 - (d) a definition of Short Stay - Occasional Worker;
 - (e) a definition of Tourist; and
 - (f) a definition of Resident.
- 4.1.2 accommodate the temporary spikes in need for accommodation in the Town of Port Hedland which are experienced as a result of an influx of Construction Workers during the construction or shutdown phases of a particular mining or mining related infrastructure project through the provision of temporary TWA facilities linked to project specific needs;
- 4.1.3 ensure that the Town only permits development and use of TWAs for the accommodation of Construction Workers unless special circumstances arise;
- 4.1.4 ensure that the Town does not permit the use of TWA's for the accommodation of Operational Workers unless special circumstances arise;
- 4.1.5 ensure that the Town does not permit the use of TWA's for the accommodation of Short Stay – Occasional Workers or Tourists in any circumstances;
- 4.1.6 ensure that Operational Workers must be accommodated in single, grouped or multiple residential dwellings which are located in appropriately zoned areas of the Town, unless special circumstances arise;
- 4.1.7 ensure that TWA operations do not undermine the viability of existing permanent short term accommodation providers in the Town (those operating under Hotel and Motel land use approvals);
- 4.1.8 ensure that TWA operations do not undermine the viability of existing food, beverage and entertainment providers in the Town (those operating under Restaurant and Tavern land use approvals);
- 4.1.9 actively discourage the development and ongoing operation of self-contained TWA complexes in locations removed from existing or approved urban areas;
- 4.1.10 ensure that TWA operations are only ever approved on the basis of a temporary, time limited planning approval determined by an ongoing requirement on the proponent to demonstrate need for accommodation on a project by project basis;
- 4.1.11 ensure that all TWA planning approvals are conditional on the demonstration that Transient Workers will only be

accommodated to support a specific project, or projects, and that the temporary use will cease at the completion of the term of planning approval;

- 4.1.12 ensure that the Town is provided with regular updates as to the types of occupants and occupancy rates of all TWA's within the Town, which will assist in making informed planning decisions;
- 4.1.13 ensure that all new TWA proposals, within a 30km radius of the South Hedland Town Centre, will not be supported by the Council, unless the TWA is proposed on land zoned Airport under the Scheme, is located in those sites identified as appropriate for TWA in the Port Hedland Airport Masterplan, and are designed to leave infrastructure legacies which will support the conversion of those sites to permanent uses, consistent with the zoning of the land, at the completion of the term of the temporary planning approval;
- 4.1.14 ensure that at the end of a term of planning approval, all temporary buildings within a TWA facility are dismantled and removed from the site, but that infrastructure legacies remain which will facilitate conversion of those sites to permanent uses, consistent with the zoning or reservation of the land, at the completion of the term of temporary planning approval; and
- 4.1.15 ensure that when the LPS5 is revised, that the Town will consider incorporating the definitions containing in this Local Planning Policy into the text of LPS5; and
- 4.1.16 to prepare model conditions for TWA developments which will have the aim of :
 - (a) Reduce the number of conditions imposed on approvals;
 - (b) Standardise and simplify conditions to core issues;
 - (c) Ensure conditions are specific, so that proponents and approval agencies are clear as to requirements;
 - (d) Ensure consistency with the validity rules set by the State Administrative Tribunal;
 - (e) Avoid condition duplication; and
 - (f) Ensure that the Town has the clear ability to enforce against proponents for non compliance.

5 Policy Provisions

6 Definitions and Interpretation:

6.1 Transient Workforce Accommodation

- 6.1.1 The definition of Transient Workforce Accommodation, as it is currently defined under the Scheme, can be split up into 4 key components as follows:
- (a) *"dwellings intended for the temporary accommodation of transient workers"*
 - (b) *and may be designed to allow transition to another use*
 - (c) *or may be designed as a permanent facility for transient workers*
 - (d) *and includes a contractors camp and dongas".*

6.1.2 The definitions to be applied, and the interpretation of the definition of Transient Workforce Accommodation is set out in detail below.

6.2 Dwellings:

6.2.1 The word "dwellings", in the context of the current TWA definition, should not be read as a "Dwelling" as a defined term under the Scheme as this would lead to absurd results.

6.2.2 A dwelling in the context of a TWA is defined by this Policy as a building or combination of buildings being used, or intended, adapted or designed to be used for the purpose of human habitation on a temporary basis (for the term of the planning approval), and which may accommodate any number of people who do not comprise a single family, so long as that number is fixed to a current or anticipated need for a specific project, and does not include Dwellings, Aged or Dependent Persons Dwelling, Ancillary Accommodation, Cabin, Caretakers Dwelling, Chalet, Grouped Dwelling, Guesthouse, Holiday Accommodation, Holiday Home, Hotel, Lodge, Motel, Multiple Dwelling, Residential Building, Movable Dwelling, Short Stay Accommodation, Serviced Apartment, Single House or Tourist Resort as may otherwise be defined by the Scheme.

6.3 Temporary Accommodation:

6.3.1 The words "Temporary Accommodation", in the context of the TWA definition means the provision of accommodation to a transient worker for no less than 21 nights consecutive stay.

6.3.2 In that context of temporary accommodation for "Construction Workers", means accommodation provided only for the duration of the mining or mining related construction or shutdown project which is fixed by the temporary planning approval of the TWA; and

6.3.3 in the context of temporary accommodation for Operational Workers, means accommodation provided only to the extent that

there is a demonstrated lack of available permanent accommodation within a 30km radius from the site of the TWA, and that upon a failure to demonstrate a lack of available permanent accommodation within a 30km radius from the site of the TWA, the approval of temporary accommodation for Operational Workers ceases to have effect.

6.4 Transient Worker:

6.4.1 means a person who:

- (a) is employed, contracted or otherwise engaged on a permanent or fixed term basis;
- (b) is involved in employment activities spanning no less than 21 consecutive days in the Town (or surrounding local government areas) and whose usual place of residence is not within the Town; and
- (c) includes a Construction Worker or an Operational Worker but does not include a Short Stay – Occasional Worker, a Tourist or a Resident.

6.5 Construction Worker

6.5.1 in the context of being accommodated in a TWA, means a Transient Worker:

- (a) who is employed, contracted or otherwise engaged on a permanent or fixed term basis;
- (b) whose employment activities span no less than 21 consecutive days in the Town of Port Hedland;
- (c) whose employment activities do not span greater than the completion time of a specific:
 - i. mining start up or shut down project;
 - ii. dwelling or infrastructure construction project; or
 - iii. irregular mining service or maintenance project,

within the Town (or surrounding local government areas) referred to in the temporary planning approval for the TWA in which the Construction Worker is to be accommodated.

6.6 Operational Worker

6.6.1 In the context of being accommodated in a TWA, means a Transient Worker:

- (a) who is employed, contracted or otherwise engaged on a permanent or fixed term basis;
- (b) whose employment activities span no less 21 consecutive days in the Town of Port Hedland; and
- (c) whose employment activities involve the ongoing operation and general maintenance of a mining project within the Town of Port Hedland (or surrounding local government areas) referred to in the temporary planning approval for the TWA in which the Operational Worker is to be accommodated.

6.7 Short Stay – Occasional Worker

6.7.1 means a person:

- (a) who is employed, contracted or otherwise engaged to conduct work on a permanent, fixed term or casual basis in Port Hedland or in surrounding local government areas;
- (b) Whose employment activities span less than 21 consecutive days in the Town of Port Hedland or surrounding areas; and
- (c) whose usual place of residence is not within the Town of Port Hedland.

6.8 Tourist

6.8.1 means a person:

- (a) who is not employed, contracted or otherwise engaged to conduct work on a permanent, fixed term or casual basis in Port Hedland or in surrounding local government areas; and
- (b) whose usual place of residence is not within the Town of Port Hedland.

6.9 Resident

6.9.1 means a person whose usual place of residence is within the Town of Port Hedland.

6.10 Designed to allow transition to another use

6.10.1 means designed in such a way that the temporary buildings on a TWA site can be easily removed at the end of the term of the temporary planning approval, while also designed to leave infrastructure legacies which will support the development of permanent uses, consistent with the underlying zoning of the land, at a later date.

6.11 Or may be designed as a permanent facility for transient workers:

6.11.1 means that there is nothing stopping TWA facilities from being designed as a more permanent facility when located in urban areas of the Town.

6.11.2 However, the use of the land (which is separate from approval of the development itself) must be temporary (time limited) in nature, the total bed numbers made available must still be related to a demonstrated need generated by a specific project or projects; and the facility must not be speculative in nature.

7 **Application of this Policy**

7.1 This Policy to be applied:

7.1.1 during assessment of new TWA proposals;

7.1.2 during assessment of amendments to the approvals for existing TWA facilities; and

7.1.3 in contemplating enforcement action against existing TWA facilities.

8 **Use of TWA facilities**

8.1 Only Transient Workers are permitted to stay in a TWA facility;

8.2 Only Transient Workers who are staying in a TWA facility may use that TWA's ancillary facilities.

8.3 Short Stay – Occasional Workers, Tourists and Residents are not permitted to stay in a TWA facility.

8.4 Short Stay – Occasional Workers, Tourists and Residents are not permitted to use any TWA's ancillary facilities, unless those ancillary facilities are the subject of a separate planning approval which permits such a use occurring.

8.5 All approvals for use of new TWA facilities, and amendments to the approvals for the use of existing TWA facilities, will be conditioned on an initial and ongoing requirement to demonstrate the need for such facilities in supporting a specific project or projects, and in the event that need can and is no longer be demonstrated, the planning approval ceases.

- 8.6 Construction Workers are not permitted to stay in a TWA unless the operator of the TWA demonstrates, to the satisfaction of Council, through the use of up to date market data, that there are insufficient rooms available in existing hotel, motel, lodge or single, grouped and multi residential dwellings within a 30km radius from the site of the TWA, to accommodate the need for accommodation generated by those Construction Workers.
- 8.7 Operational Workers are not permitted to stay in a TWA unless the operator of the TWA demonstrates, to the satisfaction of Council, through the use of up to date market data, that there are insufficient rooms available in existing single, grouped and multi residential dwellings within a 30km radius from the site of the TWA, to accommodate the need for accommodation generated by those Operational Workers.

9 Location of TWA facilities

- 9.1 All new TWA proposals, within a 30km radius from the site of the South Hedland Town Centre, will not be supported by the Town, unless the TWA is proposed on land zoned Airport under LPS5 on those sites identified as appropriate for TWA facilities in the Port Hedland Airport Masterplan.
- 9.2 The Town will not support the development and ongoing operation of self contained TWA facilities on rail corridors, reserves or on State Agreement Land within a 30km radius from the South Hedland Town Centre.

10 Approval of TWA facilities to be time limited

- 10.1 All approvals for TWA facilities will only be granted on the basis of a temporary planning approval, the time limit on which will be determined by reference to the proponent demonstrating an ongoing need for accommodation arising as a result of a specific project or projects, and in any event, no temporary approval will be granted for longer than 5 years.
- 10.2 Extensions to temporary planning approvals will only be granted to proponents in the final year of an existing temporary approval, and must be determined by reference to the proponent demonstrating an ongoing need for accommodation arising as a result of a specific project or projects, and in any event, no approval will be granted for longer than 5 years.

11 TWA proposals must be linked to specific projects and must not be speculative

- 11.1 All proposals for TWA facilities must demonstrate current and ongoing need for TWA facilities arising as a result of a specific project or projects which cannot be filled by existing accommodation providers in the Town.
- 11.2 The Town will condition TWA facilities in such a way so as to limit the number of beds available to Transient Workers based on the current and ongoing need for accommodation not being filled by existing accommodation providers in the Town (and demonstrated by the proponent).

12 TWA guest registers, monitoring, reporting and compliance

- 12.1 The Town will condition all TWA facilities in such a way so as to require TWA operators to submit a guest register and occupancy figures to the Town on a monthly basis.
- 12.2 The Town will maintain a record of the occupancy rates for TWA facilities, and make those rates publicly available via its website, the cost of which will be borne by the TWA operators as a condition of planning approval.
- 12.3 The Town will condition that all TWA facilities must submit an annual audit of its guest registers and occupancy rates to the Town, to demonstrate that conditions as to restrictions on certain types of workers, related to specific projects, have not been breached.

13 Remediation at end of term of temporary planning approval

- 13.1 TWA facilities must be designed in such a way that the temporary buildings on a TWA site can be easily removed at the end of the term of the temporary planning approval.
- 13.2 TWA facilities must be designed in such a way so as to leave infrastructure legacies which will support the development of permanent uses, consistent with the underlying zoning of the land, at a later date, and that infrastructure must be ceded free of cost to the Town as a condition of the temporary planning approval; and
- 13.3 TWA operators must obtain and provide to the Town at the end of the term of a term of the temporary planning approval for a TWA, a certificate from an appropriately certified environmental scientist declaring that the site of the former TWA is free from contamination.

14 Model Conditions

- 14.1 The following model conditions will be used as a guide by the Town in setting conditions on new TWA proposals and renewals of existing TWA approvals, subject to compliance with the rules of validity of planning conditions:
- 14.1.1 Use and development
- (a) All development is to be constructed in accordance with the plan marked [Insert approved plan details] to the satisfaction of the Town of Port Hedland.
- (b) Uniform fencing is to be constructed along the boundaries of the lot the subject of this application where it abuts [insert lot or road] to the satisfaction of the Town of Port Hedland
- (c) The land may only be used for the use of "Transient Workers Accommodation" as defined by The Scheme,

and clarified by Local Planning Policy ## [insert policy number].

- (d) All occupants of the development must be Transient Workers as defined by Local Planning Policy ## [insert policy number] and must be employees of, or contractors to ## [insert company], for the purposes of constructing ## [insert project] OR for the purposes of the working on the ongoing operation of ## [insert project].
- (e) The use of the development must not be advertised to the general public.

14.1.2 Time limited approval

- (a) the approved Transient Workers Accommodation use is valid for a maximum of 5 years [from the date of this approval].
- (b) the Proponent must provide the Town of Port Hedland with a bi-annual report (prepared at the full expense of the Proponent) demonstrating the need to maintain the temporary approval by reference to a lack accommodation in permanent facilities capable of supporting the Transient Workers for the project or projects mentioned at condition ##[insert condition number which specifies project] above for the following 6 months to the satisfaction of the Town of Port Hedland.

14.1.3 Servicing and Infrastructure

- (a) Suitable arrangements being made with the [insert water service provider] so that provision of a suitable water supply service will be available to the development shown on the approved plan of development to the satisfaction of the Town of Port Hedland.
- (b) Suitable arrangements being made with the [insert waste service provider] so that the provision of suitable a sewerage service will be available to the development shown on the approved plan of development to the satisfaction of the Town of Port Hedland.
- (c) Suitable arrangements being made for connection of the development to the comprehensive district drainage system at the applicants cost to the satisfaction of the Town of Port Hedland.

- (d) Suitable arrangements being made for the land on which the development is proposed to be graded, stabilised, filled and or drained to the satisfaction of the Town of Port Hedland.
- (e) The finished ground levels at the boundaries of the lot(s) on which the development is proposed are to match, or otherwise co-ordinate with the existing and or proposed finished ground levels of land abutting, to the satisfaction of the Town of Port Hedland.
- (f) The applicant is to provide a geotechnical report certifying that the land is physically capable of supporting the development prior to the commencement of construction, to the satisfaction of the Town of Port Hedland.
- (g) Suitable arrangements being made with the [insert power service provider] so that the provision of suitable a electrical supply service, to the specification of [insert power service provider], will be available to the development shown on the approved plan of development to satisfaction of the Town of Port Hedland.
- (h) Suitable arrangements being made for the provision of easements for existing or future water, sewerage, drainage or electricity infrastructure as may be required to support the development to the satisfaction of the Town of Port Hedland.
- (i) A bond of ## [insert \$ figure] being paid to Town of Port Hedland, which will be held by the Town, until such time as the proponent has remediated the land on which the Development is located, at the end of the term of the temporary approval, in accordance with the remediation plan marked ## and dated ##.
- (j) All septic sewer s/ystems, including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be either decommissioned, removed, filled with clean sand and compacted at the expiry of the term of the planning approval, or certified, by an appropriately qualified expert, as being in good working order, and left in situ, to the satisfaction of the Town of Port Hedland.
- (k) Satisfactory arrangement being made with the Town of Port Hedland for the equitable upgrading and or construction of ## road.

- (l) Satisfactory arrangements being made with the Town of Port Hedland for the equitable upgrading and or construction of the dual use path/cycleway marked on the approved plan of development.
- (m) Satisfactory arrangements being made with the Town of Port Hedland for the provision of vehicular crossovers to service the development shown on the approved plan as development.
- (n) Preparation and implementation of an accommodation management strategy to the satisfaction of the Town of Port Hedland.
- (o) Preparation and implementation of an occupant harm minimisation strategy to the satisfaction of the Town of Port Hedland.
- (p) Preparation and implementation of fire and emergency management strategy to the satisfaction of the Town of Port Hedland.

14.1.4 Evaluation

- (a) The Proponent must provide the Town of Port Hedland with guest lists and occupancy numbers, on a monthly basis, to the satisfaction of the Town of Port Hedland.
- (b) The proponent must submit to the Town, on a bi-annual basis, an report of the monthly guest register of all occupants utilising the facility within the preceding 6 months, which demonstrates that the proponent has complied with the terms of its temporary approval to the satisfaction of the Town of Port Hedland.

15 Enforcement and Compliance

- 15.1 If ongoing need for the facility cannot be established to the satisfaction of the Town of Port Hedland, or if any of the above conditions are not complied with to the satisfaction of the Town of Port Hedland, temporary planning approval will be withdrawn if the proponent does not bring the facility into compliance within the approved use by the Town within 14 days of receiving a notice of non compliance from the Town. The Town may take enforcement action against the proponent pursuant to clause 9.3 of LPS5, and section 214 and 218 of the Planning and Development Act 2005.

16 Renewal and evaluation

- 16.1 This policy will be reviewed and evaluated for its success in achieving its objectives as part of the 2015/2016 annual report.



By Email

Our ref: BRF:CHW:1143897

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22 November 2013

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cc: Minister.Day@dpc.wa.gov.au
Minister.Simpson@dpc.wa.gov.au
Clients

Dear Councillors

Town of Port Hedland - statutory obligations with respect to TWA developments

- 1 I write further to my earlier attached correspondence regarding concerns expressed by my clients in relation to the conduct of the Town in the initial approval and ongoing management of Transient Workers Accommodation (TWA) developments.
- 2 I note with concern that I have yet to receive and await a formal response to my earlier correspondence and invite Councillors to consider the concerns outlined in them.
- 3 As you will be aware, and for the benefit of the newly elected members of Council, we represent a number of concerned hospitality and permanent accommodation providers in Port Hedland.
- 4 As detailed previously, there are a number of TWA proposals currently proposed or already before the Council of concern to my clients. None of these proposals appear, in our opinion, to have properly considered the impact of further TWA facilities on existing permanent accommodation and hospitality providers in Town.
- 5 In addition, the conduct of the Town in entering into leasing/property arrangements in advance of considering planning approvals also raises questions about compliance with the standards set out in the *Local Government Act 1995 (WA) (LG Act)*.

- 6 The expressed view of our clients is that short term and poorly thought out TWA developments are devaluing existing authorised businesses in Port Hedland and are condemning Port Hedland to a FIFO future.
- 7 In particular, it is our clients' view that the ongoing approval of TWA developments will have significant negative impacts on the historical and ongoing investment in permanent, quality accommodation and hospitality facilities in Port Hedland for many years to come.
- 8 As detailed in the attached letters, there are a significant number of issues raised which we consider to be likely breaches of the provisions of both the LG Act and the *Planning and Development Act (PD Act)*. It would therefore be inappropriate in our opinion for any further consideration be given to any approvals for commercial arrangements that facilitate TWA proposals until such time as:
- 8.1 Councillors have sought and received legal advice relating to the issues outlined in the attached letters; and
- 8.2 Councillors have taken the opportunity to consider the potential ramifications for the Council and the Town's officers if further approvals are granted contrary to the standard set out in the LG Act and PD Act.
- 9 As you are aware, both the LG Act and the PD Act set out the duties of conduct by which Councillors and officers of the Town must abide. Any conduct which is contrary to the provisions of LG Act and the PD Act are open to review, and could result in the quashing of any decisions made.
- 10 Failures under the LG Act, such as those set out in the attached letters, may result in the suspension, investigation and dismissal of the Council or Councillors.
- 11 We have provided copies of this correspondence to the Minister for Planning and the Minister for Local Government in order to make them aware of these issues.
- 12 In the event that the Council does not promptly attend to our requests, or seek to take further action with respect to any TWA development before due consideration of the issues have been made, we have been instructed to immediately seek ministerial intervention.
- 13 My clients reserve all of their rights with respect to future legal challenges to your decisions in accordance with the relevant legislation, on, among other things, the grounds set out in the attached letters.

If you have any questions, please call Brendan Foley or me.

Yours faithfully



Craig Wallace
Partner – Planning, Environment & Land Compensation

Encl

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18 December 2013

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721
By Email: council@porthedland.wa.gov.au
copy:
All Councillors



Dear Mr Osborne

Town of Port Hedland – Transient workers' accommodation

I refer to the above matter and the meeting at our offices on 29 November 2013 to discuss my clients' concerns in relation to the assessment of development approval applications for transient workers' accommodation (TWA) in and on land owned by the Town of Port Hedland (Town).

My clients note with some considerable concern the decision made by the Town at the Council meeting on 11 December 2013 to approve the development approval application for the Ausco particularly as it is contrary to the spirit and intent of the meeting at our offices to resolve my Clients' concerns of apparent bias and lack of policy framework for decisions in respect of TWA's generally.

In fact, the decision to approve the Ausco TWA facility and their understanding of the conduct of the meeting has added to my Clients' concerns in relation to issues of governance and the conduct of the Council in respect of land owned by the Town. I am accordingly instructed to write to the Town to express my Clients' frustration and to reiterate their concerns that the decisions made in respect of TWA's on Town owned land are likely to be fundamentally flawed.

As a consequence, my Clients are currently considering their legal position in respect of this decision and the conduct of the Town (and the Council) to date, including seeking ministerial intervention and considering a potential judicial review in the Supreme Court.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely


Craig Wallace
Partner – Planning & Environment

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

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LAVAN LEGAL
Leaders in Law

22 November 2013

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Minister.Simpson@dpc.wa.gov.au
Clients

Dear Councillors

Town of Port Hedland - statutory obligations with respect to TWA developments

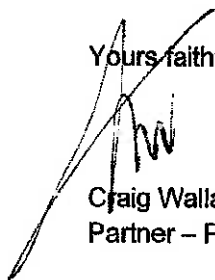
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- 4 As detailed previously, there are a number of TWA proposals currently proposed or already before the Council of concern to my clients. None of these proposals appear, in our opinion, to have properly considered the impact of further TWA facilities on existing permanent accommodation and hospitality providers in Town.
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If you have any questions, please call Brendan Foley or me.

Yours faithfully



Craig Wallace
Partner – Planning, Environment & Land Compensation

Encl

31st March 2014 ToPH NRWA Strategy Review – The MAC Comments

Town of Port Hedland	The MAC Services Group
<p>Introduction</p> <p>The demand for non-residential workers is expected to continue well into 2035. While a proportion of this workforce is accommodated in permanent residential housing in established areas, a large number of workers are accommodated in a variety of short stay and non-residential workforce accommodation (NRWA) facilities throughout the town.</p> <p>Non-permanent residential workers have a significant impact on the housing supply issues experienced within the Town as well as the supply and demand for services and facilities. The Pilbara’s Port City Growth Plan (Growth Plan) and Pilbara’s Port City Implementation Plan (Implementation Plan) acknowledges the importance of this section to the economic diversification of the Town and to that end has highlighted the location and nature of current and proposed non-residential workforce accommodation facilities.</p> <p>Section 3 of the Growth Plan highlights the short to medium term imperative to provide adequate levels of transient workforce accommodation in order to cater for the necessary operational and construction workers and help relieve immediate housing supply issues.</p> <p>Current trends suggest an area of approximately 100m² is required on average for each person accommodated within a non-residential accommodation facility resulting in a peak need of approximately 50ha of land required for such purposes.</p>	<p>A description on what the “significant impact” non-resident workforces have on housing and services would provide more context of the issues. NRWA’s have many positive impacts including reducing the pressures on housing given the volatility of demand.</p> <p>A description of why NRWAs are “imperative” to the economic life of Port Hedland would add further context.</p> <p>100m² of land per person is a reasonable guideline.</p>
Town of Port Hedland	The MAC Services Group
<p>Classifying types of non-residential workforce accommodation facilities</p> <p>The Growth Plan distinguishes between an operational and construction workforce and advocates a balanced approach to the siting and location of TWA facilities, the imposition of clear time limits and encourages a shift to more permanent and integrated skilled workforce in Port Hedland. The establishment of TWAs away from existing</p>	<p>Agreed regarding the “contrary to aims” aspect of establishing TWA’s away from existing or future urban development areas.</p>

or future planned urban development areas is contrary to the aims of the Growth Plan which is to create a tangible, sustainable regional City.

Town Planning Scheme No. 5 defines Transient Workforce Accommodation as: *“dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor’s camp and dongas.”*

The above definition will be reviewed to Non-residential Workforce Accommodation as part of the Local Planning Scheme review process.

This Strategy defines a non-residential workforce accommodation (NRWA) facility as follows:

“A temporary land use intended for the resource sector only and which is limited to a maximum period of 5 years or as otherwise approved by Council and designed in a manner that may be capable of conversion to a permanent use. Such facility may restrict the inclusion of amenities such as communal facilities, gym, cinema and restaurant. The intention, being to possibly integrate the workforce within the urban framework.”

Operational workers (from the resource and industry sector) refer to the component of the workforce that serves on-going, operational aspects of a project / business and is likely to be employed on a fixed term or permanent basis (eg. Resource extraction / processing, administration, human resources).

Construction workers refers to the component of the workforce that is employed for a limited period only until the completion of the particular project (eg. Project start up, dwelling/infrastructure construction, irregular servicing/ maintenance).

Why limit the definition to the “resources sector only”? What about other sectors e.g. infrastructure, education, health and building?

The limitation of the amenities can only work if suitable amenities are provided nearby that are open at times required by the users.

To require a facility to have infrastructure capable of being converted to a permanent use after only 5 years of revenue is not economically viable.

The term should be +15 years with minimum standards to be maintained. The market will determine whether they last the full term.

This definition should include consultants and all “white collar” workers.

Town of Port Hedland	The MAC Services Group
<p>Strategy Objectives</p> <p>Regardless of non-residential workforce accommodation type, the Growth Plan advocates a balanced and dispersed approach to the siting and location of non-residential workforce facilities and the imposition of clear time limits on the operation of non-residential workforce accommodation sites to encourage a shift to a more permanent and integrated skilled workforce in the Town.</p> <p>Whilst certain locations are clearly more appropriate for non-residential workforce accommodation developments than others, the creation of very large, self-contained non-residential workforce complexes (including all associated facilities and key services) in locations removed from existing or future planned urban development areas is contrary to the overarching aims of the Growth Plan to create a liveable, sustainable regional city.</p> <p>This strategy seeks to expand on the vision set out within the Growth Plan to identify a clear direction for non-residential workforce accommodation facilities and provide a statutory framework that achieves the following:</p> <ul style="list-style-type: none"> i. Where possible, integrate non-residential operational industry workforce within existing urban areas/ urban framework thereby encouraging the integration between temporary and permanent residents in Town; ii. To provide clear time limits on the operation of non-residential workforce accommodation facilities to secure a more permanent and integrated skilled workforce; and iii. To revise the Town's statutory and policy framework to include the principles and development requirements associated with non-residential workforce accommodation facilities, as well as providing prospective non-residential workforce accommodation facility developers with the relevant guidance in site selection and facility design. 	<p>Agree, however the imposition of short (<5years) time limit is not viable. If constructed at all it would produce low quality facilities at very high prices. The focus should be on encouraging high quality facilities that promote Port Hedland as a desirable place to permanently relocate to.</p> <p>Agree. A mix of integrated and non-integrated NRWA facilities, spread across various locations would serve the spectrum of business and town growth requirements.</p> <p>Agree</p> <p>Short timeframes of 5-10 years result in very low standard facilities and high rates.</p> <p>Agree</p>
Town of Port Hedland	The MAC Services Group
<p>Meeting the objectives</p> <ul style="list-style-type: none"> i. Where possible, to integrate non-residential operational industry workforce within existing urban areas/urban framework and thereby 	

encouraging the integration of temporary and permanent residents in Town.

The provision of accommodation and facilities for operational non-residential workers should be consistent with that of a permanent resident. To achieve integration it is proposed that non-residential workforce accommodation facilities not be permissible for operational workers. The high demand for workforce accommodation in the immediate short term is however recognised. Accordingly, only where it can be demonstrated completely necessary, to the satisfaction of the Town, operational non-residential workforce accommodation may be located in temporary facilities for short periods in time and complying with the non-residential construction workforce accommodation requirements.

A Local Planning Policy needs to be developed that requires:

- Prescription of length of approval;
- Community legacy/benefit;
- Definitions; and
- Design Standards.

The location of non-residential workforce accommodation facilities will be restricted to Airport zoned land. Benefits achieved by locating non-residential workforce accommodation facilities at the airport include:

- Restricting impacts/issues in an area where historical approvals already exist;
- Additional ability for Council to control length of tenure through leasing arrangements separate from planning permit conditions;
- Ability to quickly facilitate land transactions to

“The provision of accommodation and facilities for operational non-residential workers should be consistent with that of a permanent resident.” - Why?

Transition to permanent housing will organically occur over time for operational workforces. Creating policy banning operational workers from NRWA facilities is over regulating, anti-freedom of choice, commercially frustrating and won't deliver the desired integration. The historical spikes and crashes in accommodation requirements do not support building residential estates as a sole solution. Port Hedland's market needs to be buffered from this with a select number of integrated non-resident workers accommodation facilities within the town sites.

- +15 years minimum for viability
- Agree
- Minimum definitions and standards only. Allow for the market to determine improvements above the guidelines.

This is contrary to the objective of integrating NRWA people with the community. Perhaps for project specific construction work forces only but not operational, maintenance and consultancies. These should be in mixed use accommodation that is integrated with the Town's common facilities.

<p>facilitate Non-residential workforce accommodation facility's needs;</p> <ul style="list-style-type: none"> • Lease income returns to the community; and • Community benefit. <p>The importance to better integrate temporary workers into the Town is emphasised. To maximise location benefits and encourage closer location to existing services and facilities, the Strategy proposes the accommodation facilities on the south western side of the airport runway (approx. 80ha identified). Given that the anticipated demand for temporary workforce accommodation is expected to continue, the non-residential workforce accommodation facilities located on the eastern side of the runway would still be required but are recommended for shorter term non-residential workforce accommodation. Grouping accommodation facilities together in one location should be encouraged.</p>	<p>The airport land is too isolated from Port and South Hedland to facilitate integration. NRWAs for <u>all</u> non-resident workers (not just resources) should also be located within the town sites, close to amenities.</p> <p>Grouping is efficient from a planning and infrastructure perspective but inhibits integration with the wider community and businesses.</p>
<p>Town of Port Hedland</p>	<p>The MAC Services Group</p>
<p>Meeting the objectives</p> <p>ii. To provide clear time limits on the operation of non-residential workforce accommodation facilities to secure a more permanent and integrated skilled workforce.</p> <p>Non-residential workforce accommodation facilities should only be provided to meet specific project needs and not be speculative. As such it is proposed to amend the definition of non-residential workforce accommodation facilities from Transient Workforce Accommodation to non-residential workforce accommodation.</p> <p>The establishment of further Fly Camps will not be encouraged. These construction workers are to be accommodated in the NRWA at the Kingsford Business Park or alternate accommodation in Town.</p> <p>A non-residential construction workforce accommodation facility will provide for any number of beds but be limited to a period of 5 -10 years. The period of establishment can be extended at the absolute discretion of the Town. By failure to accede to a request for an extension beyond 5 years (up to 10 years) may lead to the financial inability of the developer to provide</p>	<p>Speculation by developers in non-key locations is healthy for the economic diversification of Port Hedland. Planning controls can minimise any long term negative impacts should they occur. In key locations a thorough vetting process can ensure a sound business plan is adopted.</p> <p>Agree</p> <p>A period of establishment of as few as 5 years will produce basic developments at a very high room rate. The impact is the resource companies look at alternatives like residential houses for a short term. This produces the property bubble and subsequent crash.</p>

a higher quality development in a shorter period of time. Furthermore, it will also not be conducive to create and maintain a positive perception of the Town. Non-residential construction workforce accommodation facilities must be able to demonstrate clear links to approved and/or forecast projects.

Principles envisaged to be applied to NRWA include:

- Non-residential workforce accommodation can't be leased to customers without an ABN.
- The non-residential workforce accommodation facility must render no services to the public that are widely available within the Town such as catering or restaurant (subject to review) and without the prior authorization of Council. In this regard as part of the approval process the preparation of a mobility strategy is required to demonstrate how the workers will be able to travel to and from the Town's amenities to ensure integration in the urban framework.
- The non-residential workforce accommodation facility may not be advertised to the general travelling public market whom would normally stay at a traditional hotel.
- That space is made available in the accommodation facility's reception area to highlight local attractions, local commercial business, local clubs, events opportunities etc.
- The accommodation will be used for the purpose of the construction workforce and must not house operational employees in Port Hedland on a permanent basis. The operational workforce must be integrated in the urban framework.

A more effective option is to provide minimum development standards for commercially viable lengths of time and allow the market to determine how long the facilities are needed. When Port Hedland reaches the right level of maturity the need for non-resident workers will decline.

This is ineffective over regulation. If only ABN holders can stay at a NRWA then will only *non*-ABN holders be permitted to stay at tourist sites?

The facilities in NRWAs should be seen as a benefit to the community. Where suitable existing facilities are available the developer will be able choose whether additional facilities are required at the NRWA site. Making NRWA facilities available to the public within the Town can grow the diversification of the Town as well as further integrate the facility within the community. Public access to the facilities can be managed through planning approvals on an individual needs basis.

Limits to marketing are anti-competitive. If people choose to stay in NRWAs that's their choice. Would the ToPH suggest limiting the marketing ability of hotels?

Agree. Active promotion of the locality is beneficial to the developer and the Town.

Do not agree to the restrictions on operational employees. Whether the permanent employees are in a house or NRWA will depend on factors outside this strategy, like housing availability, housing prices, housing locations, desire of the employee to be in a house etc. This should not be regulated through policy but allowed to happen organically as Port Hedland grows and matures.

<ul style="list-style-type: none"> • Non-residential workforce accommodation facilities must periodically submit a guest register so that conditions of lease can be verified by the Town. • Minimum period of continuous stay is 1 (one) week. 	<p>This is an ineffective and unnecessary administrative burden.</p> <p>This is an ineffective and unnecessary requirement? What is the reason for the proposal?</p>
Town of Port Hedland	The MAC Services Group
<p>Meeting the objectives</p> <p>iii. To revise the Town's statutory and policy framework to include the principles and development requirements associated with non-residential workforce accommodation facilities, as well as providing prospective non-residential workforce accommodation facility developers with the relevant guidance in site selection and facility design.</p> <p>The Planning and Development Act 2005, provides the statutory powers for land use planning in Western Australia. The Planning and Development Act 2005 provides a number of options for providing statutory backing for planning principles and development control. These include the Local Planning Scheme, Developer Contribution Plans and Local Planning Policies.</p> <p>The Growth Plan was endorsed by the Western Australian Planning Commission (WAPC) as the Town's Local Planning Strategy.</p> <p>The Growth Plan acknowledged the importance of non-residential workforce accommodation facilities (former TWAs) within the Town and recommended that the statutory policy framework be revised to include the Town's principles and development requirements associated with non-residential workforce accommodation facilities. Amendment to the Local Planning Scheme as well as the development of a Developer Contribution Plan and Local Planning Policy relating to non-residential workforce accommodation facilities are imperative to meeting the objectives.</p>	<p>Noted</p> <p>Noted</p>
Town of Port Hedland	The MAC Services Group
<p>Implementing the Strategy</p> <p>The implementation of the Strategy is dependent on the following actions to be undertaken:</p>	

Scheme Amendment

The Scheme Amendment needs to incorporate the following:

- Replace the definition Transient Workforce Accommodation with Non-Residential Workforce /Accommodation:
- Clause 3.1 (a) iii. Delete the Transient Workforce Accommodation zone
- Clause 3.2 Zoning Table:
- Remove Transient Workforce Accommodation zone
- Reword land use 22 from Transient Workforce Accommodation to non-residential Workforce Accommodation facility
- Change land use 22 from a SA to ~ use in the Strategic Industry zone
- Clause 6.5 Transient Workforce Accommodation reworded to Non-residential Workforce Accommodation Facility
- Clause 6.5.1 reworded to: Any permanent structure proposed as part of a Non-Residential Workforce Accommodation facility is to obtain approval for its permanent use prior to or concurrently with approval for use as Non-Residential Workforce Accommodation facility.
- Clause 6.5.4 reworded to: Any temporary structure proposed as part of a non-residential Workforce Accommodation facility is to be accompanied by information indicating how and when the structures will be removed allowing for the land to be developed for a permanent land use consistent with the zone.

Developer Contribution Plan

A Developer Contribution Plan needs to be prepared that:

- Considers the requirements of services and facilities directly related to non-residential workforce accommodation facilities on Airport zoned land; and
- Nominates an equivalent tenancy rate to be

• Agree

• Agree

• The contribution should be primarily linked to the commercial performance of the facility and consider a reduction in lieu of broader community benefits included in the overall development application. IE service extensions that activate surrounding land.

• It is not clear what "equivalent

<p>applied to development of non-residential workforce accommodation facilities on any land excluding Airport zoned land.</p> <p>Local Planning Policy</p> <ul style="list-style-type: none"> • A Local Planning Policy for non-residential workforce accommodation facilities need to be prepared that incorporates the following: <p>Definitions:</p> <ul style="list-style-type: none"> • Non-residential workforce accommodation facilities must meet the following criteria: • A temporary land use limited to a maximum period of 5 to 10 years in any approval. Re-approval is available subject to demonstrated links to further construction projects. • No Communal facilities be made available for public use and workers must make use of local amenities. <p>Location:</p> <ul style="list-style-type: none"> • Establishment of these facilities must be limited to Airport (runway south west) 	<p>tenancy rate" refers to.</p> <ul style="list-style-type: none"> • 5 to 10 years is not commercially viable. It needs to be up to 15 years. • Only if suitable amenities are available at the times the users require. • Why? This is contrary to the stated objective of integration.
<p>Town of Port Hedland</p>	<p>The MAC Services Group</p>
<p>Implementing the Strategy</p> <p>The implementation of the Strategy is dependent on the following actions to be under taken:</p> <p>Length of approval</p> <p>NRWA limited to 5 to 10 years or other period where need is demonstrated through a business plan. Re-approval considered where demonstrated links to further construction projects.</p> <p>Community Benefit/ legacy</p> <p>A Legacy Benefit refers to any benefit experienced by a community resulting from the leveraging of investment in the construction/operation of a non-residential workforce accommodation facility, contributing towards regional development outcomes.</p> <p>Non-residential workforce accommodation facilities 'Legacy contribution' may include one or more of the following at the discretion of the Town: future subdivision potential, provision of service infrastructure for future land use, financial, built form, community infrastructure contribution. Other legacy benefits may also be negotiated with the Town.</p> <p>Fly camps</p> <p>Fly camps will not be supported.</p>	<p>15 years is required for viable facilities.</p> <p>Good definition</p> <p>These benefits can only be made viable with a term of 15 years.</p> <p>Unless it is clearly demonstrated there is</p>

Camps on Rail corridors and State Agreement Land is not supported by Council unless it can be demonstrated that the camp is directly associated with the rail or mining operation located immediately in that vicinity.

Design Standards

In addition to complying with any Development Plan or Design Guidelines that may apply to the site, the following requirements must also be met:

- The non-residential workforce accommodation facility may not be advertised to the general travelling public market whom would generally stay at a traditional hotel/motel.

Design Guidelines

Design guidelines to be created for the Airport (runway west) zone.

no suitable alternative accommodation available at the time of need.

People wishing to stay at traditional hotels are unlikely to stay at an NRWA facility unless the standard of the traditional hotels are inadequate or too expensive for their requirements.

Town of Port Hedland

The MAC Services Group

Closing remarks

Non-permanent residential workers have a significant impact on the housing supply issues experienced within the Town as well as the supply and demand for services and facilities.

While a proportion of this workforce is accommodated in permanent residential housing in established areas, a large number of workers are accommodated in a variety of short stay and non-residential workforce accommodation facilities throughout the town.

This Strategy aims to ensure that appropriate accommodation for this section of the market is planned for and developed in future and at the same time leaving a legacy benefit to the Town

The resources industry is the lifeblood of Port Hedland and policy framework should not unnecessarily frustrate the industry but in many cases the proposals in the ToPH NRWA Strategy do this.

The MAC's position is:

- Restricting all NRWAs to the Airport land is contrary to the goal of integration because it is an isolated location.
- Restricting communal facilities in NRWAs in favour of existing town facilities is impractical. Developers of NRWAs provide these facilities (at great cost) because there are no existing ones that service their client's needs.
- NRWAs should be integrated with the community where possible.
- NRWA facilities should be of high quality.
- A 5 year approval term is not commercially viable.
- The approval term needs to be at least 15 years.

	<ul style="list-style-type: none">• Regulating the scope of marketing for NRWAs is unnecessary and anti-competitive.• Restricting the duration of stay at a NRWAs is impractical and commercially frustrating.• Separating construction and operational workforces is unnecessary and over regulating the businesses operating in the region. <p>People should be allowed to stay in NRWAs as much as hotels.</p>
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Chloe Speakman

From: Bridgewater Solutions <bridgewater@bigpond.com>
Sent: Wednesday, 29 January 2014 10:19 AM
To: Records
Subject: ICR45340 - ABW Submission in response to TOPH Proposed Non Resident Accommodation Strategy

To whom it may concern,

RE: Town of Port Hedland Proposed Non Resident Accommodation Strategy

We are local Karratha residents who are currently working on a Planning proposal to develop our Site at 48 Moore Street, Port Hedland with the intent of retaining these buildings into the future.

As a local Landowner and provider of Housing we believe that the requirement for a dedicated area only be considered once the local accommodation supply has been met.

We support this Strategy in advocating accommodation to be integrated within the Urban Framework.

Should you have any further queries pertaining to this submission please contact either Steven or Shay Davis on 08 9185 6858 or 0458 674 788 (Shay).

Thank you for your due consideration.

Regards

Steve and Shay Davis

Trustees

Australia Bluewater Developments Pty Ltd

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Chloe Speakman

From: Chmielewski, Zabia <Zabia.Chmielewski@health.wa.gov.au>
Sent: Wednesday, 19 February 2014 12:23 PM
To: Records
Subject: ICR46017 - todays meeting

Categories: Red Category

Dear Town of Port Hedland

Unfortunatley I will be unable to attend todays (wed 19th Feb 2.00pm) meeting of electors / electors meeting, due to work commitments and also the timing of the meeting at 2pm. I feel that the 2 pm time will eliminate a number of people from attending other than myself – adding further frustration to an already upset community.

I believe that Port Hedland residents and rate payers have been very generous with supporting new developments and acknowledging the need to address much needed housing shortages and affordable housing. However proposals including the 4000 – 6000 person camp and more recently the ' caravan park' disguised as a workers camp not only disregard the intelligence of the community, it creates a doubt that do we really want residents and people participating in our civic life ? or are we just going to be a giant camp town?

It also degrades the confidence in the elected members .

The town is in the middle of much needed major works – made all the more urgent because the money is drying up. Im concerned that the council keeps approving such proposals because we are always in deficit – having taken on so many major projects that end up costing over and above projected maintenance and managemnt costs.

Yours sincerely

Zabia chmielewski

9174 1079
0430 929 585

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