

TOWN PLANNING SCHEME NO.8 LOCAL PLANNING POLICY DP10 TRANSIENT WORKFORCE ACCOMMODATION

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1. OBJECTIVE

The purpose of this Policy is to provide guidance for the preparation and assessment of, and decision making on applications for transient workforce accommodation, particularly in relation to the key matters to be considered.

The objectives of this Policy are to:

- 1) **Provide** a clear and practical planning framework for consideration of the following Transient Workforce Accommodation proposals in the City of Karratha:
 - a) New applications;
 - b) Expansion to, or modification of, existing facilities; and
 - c) Requests for extension of time.
- 2) **Establish** clear definitions for terms used in this policy.
- 3) **Specify**:
 - a) Information that is required to be provided by Applicants in the preparation of applications for Transient Workforce Accommodation; and
 - b) Matters the Council considers relevant to determination of Transient Workforce Accommodation applications, including appropriate conditions.

2. PRINCIPLES

This Local Planning Policy (the Policy) is made pursuant to Part V, Clause 5.1 of City of Karratha Town Planning Scheme No. 8 (the Scheme).

2.1 Application of Policy

This Policy applies to applications for Planning Approval for transient workforce accommodation facilities made on land in all zones and reserves within the City.

This policy will also be used by the Council to guide City comments on Crown land TWA-related proposals (ie. proposed disposal and lease renewal).

The Policy is to be read in conjunction with the Scheme and any other relevant local planning policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

2.2 Exclusions

Transient workforce accommodation facilities are exempt from this Policy where:

- a) the provisions of State Agreement Legislation and the *Mining Act 1978* overrule the Act and the Scheme, although the Policy will be used by the City to comment on such facilities; and
- b) it involves the construction of dwellings intended for human occupation on a permanent basis. Such buildings are subject to the Codes.

3. DEFINITIONS

For the purpose of this Policy, the following definitions apply:

Act means the *Planning and Development Act 2005* (as amended).

Codes means the *State Planning Policy 3.1 Residential Design Codes of Western Australia*.

Maintenance workforce means a peak short-term workforce associated with a maintenance shut down.

Scheme means *City of Karratha Town Planning Scheme No.8*.

Short stay accommodation has the meaning given to it in the Scheme. That is a premises used for accommodation that may be occupied by the same person(s) for a maximum period of three months within any twelve month period, and are not subject to a residential tenancy agreements (residential leases).

Social impact assessment means a tool used to evaluate and assess the impact of a particular development on the community.

Temporary accommodation means an accommodation use that is not permanent.

Transient worker is a worker who works in the City of Karratha either on a defined roster or a fixed term contract but who lives elsewhere (ie. a worker on a fly in-fly out roster or short term contract).

Transient Workforce Accommodation (TWA) is defined within the Scheme.

Remote TWA means a TWA more than 50Km from a townsite. Consideration may be given to a TWA less than 50km from a townsite only if it can be demonstrated by means of a risk management assessment that matters relating to fatigue management, such as travel distance and time between work and accommodation, the ability to provide adequate opportunity for rest and relaxation to employees between shifts, operational requirements and/or locational/geographical factors, contribute to the TWA being able to be considered remote. Any such risk management assessment would need to be carried out by a suitably qualified person and assessed by the City to determine if the TWA is able to be considered remote.

4. CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Disregard for the policy is likely to result in delays in approval processes and a dissatisfied local community. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

5. BACKGROUND AND COUNCIL POSITION

5.1 Background

Transient Workforce Accommodation (TWA) is common within the City of Karratha, primarily catering for 'fly-in, fly-out' (FIFO) workers. A majority of existing TWA developments in the Pilbara comprise 'transportable' or 'donga' style facilities, which are prefabricated and transported to the region, and connected to utility infrastructure.

Some TWA camps are remote from townsites and are required for the ongoing operations of particular projects.

There are 2 distinct phases that characterise a resource project, each with different employee characteristics:

- Construction phase – typically attract short-term and larger workforces.
- Operational phase – smaller workforces, employed for a longer term.

Construction phases and construction projects attract short-term peak-load workforces for which TWA is required. There is also a base-level supply of TWA required to service ongoing contractor and maintenance requirements. The recent construction phase experienced in the City has resulted in far more TWA beds being available and approved than are forecast to be required in coming years (City of Karratha Local Planning Strategy Evidential Analysis Paper, September 2013).

The Council's preference is to accommodate workers in more permanent forms of town-based accommodation wherever possible, preferably dwellings. Where there are intentions to accommodate FIFO operational workers on a permanent basis, the Council expects the development to be of a high standard, suitably integrated with surrounding development, not a typical camp situation or layout.

The Pilbara Cities initiative seeks to facilitate the development of a hierarchy of urban settlements where people choose to settle on a permanent basis, a place to raise families with access to high standards of education, health and diverse employment and career opportunities. To that end, there is a clear intent at the State, Regional and Local Government level to promote a local skilled workforce and facilitate a transition to a permanent town-based population that supports facilities in a manner that is beneficial to the workers, employers and the broader community.

This Policy provides further interpretation of the Scheme in terms of how the Council applies discretion to decision-making on TWA applications depending on the zoning and tenure of the land. The Policy also provides guidance for the consideration of TWA-related proposals under other legislation referred to the City for comment. The Policy further aims to set out the information requirements and provisions the City shall have due regard to in the assessment and determination of development applications.

This Policy specifically does not seek to consider matters of an 'operational nature', such as the behaviour of staff and visitors, room allocation etc. It is the expectation that the site manager/owner will establish appropriate arrangements in respect of such matters.

5.2 Council Position

The City of Karratha's position on Transient Workforce Accommodation is set out as follows:

- The Council acknowledges the critical role Transient Workforce Accommodation plays during the construction phase of major resource projects and to accommodate peak short-term workforce requirements associated with maintenance shut downs.
- The Council's aspiration is that workforce accommodation needs should be met as much as possible through more permanent forms of town-based accommodation, rather than transient workforce accommodation.
- The Council acknowledges the need for remote TWA camps for specific projects.
- The Council's preference is for operational workers to be town-based and the City will work with companies to pursue options for increasing town-based workers.
- The Council recognises that there needs to be a base-level supply of TWA beds.
- The Council is committed to helping to grow and develop the local economy and the local community. While TWAs do make a contribution, they are only intended to serve a specific purpose (that being transient worker accommodation). In all cases except within a TWA zone, or a Town Centre, Commercial or Residential zone where the TWA integrates and is compatible with the surrounding urban environment, TWA is approved on a temporary basis. The intention to transition over time towards a residential workforce should be shared.
- The Council recognises the greater certainty of tenure of freehold title. The Council prefers that ongoing base-level supply of TWA beds be provided via TWA developments on freehold title and that Crown land only be used to accommodate additional short-term demands associated with particular construction projects.

- The Council recognises that there are particular TWA developments that have been designed to accommodate operational FIFO workers on a permanent basis and to integrate with surrounding urban environments. The Council is prepared to distinguish such developments from typical TWA camps and approve them as permanent TWAs, provided they meet the requirements of this policy.
- The Council will limit timeframes and the scope of uses permitted under the use class transient workforce accommodation to reflect the intention for the land.
- The Council believes a community contribution should be made by TWA proponents at the time of initial approval as there is a relative loss of community service and benefit in approving TWAs due to association with FIFO working arrangements.

6. POLICY MEASURES

6.1 Matters to be considered in exercising discretion

Where transient workforce accommodation is a ‘discretionary’ or ‘advertised’ use in a particular zone, the following matters shall be considered by the Council in determining whether it should exercise its discretionary powers and approve TWA in that zone of the Scheme:

- If on freehold land, whether the TWA is needed to service the ongoing base-level supply of TWA beds.
- If on Crown land, whether the TWA is needed to service the needs of a particular construction project.
- If for permanent TWA use, whether the TWA is within a TWA zone, or where in a Town Centre, Commercial or Residential zone, whether the TWA integrates and is compatible with the surrounding urban environment.
- The level of consistency and/or conflict with the relevant objectives of the precinct and the relevant objectives and/or clauses of the applicable zoning.
- Exposure to risk from natural hazards.
- Compatibility with surrounding land uses.
- Existing and planned infrastructure corridors.
- Separation distances (eg. buffers to industrial uses, including the potential for the proposed development to have an adverse impact on future permissible land uses within the zone.
- The cumulative impacts of multiple TWA developments on the sustainability and liveability of affected towns and the City generally.
- Such other matters as considers relevant, including matters identified in Section 4.4 of the Scheme.

6.2 Remote TWA camps

The Council accepts the need for remote TWA camps where a project is more than 50km from a townsite and requires a project-based camp.

6.3 Base-level v construction peaks

The Council accepts that there needs to be a base-level supply of TWA and believes this should be accommodated on freehold title. Where there is a need for additional TWA beds to service the needs of a particular construction project, the Council is prepared to support TWA development on Crown land subject to strict conditions tying the approved use to the construction project and requiring decommissioning upon project completion.

6.4 Accommodating operational workforces

As a matter of principle, the Council's preference is for operational workforces to be accommodated in town-based permanent dwellings, wherever possible. The Council believes there are good business reasons for considering this option. The Council encourages dialogue with companies in the consideration of such options.

Where a proponent intends to accommodate FIFO operational workers in TWA on a permanent basis, the Council expects the development to be of a standard commensurate with permanent, high quality residential apartments and suitably integrated with surrounding development, typical transportable camp buildings and layouts are unacceptable. Proponents intending to accommodate FIFO operational workers in TWA on a permanent basis should discuss such proposals with the City to ensure they meet expectations.

6.5 Permissibility of other uses

The provision of other commercial uses on TWA sites and/or public access to on-site amenities requires separate approval, unless expressly included in an existing approval.

Applications for other commercial uses such as short stay accommodation, restaurants, function centres and take-away food outlets shall be considered on their merits. It is noted that TWA is intended to accommodate transient workers only.

6.6 Time limited approvals

TWAs in a TWA zone can be approved on a permanent basis. TWAs in the Town Centre, Commercial and Residential zones can also be approved on a permanent basis but only where they integrate and are compatible with the surrounding urban environment.

New TWA applications, requests for extensions and modifications on freehold title in the Urban Development, Tourism and Mixed Business zones can be approved for a maximum period of 10 years. All other TWAs can only be approved for a maximum period of 5 years and must be associated with a specific construction project.

Applicants will be required to identify the time period for which they are seeking development approval. In considering applications for development approval, Council will consider the following matters:

- The timeframe requested by the Applicant.
- Demonstrated service demand associated with identified major construction project/s.
- The tenure arrangements for the land.
- The timeframe of any related approvals (e.g. timeframe for pre-existing approval to related development, period of lease over Crown land).
- Alignment/status of planning for the particular location.
- Key objectives of the precinct and zone (refer Council's Planning Scheme).
- Community impacts associated with the development (see DP20: Social Impact Assessment).
- Evidence of occupancy, contracts or bookings to demonstrate demand.
- Consistency with planning framework at the date of application for extension of time.

At the conclusion of the approved time limit, the planning approval will expire.

Applications for new TWA and/or extensions of time limits will require lodgement of a new planning application. New applications will be subject to the current planning framework at the time of determination.

6.7 Decommissioning/Transitioning

Apart from TWAs approved on a permanent basis, decommissioning/transition plans are required for TWAs. The City encourages applicants to submit a decommissioning/transition plan with an application, as is required by the Scheme. As a minimum, a condition will be included on any approval requiring a decommissioning or transition plan to be lodged with the Council 18 months prior to the expiry of the planning approval or a reduced time period may be considered at the discretion of Council where there is a commitment to prepare such plans for a TWA facility.

6.8 Form of Development

In accordance with Clause 4.4 of Town Planning Scheme No. 8, a relevant consideration in the determination of applications for approval is (j) the compatibility of a use or development with its setting. Associated with this matter are amenity, character, streetscape, scale, integration and similar. The form of development is considered to be a determinative factor for the approval of development proposals, in conjunction with the proposed term of the development.

The impacts on the local community are a function of both form of development and time duration – i.e the same level of impact over a longer period of time will have a greater impact. Accordingly, the City expects that the greater the duration (term) of the proposed development, the more that the potential impacts will be reduced through the form of development – particularly with respect to the level of integration with its surrounds.

To enable proposals to be considered on their merits, Table 1 sets out the level of detail to be included with proposals that outline the form of the proposed development. This table should be read in conjunction with Appendix 2 of Town Planning Scheme No. 8 and the objectives set out for the different geographic areas set out in Clauses 5.3 to 5.14.

6.9 Assessment of Social Impact

All TWA applications will be required to be accompanied by a Social Impact Assessment and Social Impact Management Plan in accordance with the Council's relevant local planning policy.

Where a social impact assessment and social impact management plan have previously been prepared, a review only of that document will be required, with any updates and modifications incorporated into a revised version.

Management measures to be undertaken in accordance with the social impact management plan may include contributions in accordance with clause 6.10 below but need to address the full range of social impacts following guidance provided by the Council's Social Impact Assessment Policy. If the Social Impact Management Plan does not include contributions, then other management measures need to be considered satisfactory for the purpose of offsetting any relative net loss in community service and benefit.

6.10 Framework for contributions

In accordance with Clause 4.4 of TPS 8, one of the matters that is to be taken into consideration in determining the merits of a proposal is 'the potential loss of any community service or benefit resulting from the planning approval'.

Research shows that there is a relative net loss in community service and benefit as a result of FIFO TWA living compared to town-based living. This relative loss, and any contribution* towards offsetting that shall be considered, among other matters, in determining the merits of a proposal.

Once a contribution proposal has been accepted by the Council for a TWA development, no further contribution will be sought by the Council for re-approval of that development.

* If a proponent does not believe a contribution is warranted, then the Social Impact Management Plan needs to clearly articulate in detail, and based on evidence/commitments, the reasons why they believe a contribution is not warranted so this can be considered in determining the merits of the proposal. It needs to be noted here that the Council's position on the need for contributions is formed based on the potential adverse cumulative effects of TWA developments on building sustainable local communities and local economies, not just the impact of an individual TWA development on community facilities and infrastructure.

6.10.1 Form of contributions

Contributions may be in the form of:

- The ceding of land for an agreed public purpose.
- Construction of infrastructure works that are to be transferred to public authorities on completion.
- Monetary contributions to acquire land, community infrastructure and/or facilities.
- Monetary contributions to Council programs and/or services.

In accordance with Clause 9.1 of TPS 8, agreements can be reached between the Applicant and the Council regarding contributions to be made, the basis upon which contributions are made and the application of those contributions.

6.10.2 Establishing a standard rate for contributions

Council shall, on an annual basis and as part of its normal municipal budget process, establish a standard rate for TWA contributions, having regard to the following:

- The Council's Community Facilities Plan.
- The Council's Local Planning Strategy.
- The relative loss of community benefit in approving TWA beds.
- The trend in contributions collected to date.
- The amount of infrastructure to be delivered.
- The capital cost of establishing new infrastructure and upgrading existing infrastructure.
- The availability of other funds or resources.
- Other contributions anticipated to be collected.

Applicants may wish to commit to a contribution in accordance with the established standard contribution rate. Where an alternative contribution is proposed to be provided, the Applicant shall provide explanation and sufficient information to enable the matter to be properly considered, having due regard to the matters set out above and informed through any Community Impact Assessment completed for the proposal.

Contributions to infrastructure may be in the form of:

- Once off contributions;
- Recurring contributions; and
- Progressive contributions in accordance with an approved staging plan.

All contributions shall be outlined in a legally binding agreement to be entered into between the Applicant and the Council.

6.10.3 Principles for contributions

As outlined in Clause 6.10, the proposed arrangement for contributions is not a formal arrangement pursuant to the provisions of State Planning Policy 3.6. The Council, however, recognises that there will be expectations that contributions from TWA development shall be generally consistent with the same underlying general principles, including:

- Need and nexus
- Transparency
- Equity
- Certainty
- Efficiency
- Consistency
- Right of consultation and arbitration
- Accountable

6.10.4 Administration of collected funds

The Council is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which contributions will be credited and from which all payments for the infrastructure costs and administrative costs will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for the purpose collected. Interest earned on contributions shall be credited to a reserve account.

The expenditure of funds collected shall be considered as part of the Council's annual budget process, having regard for typical matters including the Council's Plan for the Future, adopted planning strategies and adopted Community Facility Plans – as amended from time to time.

6.10.5 Consultation

The expenditure of funds shall be based on the relevant 'plans for the future' in particular Local Planning Strategy, Community Facilities Plan, Structure Plans etc. all of which are advertised for stakeholder comment prior to finalisation and implementation.

Where a TWA application for development approval is lodged with the Council and advertised for public comment, the documentation shall be advertised in its entirety including any arrangements established for a contribution towards infrastructure and services.

7. APPLICATION REQUIREMENTS

Applications for planning consent for TWA facilities should include the information set out in Appendix 2 of the Scheme, however in addition, will be required to include the following:

- Social Impact Assessment and Social Impact Management Plan (in accordance with Council Policy).
- A Decommissioning/Rehabilitation Plan indicating how and when the development will convert to a subsequent use, or how and when the development will be removed and the site rehabilitated or developed for a different use.
- Drainage details.
- Stormwater Management Plan.
- Coastal Hazard Risk and Adaptation Management Plan.

8. CONSULTATION

Notwithstanding the requirements of the Council's Scheme, TWA applications may be advertised for public comment, where the Council considers the application may have an impact on the community.

9. REFERENCES TO RELATED DOCUMENTS

- **Town Planning Scheme No.8**
Clause 6.5.4 – Transient Workforce Accommodation
- **State Planning Policies**
State Planning Framework Policy (Variation No 2)
- **Local Planning Policies**
DP20 - Social Impact Assessment

Other legislative documents which have potential to influence applications:

- *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations 1974*
- *Roebourne Liquor Accord 2007*
- *City of Karratha Health Local Laws 1996*
- *Health Act 1911*
- *The Health (Aquatic Facilities) Regulations 2007*
- *City of Karratha Local Planning Strategy*

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Responsible Officer:	Manager Planning Services

This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.

TABLE 1 – DEVELOPMENT OBJECTIVES

ITEM	DESIGN OBJECTIVE		
	Construction Camp	Base Level TWA Supply	Operational FIFO Accommodation in Town Centre/Residential/Commercial Zone
Setbacks	<ul style="list-style-type: none"> Have regard for any surrounding uses 	<ul style="list-style-type: none"> Compatible with surrounding uses 	<ul style="list-style-type: none"> Consistent with surrounding uses
Fencing	<ul style="list-style-type: none"> Fit for purpose Have regard for any highly visible frontages 	<ul style="list-style-type: none"> Suitable for long term use in its setting Have regard for any highly visible frontages 	<ul style="list-style-type: none"> High standard Suitable in surrounding neighbourhood
Building design	<ul style="list-style-type: none"> Fit for purpose Provide for adaptive reuse opportunities 	<ul style="list-style-type: none"> Have regard for any highly visible frontages 	<ul style="list-style-type: none"> Character, scale and contribution to streetscape compatible with surrounding neighbourhood
Landscaping/Open Space	<ul style="list-style-type: none"> Operational consideration 	<ul style="list-style-type: none"> Attention to landscaping along visually prominent boundaries and entries Trees for amenity and shade within development 	<ul style="list-style-type: none"> High standard of landscaping throughout that contributes toward an attractive streetscape Compatible with and contributing to surrounding neighbourhood
Movement network	<ul style="list-style-type: none"> Provide for safe traffic movement around and within facility 	<ul style="list-style-type: none"> Design and construction to a standard consistent with City access and parking specifications 	<ul style="list-style-type: none"> Integrated and contributing to surrounding neighbourhood
Storage	<ul style="list-style-type: none"> Operational consideration 	<ul style="list-style-type: none"> Screening from public view 	<ul style="list-style-type: none"> Consideration as part of overall development planning Screening from public view
Refuse Collection	<ul style="list-style-type: none"> Operational consideration 	<ul style="list-style-type: none"> Access arrangements 	<ul style="list-style-type: none"> Standard urban service Access consideration Ensure minimal impact on streetscape an amenity of nearby residents.
Signage	<ul style="list-style-type: none"> Minimal external Internal operational consideration 	<ul style="list-style-type: none"> Minimal external Internal operational consideration 	<ul style="list-style-type: none"> High quality urban standard Compatible with surroundings
Drainage	<ul style="list-style-type: none"> Flood risk minimisation Ensure site drains effectively 	<ul style="list-style-type: none"> Integrated into overall local drainage network 	<ul style="list-style-type: none"> Integrated into overall local drainage network
Cyclone safety	<ul style="list-style-type: none"> Unless an alternative emergency sheltering solution can be demonstrated to the satisfaction of the City, each facility must provide a building(s) designed for emergency (cyclone) sheltering purposes. Such building(s) must be designed to a Building Code of Australia importance level four [4]. Building design shall demonstrate regard for the guidelines for Australian Public Safety Shelters Report to Emergency Management Australia (2002) 		