

## 12 DEVELOPMENT SERVICES

Cr Bertling declared an impartiality interest in 12.1 Scheme Amendment 39 and Draft Local Planning Policy DP10 – Workforce as Cr Bertling’s son lives with her and relies on Transient Workforce Accommodation. Cr Bertling did not leave the room as the disclosure did not restrict her ability to vote on this matter.

Cr Evans declared an indirect Financial interest in 12.1 Scheme Amendment 39 and Draft Local Planning Policy DP10 – Workforce as Cr Evans’ spouse is employed by Rio Tinto.

Cr Cucel, Cr Long, Cr Nunn, Cr Smeathers and Cr Waterstrom Muller declared a financial interest in 12.3 Scheme Amendment 39 and Draft Local Planning Policy DP10 – Workforce as:

- Cr Cucel holds Woodside shares.
- Cr Long’s spouse works occasionally as a contractor for Rio Tinto.
- Cr Nunn is employed by Rio Tinto as a contractor.
- Cr Smeathers’ spouse is employed by Woodside.
- Cr Waterstrom Muller’s holds Woodside shares.

Cr Cucel, Cr Evans and Cr Long did not leave the room as Ministerial approval was granted enabling them to vote on this matter on the following conditions:

The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

At 6.45 pm Cr Nunn, Cr Smeathers and Cr Waterstrom Muller left the room.

### 12.1 SCHEME AMENDMENT 39 AND DRAFT LOCAL PLANNING POLICY DP 10 – WORKFORCE ACCOMMODATION

<b>File No:</b>	<b>LP.251</b>
<b>Responsible Executive Officer:</b>	<b>Director Development Services</b>
<b>Reporting Author:</b>	<b>Senior Planner</b>
<b>Date of Report:</b>	<b>9 November 2017</b>
<b>Applicant/Proponent:</b>	<b>Nil</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>1. Updated Schedule of Submissions</b> <b>2. Revised Draft DP10 - Workforce Accommodation</b> <b>Full copies of the Scheme Amendment, Schedule of Submissions and Draft DP 10 – Workforce Accommodation will be made available electronically and for viewing at the Council Meeting</b>

**PURPOSE**

For Council to:

1. consider proposed modifications to Scheme Amendment No. 39 to Town Planning Scheme No. 8 (TPS8) that have arisen post public consultation; and
2. consider whether a revised Draft Local Planning Policy DP10 - Workforce Accommodation should be put out for public consultation.

**BACKGROUND**

On 16 September 2016 Council resolved to initiate Amendment 39 which proposed to amend TPS8 by:

1. *Deleting the Transient Workforce Accommodation zone and transient workforce accommodation use class;*
2. *Inserting 3 x new workforce accommodation use classes:*
  - a) *Workforce Accommodation – Permanent means: workforce accommodation that if built to an appropriate standard to its urban location and appropriately integrated to its urban context is not subject to a time limit on the approval.*
  - b) *Workforce Accommodation – Temporary means: workforce accommodation that is subject to a time limit on the planning approval.*
  - c) *Workforce Accommodation – Construction means: workforce accommodation that is to support a construction project for the life of that construction project only.*
3. *Modifying the existing transient workforce accommodation provisions;*
4. *Rezoning Bay Village from Transient Workforce Accommodation to Urban Development;*
5. *Rezoning the Karratha Industrial Estate TWA Precinct from Transient Workforce Accommodation to Mixed Business;*
6. *Rezoning the Wickham TWA zone near the Wickham Light Industrial Area from Transient Workforce Accommodation to Mixed Business; and*
7. *Amending the Scheme Maps accordingly.*

Proposed Amendment 39 was prepared to align TPS8 with Council's position on workforce accommodation which is:

*'The City accepts the need for TWA camps to accommodate short-term construction and maintenance workforces but whereas industry may prefer to use operational FIFO workers, it is the City's strong preference for those operational workforces to be accommodated in more permanent forms of town based accommodation that are well integrated into existing neighbourhoods.'*

Proposed Amendment 39 was advertised for sixty days. Nine submissions were received, primarily from TWA camp owners/operators.

The main concerns statements raised were:

- Loss of Permitted Use status for TWA/Non-conforming Use Rights;
- Flexibility of controls: Proposed provisions were seen as are too prescriptive and potentially affected the ability for industry to respond to changing business circumstances; and proposed provisions are too flexible and allow Workforce Accommodation (WA) to be considered in too many zones;

- Statement that the statutory planning framework should only facilitate appropriate development. Market forces should determine supply rather than being determined based on the results of a needs analysis;
- Statement that the Amendment should not regulate types of workforces or impede operational workforces from being accommodated within Workforce Accommodation facilities;
- Concerns regarding the implications of removing the TWA zone and the proposed new zoning (KIE - Mixed Business; Bay Village - Urban Development);
- TWA operators expressed concern about the conflict that could arise from being next door to residents;
- Statement that the Local Planning Policy DP 10 already provides sufficient controls and should be the instrument, rather than Town Planning Scheme No.8, to guide and regulate workforce accommodation proposals;
- Statement that the definition for Workforce Accommodation should be consistent with the definition from the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- TWA operators did not want to have time restrictions imposed and were concerned about the commercial implications of short time-limited approvals;
- The effect of State Agreements (i.e. that their provisions supersede the scheme and make the provisions ultra vires).
- The notion of Base Supply, as referenced in the AEC Report.

Council considered submissions received on Amendment 39 at its 29 May 2017 OCM and resolved to:

***DEFER consideration of Scheme Amendment 39 subject to further consultation.***

Officers subsequently undertook additional consultation with the submitters who raised particular concerns with the proposal. An update was provided to Council at its Meeting of 21 August 2017 where it was resolved to:

1. *NOTE results of the additional consultation undertaken with submitters on Amendment 39;*
2. *NOTE further consultation with submitters will occur into finalisation of Amendment 39 and revision of Council's Workforce Accommodation Local Planning Policy DP 10 as foreshadowed in this report; and*
3. *NOTE that officers will present a future report to Council on an updated version of Amendment 39 (including updated Schedule of Submissions) for final approval, and draft version of Local Planning Policy DP 10 for public advertising.'*

This report now presents the updated schedule of submissions (see Attachment 1) and the proposed modifications to Scheme Amendment No. 39 as well as a newly revised draft Local Planning Policy DP 10 – Workforce Accommodation (see Attachment 2).

**Proposed Modifications to Scheme Amendment No. 39**

There are two modifications proposed for Scheme Amendment No. 39:

- Land use category consolidation, and
- Additional land use permissibility for specific sites.

### Land Use Category Consolidation

The major concern raised throughout consultation has been the proposed introduction of three new land use categories combined with the removal of the TWA Zone and the impact this would have on land use permissibility.

Three definitions were originally proposed to provide greater control over the type of workforce accommodation that could be permitted within different zones. While the intent was clear, this introduced a number of unintended complications with the majority of stakeholders for existing and planned workforce accommodation camps. The Department of Planning also raised their objection to three land use categories and sought to have a single category consistent with the Workforce Accommodation land use definition which is prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015.

After consulting with submitters who raised these concerns and having considered whether a single definition could be effective, Officers conclude that the single definition from the Regulations would be suitable and modifications to the proposed Scheme Amendment have been made to reflect this position. It was also considered and discussed with stakeholders that revisions to Local Planning Policy DP10 would be best suited to provide necessary guidance for the assessment and determination of development applications for workforce accommodation that the introduction of three different categories had attempted to do.

### Additional Land Use Permissibility for Specific Sites

The workforce accommodation camp providers in the Karratha Industrial Area raised concerns about the potential impact this proposal could have on their future operations. After extensive and constructive consultation, the operators collectively put forward a solution to protect their interests that also maintained the purpose of the Scheme Amendment. The suggestion is to rezone the site from TWA zone to Mixed Business as proposed, but introduce 'Additional Uses' over the lots that have existing and approved workforce accommodation camps in operation. Officers have reviewed the suggested approach and consider it to be a pragmatic and appropriate solution.

Officers worked with the planning consultant representing the camp providers and consider the following Additional Uses acceptable over Lots 10, 550, 570, 1062, 1068 and 1069 Mooligunn Road, King Way and Cherratta Road, Karratha:

- Workforce Accommodation = 'P' (the use is permitted by the Scheme);
- Take-away, On-site Canteen & Restaurant = 'IP' (the use is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council);

Officers do not object to Workforce Accommodation as a Permitted Use for these sites because they currently enjoy Permitted Use rights, they are existing facilities with approvals in place and they service a base load demand for the industry. Take-away, On-site Canteen and Restaurant are designated as Incidental land use which is considered appropriate because it only allows these land uses to only be undertaken where incidental to a primary Workforce Accommodation use and are seen as compatible.

### **Revised Draft Local Planning Policy DP10 – Workforce Accommodation**

During consultation regarding the proposed Scheme Amendment concerns were raised regarding interpretation and potential inconsistency of approach between this Scheme and the Council policy. Given this, it was deemed appropriate to review DP10 concurrently with this Scheme Amendment to clarify the documents and ensure alignment.

The Draft Policy retains Council's existing position on Transient Workforce Accommodation and includes revisions that are needed with the introduction of Scheme Amendment No. 39 (i.e. remove reference to the TWA Zone).

The Policy provisions have been reviewed and revised to provide improved guidance for the assessment and decision-making on development applications for Transient Workforce Accommodation proposals. There are five key policy measures:

- Need - proposals must demonstrate that demand exceeds supply.
- Location - compatible with surrounding land uses and contribute to activity centres.
- Design - the built form and interface with public areas must be of high amenity.
- Integration - patrons should be a part of the community and not be isolated.
- Duration - workforce accommodation is temporary and transitional time limitation will be placed on any approvals. These limitations will consider the factors listed above.

The review and revision of the Draft Policy has been informed by the feedback and input provided through the consultation of proposed Scheme Amendment No. 39.

The Draft Policy only becomes operative after the procedures outlined in Clause 5.1.5 of TPS 8 have been followed, with the first step to undertake consultation to seek public submissions. All submissions received during the consultation on the proposed Scheme Amendment No. 39 will be reported to Council to be considered.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of high significance in terms of social outcomes and Council's reputation.

#### **COUNCILLOR/OFFICER CONSULTATION**

This proposal was most recently presented to the November Councillor Briefing Session.

#### **COMMUNITY CONSULTATION**

Further to consultation which occurred as part of the Public Advertisement of Scheme Amendment No.39, additional consultation has occurred with relevant stakeholders in accordance with Council's 29 May 2017 resolution. Officers have met with representatives from Woodside, Rio Tinto and the KIE operators. The Department of Planning has also been kept informed. All of these parties have had input which has been considered in the preparation of this report. There are two recommended modifications to the proposed Scheme Amendment which are not considered necessary to trigger further advertisement as extensive consultation with the relevant stakeholders has occurred on this proposal and the two recommended modifications.

Formal public consultation will occur on the proposed revisions to DP 10 as required by TPS 8.

#### **STATUTORY IMPLICATIONS**

Clause 75 of the *Planning and Development Act 2005* gives Local Government the power to adopt amendments to its Local Planning Scheme. The procedure for preparing and adopting an amendment is provided for by the *Planning and Development (Local Planning Scheme) Regulations 2015*. The amendment must be classified as Basic, Standard or Complex as defined by the Regulations.

Amendment 39 is considered a 'Standard' Scheme Amendment under the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:

1. The Amendment is consistent with the precinct objectives set out within Town Planning Scheme No.8;
2. The Amendment is consistent with the draft Local Planning Strategy; and
3. The Amendment is not considered to be either a Basic or a Complex Amendment as defined by the Regulations.

After considering the submissions lodged, should Council resolve to adopt Amendment No. 39 (Regulation 50), the amendment documentation will be forwarded to the Western Australian Planning Commission together with the Schedule of Submissions (Regulation 53). The Commission will then present Council's recommendation to the Minister for Planning, who is responsible for final determination of the amendment (Regulation 55).

### **POLICY IMPLICATIONS**

Should Scheme Amendment 39 be adopted and ultimately approved it will be necessary for DP10 to be revised.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications should Council adopt the proposed Amendment for final approval.

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Council's approved Strategic Community Plan 2016-2026 and Corporate Business Plan 2016-2021. In particular, the Operational Plan 2017-2018 provided for this activity:

Programs/Services:	2.c.1.1	Strategic Land Use Planning.
Projects/Actions:	2.c.1.1.2	Finalise TWA Scheme Amendment.

### **RISK MANAGEMENT CONSIDERATIONS**

The level of risk is considered to be moderate to the City in terms of reputation as the proposal directly aligns to Council's established position on Transient Workforce Accommodation.

Having effective statutory controls in place guides decision-making for City Staff, Council, the Joint Development Assessment Panel and the State Administrative Tribunal.

### **IMPACT ON CAPACITY**

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

### **RELEVANT PRECEDENTS**

Council resolved to readvertise its local planning policy on workforce accommodation and to investigate preparation of a Scheme Amendment on Workforce Accommodation at its September 2014 OCM. Council adopted its current version of DP 10 at its September 2014 OCM.

### **VOTING REQUIREMENTS**

Simple Majority.

### **OPTIONS:**

#### Option 1

As per Officer's recommendation.

Option 2

That Council by SIMPLE Majority RESOLVES to DEFER further consideration of proposed Scheme Amendment No.39 and revised draft Local Planning Policy DP10 – Workforce Accommodation.

Option 3

That Council by SIMPLE Majority pursuant to section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to NOT ADOPT the proposed Scheme Amendment and NOT ADOPT revised draft Local Planning Policy DP10 – Workforce Accommodation.

**CONCLUSION**

Transient Workforce Accommodation is a complex matter with a range of different stakeholders who have the potential to be impacted by any change to the Town Planning Scheme. The Scheme Amendment was prepared and initiated to align the land use and development controls with Council's position on workforce accommodation camps and to achieve the Council's vision to be Australia's most liveable regional city.

During periods of very high construction activity there has been an insufficient number of skilled local personnel to meet the workforce demands of resource companies and/or their suppliers. This generated a demand for TWA style of accommodation with a rapid growth in the number of TWA facilities and rooms available in this district. However, as the City continues to grow and transform into a vibrant and highly liveable place with more families living locally, most of the workforce needs can be met without a dependence on FIFO, and therefore the need for accommodation camps has reduced over time.

It is acknowledged that workforce accommodation camps play a necessary role in the short to medium term and City Officers have worked to balance the competing interests and have undertaken extensive consultation with key stakeholders to fully understand the concerns that have been raised and to constructively work together to find solutions. As a result, the proposed Scheme Amendment is recommended to be supported with two modifications. The next step in the Amendment process is to forward the documentation to the Western Australian Planning Commission for determination by the Minister for Planning pursuant to Section 87(1) of the *Planning and Development Act 2005*.

It is also recommended that Council adopt the draft revised version of DP 10 for the purpose of public advertising with the submissions reported back to Council to consider before final consideration of the Policy.

**OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION**

Res No : 153968  
 MOVED : Cr Cucel  
 SECONDED : Cr Miller

That Council by SIMPLE Majority, RESOLVES to:

1. SUPPORT Standard Amendment No. 39 to the Shire of Roebourne’s Local Planning Scheme No. 8 pursuant to Clause 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* with proposed modifications to address issues raised in the submissions:

- (i) Deleting the three proposed workforce accommodation land use categories and definitions “Workforce Accommodation – Permanent”, “Workforce Accommodation – Temporary” and “Workforce Accommodation – Construction” and inserting “Workforce Accommodation”:

ZONING TABLE		Residential	Urban Development	Town Centre	Commercial	Tourism	Mixed Business	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	City Centre				
													Precinct 1 Retail Core	Precinct 2 Commercial	Precinct 3 Entertainment	Precinct 4 Accommodation	
<b>RESIDENTIAL</b>																	
17	<del>Workforce Accommodation – Permanent</del>	SA	X	SA	SA	X	X	X	X	X	X	X	SA	SA	SA	SA	
18	<del>Workforce Accommodation – Temporary</del>	X	SA	X	X	SA	SA	X	X	X	X	X	X	X	X	X	
19	<del>Workforce Accommodation – Construction Camp</del>	X	SA	X	X	X		SA	X	X	SA	X	X	X	X	X	
17	Workforce Accommodation	SA	SA	SA	SA	SA	SA	SA	X	X	X	X	SA	SA	SA	SA	

*workforce accommodation - means premises, which may include modular or relocatable buildings, used –*

- (a) *primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) *for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

~~*workforce accommodation – permanent – means workforce accommodation that is built to an appropriate standard for its urban location and appropriately integrated into its urban context and therefore is not subject to a time limit on the planning approval.*~~

~~workforce accommodation – temporary – means workforce accommodation that is subject to a time limit on the planning approval.~~

~~workforce accommodation – construction – means workforce accommodation that is to support a construction project for the life of that construction project only.~~

- (ii) Amending Appendix 6 – Additional Uses to include Lots 10 and 550 Cherratta Road, Lots 570, 1068, and 1069 King Way, and Lot 1062 Mooligunn Road with the following Additional Use provisions:
  - (a) Workforce Accommodation = ‘P’ use
  - (b) Restaurant = ‘IP’ use
  - (c) Take away = ‘IP’ use
  - (d) On-site Canteen = ‘IP’ use:

<i>Additional Use’ Entry No.</i>	<i>Description of Land</i>	<i>Base Zoning</i>	<i>Additional Uses</i>	<i>Special Conditions</i>
<i>A5</i>	<i>Lots 10 and 550 Cherratta Road, Lots 570, 1068, and 1069 King Way, and Lot 1062 Mooligunn Road AMD 39</i>	<i>Mixed Business</i>	<i>Workforce Accommodation = P Restaurant = IP Take away = IP On-site Canteen = IP</i>	

- 2. **ADOPT** the revised draft Local Planning Policy DP 10 – Workforce Accommodation for the purpose of public consultation in accordance with the procedures outlined in Clause 5.1.5(a) of Town Planning Scheme No. 8.

**CARRIED**

FOR : Cr Long, Cr Bailey, Cr Bertling, Cr Cucel, Cr Evans, Cr Levissianos, Cr Miller, Cr Scott  
 AGAINST : Nil

At 6.50 pm Cr Nunn, Cr Smeathers and Cr Waterstrom Muller returned.