

City of Karratha Proposed Scheme Amendment No.39 Workforce Accommodation - Schedule of Submissions		
Summary of Comments Received	Officer Response	Officer Recommendation
1. Onterran, current lessors of Lot 1068 King Way Karratha		
1.1 The City did not comply with cl.9.7.2 of TPS8 which provides that in the case of a proposed amendment to the zoning or reservation of land, other than requested by the owner(s), the Council shall, before initiating any amendment to the Scheme, invite comment from the owner(s) of the land concerned.	The City sought Legal Advice on the validity of the Amendment. Legal advice concluded that the validity of the Amendment was not impinged by non-compliance with Clause 9.7.2. The Department of Planning 's view was sought and they reached the same conclusion.	No modification recommended.
1.2 Onterran has a significant investment in its workforce accommodation development that has been undertaken in accordance with the Scheme. One of the key purposes of the Scheme is to provide certainty for developers and existing developed uses should not be made non-conforming without very good reason.	<p>As a modification to the proposed Scheme Amendment one land use for Workforce Accommodation is proposed which will be a permissible land use under the Mixed Business zone.</p> <p>Existing workforce accommodation developments can continue to operate in accordance with the terms and conditions of existing approvals without further approvals needed.</p> <p>Following further consultation with Onterran representatives, additional use provisions are recommended to allow Workforce Accommodation as a permitted use facilities in the Karratha Industrial Estate.</p>	<p>Replace the three proposed land use definitions for workforce accommodation as advertised with one definition for workforce accommodation as per the <i>Planning and Development (Local Planning Schemes) 2015</i> model definition.</p> <p>Add Additional Use provisions to allow Workforce Accommodation as a Permitted Use for established Workforce Accommodation</p>
1.3 The proposed Scheme Amendment is in conflict with the City's Policy Local Planning Policy DP10.	<p>A purpose of the proposed Scheme Amendment is to give greater certainty and statutory effect to the principles contained within the City's current Policy.</p> <p>Administration has reviewed the Council's LPP DP10 and prepared a draft which is being presented to Council to consider for public advertising and stakeholder consultation.</p>	No modification recommended.

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<p>1.4 There is insufficient justification to remove the TWA Zone and the City should curtail the ability for TWA to be undertaken within Tourism zones, Unallocated Crown Land or other inappropriate areas throughout the City. This can simply be achieved by making a TWA type use either an 'X' or an 'SA' use in such other zones, or create an alternative definition for such developments with both permanent and short stay being permitted within the TWA zone and other types of TWA's being permitted elsewhere.</p> <p>The justification that "Having a specific TWA Zone has not been found to be an effective tool for guiding the location of workforce accommodation as a number of facilities are located within other zoned areas." sets out no logical planning reason to remove the TWA zone. This strengthens the argument that the TWA zone should be kept. It is unfathomable that Council could resolve to initiate an Amendment to remove TWA zones given the level of investment.</p>	<p>The TWA zone is contrary to Council's established position which requires more flexibility to allow for consideration of workforce accommodation across a number of zones based on demonstrated need, rather than controlling the ability to release land for TWA via zoning. This would be a very restrictive way of managing workforce accommodation. Council's established position allows for long term workforce accommodation to be located within zones such as City Centre, Town Centre, and Residential if they can be appropriately integrated with the community. Typical workforce accommodation facilities can still be approved in other zones where the same level of integration cannot be achieved.</p> <p>The proposed Scheme Amendment does not prevent Onterran's current workforce accommodation from continuing to operate.</p>	<p>No modification recommended.</p>
<p>1.5 TWA should be located in an area where occupants can be located close to the industrial areas in which they work and close to the major road networks leading to Wickham, Roebourne etc. to minimise travel time and occupational work and safety hazards.</p> <p>The nature of the work environment of Karratha is that there will always be a need for specialist workers where long days and rostered weeks on and off will be required. Such workers undertaking a 12-hour working day cannot be expected to undertake duties such as cooking and laundry.</p> <p>The reality is that there will always be a need for accommodation like Onterran's TWA to provide these essential support services for workers.</p>	<p>It is accepted that workforce accommodation should be conveniently located in terms of accessibility to the industry it services. When the industry is more than 50kms from an urban centre, the City accepts workforce accommodation may be located on site. However, it is Council's preference that where workers can be based in town, they become part of the local community and contribute more to the local economy. The proposed Amendment seeks to provide for this integration, recognising that there is a role for typical TWA camps.</p> <p>The proposed Scheme Amendment does not prevent Onterran's current workforce accommodation from continuing to operate.</p>	<p>No modification recommended.</p>
<p>1.6 We note that the consultant report also refers to the Karratha City of the North Growth Plan as justification for the Amendment. Considering the Growth Plan intent, we believe that this is not adequate justification for the removal of the TWA zone as the 'Key Elements of the City Growth Plan' specifically identifies the subject TWA zone as being within "Industrial Area converted to light industrial with worker's camps and short stay accommodation." This clearly suggests that the TWA zone is entirely consistent with the purpose of the Strategy.</p>	<p>The Growth Plan was prepared in 2010 in response to the rapidly increasing demand for temporary accommodation associated with the very large resource industry construction phase and its workforce requirement. That construction phase has now concluded.</p> <p>The proposed Scheme Amendment does not prevent Onterran's current workforce accommodation from continuing to operate.</p>	<p>No modification recommended.</p>

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<p>1.7 We note and agree with the AEC report that no further supply is currently required and tourism uses in the Tourism zone should be given priority over TWA's. Such facilities should be located in the TWA zone in order to represent orderly and proper planning. The removal of these facilities from the Tourism zone, will increase demand for a TWA zone further reinforcing the desirability for its retention.</p>	<p>Noted. Under the proposed Scheme Amendment Workforce Accommodation is a discretionary use in the Tourism zone.</p> <p>Under the latest version of DP10, all Workforce Accommodation will be time-limited. This allows for transition to other uses over time.</p>	<p>No modification recommended.</p>
<p>1.8 The Mixed Business Zone is not an appropriate zone to be located within the Light Industrial Area and the uses that may occur within the zone are in direct conflict with the objectives of the scheme relating to development of the City Centre and the retention of the Karratha Industrial Estate as the regional Service Industry Centre.</p> <p>The uses that may occur within the proposed Mixed Business zone include: Entertainment venues, medical centres, consulting rooms, child care premises, shops, showrooms, offices, dry cleaners and single houses to be developed.</p> <p>These uses should all be located either within the Town Centre, Mixed Business (identified neighbourhood centre) zones in the town site proper or within the City Centre zones.</p> <p>Providing cheaper 'industrial' valued land is likely to result in such uses opportunistically relocating in areas outside the City core to the detriment of the establishment of the Tambrey Centre, or reinforcing the viability and importance of the City Centre as should occur.</p>	<p>The Mixed Business zone allows uses such as hire service, storage facility, motor vehicle repairs, shop, showroom, warehouse, funeral parlour and veterinary centre all of which are not permitted in the TWA zone but could be appropriate in the Karratha Light Industrial Area, particularly where the land use may be difficult to accommodate in a town centre environment.</p> <p>It is a normal expectation of a maturing industrial area to accommodate some mixed commercial development to complement the predominant industrial activity. The proposed Mixed Business in the Karratha Light Industry Area is a relatively small portion of the overall industrial area which will not compromise its primary industrial function.</p> <p>The submission mentions single house as a permissible land use in the Mixed Business zone, however it is also permitted in the TWA zone, which means there no change to this land use permissibility under the proposed Scheme Amendment.</p>	<p>No modification recommended.</p>
<p>1.9 We believe that the market should be left to dictate whether a new 'permanent TWA' facility is developed within the Town Centre or City Centre zones with the higher level of occupant amenity that may be provided versus one in the more industrial areas such as the Onterran facility.</p> <p>We strongly believe that there will be a demand for a variety of different workforce accommodation options that will offer different facilities, services and a different price point to different markets.</p> <p>There will be instances where a City-based facility for permanent operational workers is ideal, but also there will be a need for some workers based near industrial areas, or for longer term projects outside of Karratha that will need more affordable accommodation.</p>	<p>Noted. The proposed Scheme Amendment facilitates a range of workforce accommodation options across multiple zones and locations. These provisions enable the market to determine suitable development options that meet the City's requirements.</p> <p>The proposed Scheme Amendment does not prevent Onterran's current workforce accommodation from continuing to operate in the Mixed Business zone in the Karratha Light Industry Area.</p>	<p>No modification recommended.</p>

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1.10 We also understand that it might not be in the best interest of the amenity of the Town Centre or City Centre areas to have TWA facilities where there can't be some separation between workers and the general community.	Cajuput Villas is an example of workforce accommodation which operates as part of the urban environment and is integrated without a detrimental impact to the local community.	No modification recommended.

2. Cherratta Lodge, Lot 550 Cherratta Road, Karratha

2.1 Landowners do not have a reasonable timeframe in which to explain to relevant stakeholders how this amendment affects them.	The public advertisement period was 60 days and is considered to be sufficient time to make a submission since public advertising. City Officers have met with Cherratta Lodge to hear the concerns and discuss the proposal. This has informed the current version of the scheme amendment and the latest draft version of DP10	No modification recommended.
2.2 The owners invested in this land because of the zoning it held, with appropriate 'uses' for TWA. The certainty afforded landowners is being removed despite investments being in accord with planning controls at the time of the investments.	Under the proposed Scheme Amendment, Cherratta Lodge would be afforded Additional Use rights and not need any further approvals to continue the existing operations under current approval terms and conditions.	Add additional use provisions to allow Workforce Accommodation as a Permitted Use for established Workforce Accommodation facilities in the Karratha Industrial Estate.
2.3 As the use would become a non-conforming use, it indicates the use should have a limited life span and should eventually die off. As such, the investment is jeopardised. As the use would become a non-conforming use neither banks or investors will touch the business and development or a change of current buildings is severely restricted and could be denied altogether, buildings may not be able to be rebuilt after a cyclonic event and our current insurances would become affected. We would be unable to withstand a slow period of six months or have the option to 'mothball' operations' without losing our 'use' altogether.	Non-conforming use rights are not being triggered. Under the proposed Scheme Amendment, Cherratta Lodge would be afforded Additional Use rights and workforce accommodation would be a permissible land use where the Additional Use applies (site specific to existing operations) Therefore future development proposals are capable of being approved under that land use definition.	As per Officer recommendation 2.2

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<p>As the use would become a non-conforming use our business options are totally restricted. For example, we will never be able to sell any part of our business with a non-conforming use.</p>		
<p>2.4 At the time of investing to create TWA nobody wanted a TWA in the middle of town. There were too many negative social issues at the time. The time has changed, but the social issues of having a camp in the middle of town have not.</p> <p>One may find some workers using the bars on an RDO night, but that comes with social problems for the town and public relations problems for the resource company that employs them. I do not believe residents would have forgotten the social issues from Bay Village and I think this decision would be very unpopular with residents.</p> <p>The City now believes that having a camp in the middle of town is a great idea, with the thought that it may bring social gain to the workers and economic gain to the town.</p>	<p>Council has an established position which requires workforce accommodation developments that are located within urban areas to be compatible and integrated with the community.</p> <p>Cajuput Villas is an example of workforce accommodation which operates as part of the urban environment and is integrated as part of the community.</p>	<p>No modification recommended.</p>
<p>2.5 As we deal with workforce personnel every day, we are somewhat experienced in their actual cultural habits and I will give some insights as follows:</p> <ul style="list-style-type: none"> • Generally, 2x1 or 3x1 week shifts. Generally, will have only one day off per shift (RDO). • They are breathalysed every morning, and have to blow a zero number every morning so does not drink that much most nights. • Generally, they will drink more on the nights before the RDO. We are constantly dealing with getting them away to bed so they don't keep the other guys up and cause fatigue issues, which become safety investigations each time a complaint is noted. • They don't spend much money; they have lots of time to go shopping on their swing out. • Money they do spend is mostly on beer, cigarettes, snacks and necessities. • Most are tired from 12-hour work shift and don't want to do too much and if they are on night shift there is little opportunity for them to engage in local retail. • Some like to use the gym in the morning and some at night. 	<p>These are anecdotes that seemingly are designed to persuade Council away from pursuing the location of workforce accommodation in established urban areas. Council has an established position which requires workforce accommodation developments that are located within urban areas to be compatible and integrated with the community.</p>	<p>No modification recommended.</p>

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There is minimal benefit to a town-based TWA as workforces are limited to town based activity on their RDO's which is already accommodated. Guests currently use local restaurants on their RDO's so any change is not really achieving anything that is not already happening. There will not be a large positive economic impact for town based businesses.		
2.6 There is minimal benefit to a town-based TWA as demand for town-based facilities are already accommodated by shuttle buses running from existing TWA. Cherratta is only 5 minutes from the town centre which is actually closer than any of the sites available in the town for a TWA facility.	<p>Council has an established position which requires workforce accommodation developments that are located in an urban area to be compatible and integrated into the community wherever possible so that patrons can access local facilities in close proximity to each other.</p> <p>There is no requirement for Cherratta Lodge to relocate its operations to an urban environment under the proposed Scheme Amendment.</p>	No modification recommended.
<p>2.7 With current TWA zoned land, to construct a facility the Council is the only authority. If a Development Approval is all that is required, due to the dollar value of the construction, it will be dealt with at JDAP, at which the Council only has 2 out of 5 representatives.</p> <p>Under a JDAP approval process, the current planning controls would be sliced up by a top end Queens Council which is what the City will face when a couple of hundred million dollars are on the line with a new TWA facility proposal.</p>	Council is aware of the decision process for Development Applications. An independent decision maker or reviewer would consider any particular matter on its merits.	No modification recommended.
<p>2.8 I object to the Council minutes to initiate proposed Amendment No.39 in that the 'level of significance is medium in terms of social and economic matters' however I would argue that this is high once the full consequences are taken into account.</p> <p>I object to the minutes of the Council minutes to initiate proposed Amendment No.39 in that 'Risk management considerations are low', I would argue that there are huge risks being taken.</p> <p>I object to the minutes of the Council minutes to initiate proposed Amendment No.39 in that it is stated that 'There is not impact on capacity.' I would argue that if a big developer wants to argue the case at SAT there will be a huge impact on capacity.</p> <p>I object to the minutes of the Council to initiate proposed Amendment No.39 in that the minutes' state the relevant precedents are 'Planning</p>	<p>The submitter is referring to sections of the report to Council that outlines business considerations for Council. These are not related to the planning merits of the proposed Scheme Amendment.</p> <p>The proposed Scheme Amendment aims to align the City's Town Planning Scheme with an established Council position.</p>	No modification recommended.

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Services regularly undertakes the process of amending the Scheme.' I am not sure of the regular occurrence of amendments to the Scheme, however the process of deleting zoned uses and allocating new uses to affected landowners without any engagement would not seem relevant.		
2.9 I object to the minutes of the Council to initiate proposed Amendment No.39 in that the conclusion states that 'the scheme amendment is consistent with DP10 –Transient Workforce Accommodation', I would argue that removing TWA zoning is wholly inconsistent with DP10. The need for DP10 to be rewritten is mentioned throughout the report.	Administration has reviewed the City's LPP DP10 and is presenting a draft revised version of a revised DP10 to Council with a recommendation to commence public advertisement.	No modification recommended.
2.10 I object to the Council minutes to initiate proposed Amendment No.39 in that the minutes' state that the force and effect of TPS8 will be greater than the due regard required to DP10, which I would argue is incorrect.	TPS8 is made under the provisions of the Planning and Development Act. This means the Scheme carries the force of law and must be followed. Local Planning Policies are only required to be regarded, and therefore Planning Scheme provisions have stronger statutory powers and effect.	No modification recommended.
2.11 Cherratta Lodge alone employs over 50 local workers (our whole current workforce). They all have families (so affecting about 150 people), they own houses, spend money in town on cars, food, clothes etc., just as any normal local resident spends money. Our rates under TWA are nearly four and half times a normal residential land use, and the City benefits from this. We buy local goods and services wherever possible. We support local sporting clubs, charities and other organisations to the tune of \$50,000 per year, more than most businesses do. We are the only local privately owned and operated facilities management company. We are the only facility management company that aims to employ 100% local, verses employing FIFO who spend nothing locally. This is quite ironic as the City's main driver to change this zoning is economic benefit to the town, the result would quite the opposite. Once this is known to most people, I feel a different view of the amendment will emerge. I know for a fact that many, if not most, of the	The submission seems to suggest that the amendment will put at risk the business investment and the employment provided. This in turn may stem from other parts of the submission which are concerned that this TWA will become a non-conforming use if the amendment proceeds. As indicated above, Cherratta Lodge have the approvals to continue to operate and there is no time limit on the existing planning approval. As is mentioned above, Additional Use provisions are recommended to allow Workforce Accommodation as a Permitted Use for established Workforce Accommodation facilities in the Karratha Industrial Estate.	As per Officer recommendation 2.2

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<p>residents don't want this to happen and believe this will be a very unpopular decision indeed.</p> <p>Our business has made significant investment into our land, we provide services are approved to provide, and we have operated with the certainty we would continue to do this for many years to come.</p> <p>We invest in excess of \$3,000,000 annually into salaries and local goods and services and provide approximately \$50,000 a year to grass roots sporting clubs, charities and community events.</p> <p>Our business has relied on the provisions of our zoning to invest our money into a location that was specifically zoned for the purposes of transient workforce accommodation. Furthermore, as a freehold land owner, we invested on the basis that we would be approved to provide our services to operational and construction workforce who require accommodation and approved services, then, now and into the future.</p> <p>This in itself has provided certainty for our business which has guided our investment decisions which has included operating adjoining businesses with the same zoning as our own.</p> <p>This proposed amendment takes away that certainty which will have an adverse effect on our team, their families as well as current and future investment in Karratha.</p>		
<p>2.12 The proposed amendment is invalid due to non-compliance with Clause 9.7.2</p>	<p>The City sought Legal Advice on the validity of the Amendment. Legal advice concluded that the validity of the Amendment was not impinged by non-compliance with Clause 9.7.2. The Department of Planning 's view was sought and they reached the same conclusion. Notwithstanding, Council recommended the process to make sure the process is compliant.</p>	<p>No modification recommended.</p>
<p>2.13 The classification of the proposed amendment as a 'standard' amendment is incorrect, because it purports to change the zone rather than be consistent with the objectives of that zone, and is consistent only with a draft planning strategy, rather than one which has been endorsed by the commission as a final local planning strategy.</p>	<p>Council's legal advice states that the determination of the level of significance is 'in the opinion of Council' which was considered to be a standard amendment.</p>	<p>No modification recommended.</p>

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<p>2.14 There would be no certainty in gaining approval for any expansion, renovations or other alterations to the existing (approved) accommodation</p> <p>If approval were granted it could only be granted in line with the amendment no.39. An example would be that if we had to move a fire door we would only be able to get a temporary approval. If it were required by law to move this door and we were only granted a 6 month 'temporary' approval then we could lose our pre-existing rights within a 6 month period</p>	<p>Minor works and the carrying out of works for public safety such as the relocation of a fire door are exempt from the need to obtain planning approval and therefore the proposed Scheme Amendment does not have any impact in this regard.</p> <p>The City has discussed with Cherratta's representatives the option of allowing development related to the upgrade of the existing development to enjoy permanent approval but requiring any proposal for additional beds to transfer the development to a time-limited approval.</p> <p>The latest version of DP10 includes a provision that sets out this arrangement.</p>	No modification recommended.
<p>2.15 Under clause 8.5 of TPS8 (destruction of buildings), if a cyclone or other natural disaster was to destroy part of the accommodation infrastructure at the subject site approval to rebuild may be refused.</p>	<p>The clause reads as follows:</p> <p><i>"If any building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of Council."</i></p>	No modification recommended.
<p>2.16 It is very difficult to finance or attract investors when a development is non-conforming and may place us in breach of our existing bank covenants (i.e. selling all or part of the business will be a major issue).</p> <p>Cherratta's significant investment in the subject site and ongoing business operations in Karratha will be jeopardised if the use becomes a non-conforming use.</p>	Refer to Officer Response 2.11 & 2.14	As per Officer Recommendation 2.2
<p>2.17 The Amendment Report makes the below comment:</p> <p>'Having a specific Transient Workforce Accommodation zone has not been found to be an effective tool for guiding the location of workforce accommodation as a number of facilities are located within other zoned areas.'</p> <p>We do not believe this to be a correct statement, in our opinion it is not a reflection on the TWA zone as an effective tool, but a reflection on council approving facilities that were not located in Transient Workforce dedicated zones.</p>	<p>The TWA zone is contrary to Council's position which requires workforce accommodation developments that are located within urban areas to be compatible and integrated with the community wherever possible.</p>	No modification recommended.

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<p>2.18 We believe there seems to be a serious misconception of what could deliver the best planning outcomes for the long term for the City of Karratha. The biggest issue we see from what has been proposed is that by allowing so much of the land in Karratha to be 'SA' or 'AA' it will allow a TWA facility to be built anywhere.</p> <p>We agree with the AEC report that no further supply is currently required and tourism uses in the Tourism zone should be given priority over TWA's. TWA facilities should be located in the TWA zone in order to represent orderly and proper planning. The removal of these facilities from the Tourism zone, will increase demand for a TWA zone, further reinforcing the desirability for its retention.</p>	<p>The nature of the controls proposed in the amendment is to provide more flexibility in terms of possible location for workforce accommodation but there will be conditions applied with this flexibility in terms of the type of accommodation that would be permitted. A combination of different types of workforce accommodation and different location possibilities provides flexibility but not open-ended possibilities.</p> <p>Under the proposed Scheme Amendment, it will be a requirement to provide information through a needs analysis to justify any request to approve an application for workforce accommodation. This will provide a necessary check and justification to avoid a proliferation of workforce accommodation developments.</p>	No modification recommended.
<p>2.19 It is also noted that the current City of Karratha TWA Policy DP10 specifically advocates permanent accommodation to be located within the TWA zone. The proposed amendment to remove the TWA zone is therefore also in direct conflict with Council's own 2014 Policy.</p>	<p>Administration has reviewed City's LPP DP10 and a revised version is presented for Council to consider adopting for public advertising. The latest version of DP10 recommends all Workforce Accommodation be on time-limited approval but provides for longer term approvals if performance criteria are met. This latest version of DP10 also allows existing Workforce Accommodation currently enjoying time unlimited approvals would not transfer to time limited approvals unless additional beds are proposed.</p>	No modification recommended.
<p>2.20 We understand that the amendment also proposes to introduce statutory provisions in TPS8 for all future workforce approvals (including extensions, renovations etc.). We believe these to be:</p> <ul style="list-style-type: none"> • Site developer to produce a needs analysis; • Relevance/context/ location analysis; • A rehabilitation plan; and • Ensure that the accommodation is developed to an appropriate scale and standard. <p>We do not believe that it is acceptable at any level to enforce such stringent scheme provision for future requirements for extensions to our existing infrastructure when suitable provisions already exist.</p>	Refer to Officer Response 2.19	No modification recommended.

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<p>We believe this has been included with a view to new developments that may occur in the town centre, we do not believe this should be required for existing TWA facilities on freehold land.</p>		
<p>2.21 Under TPS8 a TWA establishment may be developed subject to the approval of the Council in 'Residential' 'Town Centre' 'Commercial' 'Tourism' 'Mixed Business' 'Strategic Industry' 'Rural' and 'Rural Residential'.</p> <p>Under the new scheme the equivalent zoning is the 'Workforce Accommodation – Permanent', and with council approval it can be approved in 'Residential', 'Town Centre', 'Commercial', and 'City Centre'.</p> <p>Therefore, if the amendment is enacted, with Council Approval, one could construct a permanent TWA on the Gap Ridge site on the 'edge of town', which would seem to be inconsistent with the intent of the amendment.</p> <p>Even without Council Approval, given the nature of such an application, it would be dealt with at JDAP and then appealable to SAT so the decision could be taken out of the Council's hands regardless of the Council's decision.</p> <p>It seems that under the proposed amendment, the outcomes that are trying to be achieved, are not actually achieved. The exact outcome of having a large camp on the outskirts of town is still possible, or in fact, even more possible under the amendment.</p> <p>If investors see local government actively changing the zoning of land on which existing businesses operate and that change negatively impacts the existing business, such as in this case, investors will be discouraged to invest in Karratha.</p>	<p>All development applications for planning approval are considered on their merits as to suitability of the land use for its location and the built form outcome of the proposal.</p> <p>The purpose of the proposed Scheme Amendment is to align the Town Planning Scheme provisions with Council's established position. The provisions have been prepared to strike a balance between the needs of workforce accommodation and the needs of the local community. This means the most ideal locations are selected for long term workforce accommodation.</p>	<p>No modification recommended.</p>
3. Pilbara Development Commission, PO Box 294, Karratha		
<p>The Pilbara Development Commission has no objection to the proposed amendment. The amendment will give the City better decision making abilities regarding workforce accommodation, and is consistent with the draft Local Planning Strategy.</p>	<p>Noted.</p>	<p>No modification recommended.</p>

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4. Kingfisher Stayover by Ausco, PO Box 481, Port Hedland		
<p>4.1 Lot 500 Madigan Road, Gap Ridge comprises a dual density coding. The front portion of the lot is zoned Tourism with the balance being zoned Rural-Residential. The dual density coding is the result of a Crown Land Amalgamation of approximately 3.7ha into the former Lot 211 Madigan Road, Gap Ridge.</p> <p>There are historical land use rights for development and expansion on Lot 500 Madigan Road which should be retained to meet current and future demand for workforce accommodation in the City.</p> <p>Approvals have been granted whilst the dual density coding existed. We consider this to be recognition of the suitability of the land for medium to long-term use for Transient Workforce Accommodation.</p> <p>Dual zonings over individual land parcels is not considered to offer an orderly and proper approach to land use planning and development. As this proposed amendment looks to specifically address land use matters around Workforce accommodation, including rezoning of other land parcels, we consider that Amendment No.39 provides a suitable vehicle to resolve this zoning anomaly.</p> <p>As the current land use is Transient Workforce Accommodation and Council has previously granted a time-limited approval for the expansion of this facility under the same statutory planning framework as what applies within the City at the time of initiating this amendment, we consider a zoning should apply that retains, at a minimum the possibility to grant a time limited approval for workforce accommodation on the site.</p> <p>The amendment provisions retain the possibility for time limited approval for workforce accommodation to be granted in Tourism zone. We therefore consider it an orderly and proper approach to resolve the dual zoning provision by zoning the entire site Tourism.</p>	<p>This submission is opportunistic as it seeks to include the subject land in the proposed Scheme Amendment to change its zone from Rural-Residential to Tourism.</p> <p>The subject land is not included in the proposed Scheme Amendment and therefore a change to its zone has not been considered by Council and has not been referred to the Environmental Protection Authority and has not been advertised for public comment.</p> <p>For this reason, it is recommended that the proposed Scheme Amendment No. 39 not be modified to include the change of zone for the subject land. Instead, the property owner should submit a separate scheme amendment to address this matter.</p>	<p>No modification recommended.</p>
<p>4.2 We consider that the inclusion of an additional use provision in Appendix 6 which permits the 'Workforce Accommodation – Permanent' on Lot 500 Madigan Road, Gap Ridge is appropriate for the following reasons:</p>	<p>It is recommended that Workforce Accommodation – Permanent be removed as a use class. If this recommendation is supported, then the submitters request cannot be implemented. The existing Kingfisher development has time unlimited approval.</p>	<p>Replace the three land use definitions for workforce accommodation proposed in the advertised version of</p>

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<ul style="list-style-type: none"> The draft Local Planning Strategy recognises the site as a TWA without providing clear guidance on any alternative land use or development approach for consideration for the foreseeable future. The long-term options for an alternative use and/or development of this site are limited given the size and location of the lot. The first approval granted for the development of a transient workforce accommodation village included no time-limited provisions and this development right should be retained. <p>The Additional Use provisions provide a means for the City to incorporate special conditions into TPS8 which can be used as a means to consider the suitability of any workforce accommodation proposal.</p> <p>Should the City support this approach, we welcome the opportunity to negotiate suitable special conditions which would apply prior to final consideration of the amendment. In general, such special conditions may relate to the form and density of development and the interface of the building with future development areas such as 'Regals'.</p>	<p>Where an existing development has been approved with no time limit, the proposed Scheme Amendment will not impact on that approval.</p> <p>The subject land is not included in the proposed Scheme Amendment and therefore a change to its zone has not been considered by Council. The request has not been referred to the Environmental Protection Authority and has not been advertised for public comment. The subject land is not included in the proposed Scheme Amendment and therefore a change to its zone has not been considered by Council and has not been referred to the Environmental Protection Authority and has not been advertised for public comment.</p> <p>For this reason, it is recommended that the proposed Scheme Amendment No. 39 not be modified to include the additional use for the subject land. Instead, the property owner should submit a separate scheme amendment to address this matter.</p>	<p>the Scheme Amendment with one definition as per the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> model definition for workforce accommodation.</p>
<p>4.3 As an alternative to the Additional Use approach, rezoning the entire site to Commercial would facilitate a similar outcome and provide the land in the longer term to provide commercial uses if the Regal's long term growth area was ever developed.</p>	<p>For the reasons set out above it is recommended that the proposed Scheme Amendment No. 39 not be modified to include the subject land to zone it Commercial. Instead, the property owner should submit a separate scheme amendment to address this matter.</p>	<p>No modification recommended.</p>
<p>5. Department of State Development, 1 Adelaide Terrace, East Perth</p>		
<p>5.1 The Department notes that the proposed Amendment has been initiated to ensure TPS8 aligns with the City's draft Local Planning Strategy, which has recently been advertised for public comment. To ensure alignment with the final Local Planning Strategy, the proposed Amendment should not be progressed until the draft Strategy has been finalised and endorsed by the Western Australian Planning Commission, following the consideration of submissions received.</p>	<p>Noted. Council has an established position on TWA and this proposed Scheme Amendment seeks to align the City's Planning Scheme with that position.</p> <p>The City will review its Planning Scheme upon finalisation of its Local Planning Strategy.</p>	<p>No modification recommended.</p>

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5.2 The Amendment proposes to introduce three new use classes which differentiate between different types of workforce accommodation based on operational differences. The Department considers planning policies and provisions based on classification of persons as opposed to solely on land, zoning and amenity principles to be inconsistent with proper planning.	It is recommended that the three advertised use classes be replaced by the single use class from the Planning and Development (Local Planning Schemes) Regulations 2015. If this recommendation is supported, then this concern should no longer apply.	Replace the three advertised use classes with the single use class from the Planning and Development (Local Planning Schemes) Regulations 2015
5.3 This approach does not consider that companies will often co-locate different types of workers for different projects to optimise their operational functionality and does not provide the required flexibility to consider workforce accommodation proposals on a case by case basis and specific to the circumstances surrounding the proposal.	It is acknowledged that companies may have particular requirements for their workers. The proposed Scheme Amendment does not prevent co-location of different workforces. It is noted that the implications are more significant for the community and the workers, the longer they work from a Workforce Accommodation Facility.	No modification recommended.
5.4 The Department also notes that the proposal for TPS8 to differentiate between types of workforce accommodation is inconsistent with the Model Provision of the Planning and Development (Local Planning Schemes) Regulations 2015 which includes one broad use class for workforce accommodation.	Refer to Officer Response 5.2	As per Officer Recommendation 5.2
5.5 The Amendment proposes to include a new provision (clause 6.5.1) within the TPS8 requiring new workforce accommodation to be supported by a needs analysis which demonstrated that accommodation is required to service the base-level supply of beds.	<p>A needs analysis for workforce accommodation is considered to be a reasonable information requirement in support of a development application. A proliferation of unoccupied workforce accommodation camps is contrary to Council's established position that workforce accommodation be located and integrated within established urban areas and making use of existing accommodation where possible.</p> <p>Therefore, asking prospective applicants to provide a needs analysis is simply a way to justify the proposed development. City Officers have had discussions with industry operators who have freely provided this information.</p>	No modification recommended.
5.6 The Amendment report states that the 'base-level' has been determined to be sufficient to meet current and future demand, indicating that Council will not approval any additional workforce accommodation proposals until new demand is identified. The report	The needs assessment will consider the proposal on its merits based on the circumstances and considerations that apply at the time. One consideration will be the base-level supply at that	No modification recommended.

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does not provide the actual supply and demand figures, which makes it difficult to assess. In addition, the report is not clear on how the figures will be reviewed and updated, which would be essential in a dynamic project environment. The Department therefore does not support the use of the base-line supply to determine if new worker accommodation should be approved.	point in time. The matters to be considered in demonstrating need are set out in the latest draft version of DP10.	
<p>5.7 The Amendment proposes to delete the Transient Workforce Accommodation (TWA) zone from TPS8. One of the TWA zones affected is Woodside Energy Ltd's (Woodside) Bay Village, referred to in the Amendment as Site 1. Site 1 is proposed to be rezoned Urban Development, which precludes Workforce Accommodation – Permanent and allows Workforce Accommodation – Temporary, subject to Council planning approval only.</p> <p>There is no definition of temporary in TPS8 or the Amendment. Therefore it is unclear whether accommodation with a potential 30 year life would be considered permanent or temporary by Council.</p>	Under the current draft version of LPP DP10 which is being presented for Council to adopt for public advertising for a ten-year time limited approval applies to all Workforce Accommodation proposals unless performance criteria are met that justify a longer term approval. Council has already determined that it does not believe the Bay Village site justifies a longer term approval.	No modification recommended.
<p>5.8 In relation to Zoning, the North West Gas Development (Woodside) Agreement Act 1979 (State Agreement) contains Clause 21 which states:</p> <p><i>The State shall ensure that any lands the subject of any Crown Grant lease licence or easement granted to the Joint Venturers under this Agreement shall be and remain zoned for use or otherwise protected during the currency of this Agreement so that the operations of the Joint Venturers hereunder may be undertaken and carried out thereon without any interference or interruption by the State by any State agency or instrumentality or by any local or other authority of the State on the ground that such operations are contrary to any zoning by-law regulation or order.</i></p> <p>Woodside's Lease for Bay Village was granted pursuant to the State Agreement. Whilst this Lease has now expired, the Department understands that Woodside continue to maintain tenure over the Bay Village site.</p> <p>The Department requests that the City of Karratha acknowledges and recognises that State Agreements operate within the City and that State Agreements are unique and can include provisions that remove or amend the power of local governments so that the operations of</p>	<p>The City acknowledges and recognises the existence and role of State Agreements.</p> <p>In the case of the Bay Village site, the lease has expired so it is unclear as to how Clause 21 of the State Agreement Act as quoted in the submission is relevant. It is questionable whether the development intended over the Bay Village site and for the period requested relates directly to the operations covered by the State Agreement Act. In any case, there should be the ability to achieve a balanced outcome.</p>	No modification recommended.

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<p>companies under a State Agreement are not interfered with or interrupted.</p> <p>The City of Karratha, in determining the zoning of Site 1, must take into account the provisions of the State Agreement, specifically Clause 21 and ensure that the zoning of Site 1 does not preclude the use of the site by Woodside for accommodation of its workforce. There is a risk that the Amendment could potentially put the State in breach of the State Agreement. The Department therefore objects to the proposed Amendment.</p>		
<p>5.9 The Amendment proposes to permit Workforce Accommodation – Construction Camp within the Strategic Industry zone, subject to Council approval.</p> <p>The Department is the Lead State Government Agency responsible for managing the Burrup, Maitland and Anketell strategic industrial areas within the City of Karratha. The Department does not support the development of construction camps within these strategic industry areas or the surrounding buffer areas.</p> <p>Sensitive land uses, including workforce accommodation facilities, are incompatible with heavy industry and should not be permitted within the industrial zones or the surrounding buffer areas. Construction camps located in the vicinity of existing industrial operations may be impacted by emissions and risk and may also impose future restrictions on the efficient operations of these industries. The presence of construction camps within strategic industrial areas would also restrict the development of new industrial facilities.</p>	<p>The concerns expressed in the submission are acknowledged and the City would take these considerations in account as part of the normal development assessment process.</p> <p>It is noted that Rio Tinto used Workforce Accommodation facilities in Strategic Industrial zones as part of its recent expansion program.</p>	No modification recommended.
<p>5.10 The Amendment Report refers to the workforce accommodation requirements of Aurizon for the Anketell Project (pg6). The Department notes that Aurizon's involvement in the project is not guaranteed and that reference to the company should be removed.</p>	<p>Noted. This change can be made administratively as it is not part of the proposed Scheme Amendment provisions.</p>	Remove reference to Aurizon from the Scheme report.
6. Rio Tinto, 152-158 St Georges Terrace, Perth		
<p>6.1 Rio Tinto has committed significant capital investment over many years to develop various TWA developments across the locations</p>	<p>The City is aware of Rio Tinto's interests. Officers have discussed these interests and the proposed Scheme Amendment with Rio Tinto representatives. The proposed</p>	No modification recommended.

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<p>referred to above. Rio Tinto has intentions to refurbish, develop or redevelop many of our existing sites for TWA uses in the future.</p> <p>Consequently, this submission seeks to safeguard Rio Tinto's interest within the City's boundaries, which include:</p> <ul style="list-style-type: none"> existing TWA development; existing Special Lease land granted under State Agreements which Rio Tinto has access to due to our mining operations; and freehold land which is owned by Rio Tinto and our subsidiaries. 	<p>Scheme Amendment seeks to strike a balance between industry needs and local community needs.</p>	
<p>6.2 We support the City's efforts to clarify the approach to TWA planning matters with respect to recognising the difference between permanent TWA facilities and temporary facilities as well as noting that construction TWA facilities are often best suited to remote TWA arrangements.</p> <p>However, there are circumstances under the Amendment where flexibility is diminished for approving different types of TWA within particular zones. In response to this, it is our view that there is the ability to appropriately control standards through Local Planning Policy rather than prescribed definitions under the Scheme to accommodate greater flexibility for mining operators and other industry users.</p>	<p>It is recommended that the three advertised use classes be replaced by the single use class from the Planning and Development (Local Planning Schemes) Regulations 2015, If this recommendation is supported, then this concern should no longer apply. The draft revised version of DP10 presented for adoption for public advertising addresses these matters, as requested by the submitter.</p>	<p>No modification recommended.</p>
<p>6.3 Under section 2.4, we note the direction that base-level supply of workforce accommodation is considered to be provided on freehold title whilst construction projects can be supported on Crown land on a temporary basis only.</p> <p>We submit that the requirement for freehold title for permanent TWA supply is problematic for towns such as Wickham and Dampier that have State Agreement tenure as a predominant land holding tenure.</p>	<p>It is recommended that the distinctions between freehold Crown Land tenure be removed from DP10. The draft revised version of DP10 states all Workforce Accommodation (other than for a construction project) shall be subject to a 10 year time limited approval unless it can meet performance criteria that justify a longer term approval.</p>	<p>No modification recommended.</p>
<p>6.4 The Wickham Lodge and Wickham Cajuput Villas facilities are constructed on the Wickham Townsite Special Lease, Peninsula Palms is on a Townsite extension special lease, and this tenure is as secure for Rio Tinto (and indeed the City) as freehold title.</p> <p>We submit that some discretion is required to recognise the predominance of Special Lease tenure in Wickham particularly and that more generally the requirements for freehold title should be able</p>	<p>Refer to Officer Response 6.3.</p> <p>In addition, the approval for the referred Workforce Accommodation development in Wickham is time unlimited and any similar development where need is demonstrated would likely justify a longer term approval. It is understood that Rio Tinto is intending to reopen Peninsula Palms and that a 10-year approval would be considered acceptable by Rio Tinto for that proposal. Demonstrated need will be a key consideration.</p>	<p>No modification recommended.</p>

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to be qualified for State Agreement proponents in Wickham and Dampier.		
6.5 Rio Tinto would appreciate the opportunity to review and provide comment on AEC Group's report. Rio Tinto has not been asked for updated forecasts for FIFO demand by AEC and we question what data the AEC Group has used to compile its base line supply assessment. Rio Tinto further submits that industry forecasts can change quickly, as a result of not only new projects, but also from changes in maintenance schedules which can significantly impact the peak demand for accommodation.	The AEC report findings and the methodology will be updated and made publicly available.	No modification recommended.
<p>6.6 The resources sector sentiment can change quickly which may result in rapid accommodation demand, causing price distortion in accommodation markets as new supply has long lead times for approval and construction.</p> <p>Rio Tinto cautions the City against relying on forecasting done at a single point in time and relying on statements such as "no further increase in supply is required".</p> <p>Rio Tinto submits that the City should build in flexibility to enable supply to respond rapidly when there is a change in demand, driven either by new project construction, or changes in maintenance schedules that impact on peak accommodation demand.</p>	The dynamic nature of the resources industry is acknowledged. It is because of this that the amendment proposes a needs analysis be provided with applications for new workforce accommodation. Proponents can demonstrate why the existing level of supply (whatever that may be at the time) is insufficient or inadequate. The proposed Scheme Amendment provides flexibility in that it is providing new opportunities and locations in which to establish WA.	No modification recommended.
<p>6.7 Whilst it is noted that TWA uses can encompass different workforce types of built form, we do not agree that introducing different workforce types and different types of built form, we do not agree that introducing three different land use definitions is the appropriate manner in which to control location and built form standards.</p> <p>These elements can be addressed through appropriate zoning and land use permissibility as is currently in place under TPS8, with supporting Local Planning Policy controls.</p> <p>This approach will create greater levels of flexibility across a large range of accommodation, location, zoning and land use circumstances.</p> <p>Discretionary uses identified as 'AA' and 'SA' under TPS8 are not 'as of right' and that the City has the ability to approve or refuse</p>	Refer to Officer Response 6.2	As per Officer Recommendation 6.2

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<p>applications with these uses based on the criteria within TPS8. Consequently, it is our view that additional land use definitions and the associated land use permissibility changes are unnecessary, and that appropriate controlling standards via Local Planning Policy can determine where and when types of TWA should be approved under the existing TPS8 provisions.</p>		
<p>6.9 The Amendment seeks to introduce additional land use definitions and resulting land use permissibility standards which are inconsistent with the Model Provisions in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015. The Regulations were introduced to standardise land use definitions and permissibility controls.</p> <p>The proposed definitions are inconsistent in their wording and create ambiguity.</p>	Refer to Officer Response 6.2	As per Officer Recommendation 6.2
<p>6.10 Whilst it is noted that the Amendment report identifies two potential land use permissibility issues, the simple resolution of these could be to update the Zoning Table under TPS8 and to introduce supporting controls within a Local Planning Policy to ensure appropriate development outcomes.</p>	A draft revised version of DP10 is presented for Council to consider adopting for public advertising. This latest version includes provisions that address matters previously addressed by the three advertised use classes.	No modification recommended.
<p>6.11 We seek clarification on the time limited approval periods of 5 and 10 years to understand if these limits are an absolute maximum period, or if these limits represent the maximum period of any given approval.</p>	The latest draft version of DP10 recommends all Workforce Accommodation (other than for a construction project) be subject to a 10 year time limited approval unless performance criteria can be met to justify a longer term approval.	No modification recommended.
<p>6.12 Rio Tinto submits that the dynamic nature of the resources industry may result in a request for a subsequent approval for an existing TWA facility nearing the expiry of the existing approval. For example, the Wickham Village has recently been approved for a subsequent period following its previous approval period.</p>	The existing latest draft version of DP10 make provisions for 5 year extensions for existing Workforce Accommodation developments on time-limited approvals. Demonstrated need will be a key consideration.	No modification recommended.
<p>6.13 Rio Tinto submits that it is important for the City to have the ability to provide subsequent approvals for existing facilities. Rio Tinto notes the desire of the City to develop design objectives for the different types of TWA facilities and is keen to have the opportunity to comment when</p>	Refer to Officer Response 6.12	No modification recommended.

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these design objectives or subsequent guidelines are further developed.		
6.14 Rio Tinto supports site 3 located within Wickham being rezoned from the TWA zone to the Mixed Business zone.	Noted.	No modification recommended.
<p>6.15 There are a number of non-conforming uses which would be created on Rio Tinto developed sites as a result of the introduction of these new use class definitions and land use permissibility under the TPS8 zoning table.</p> <p>Peninsula Palms – The Workforce Accommodation is proposed to be ‘not permitted’ within the Tourism zone.</p> <p>The Peninsula Palms facility (currently on care and maintenance) is a permanent workforce accommodation facility, built over 40 years ago with substantial investment and infrastructure. This site was subsequently allowed a tourism function via the Tourism zoned under TPS8.</p> <p>‘Tin City’ is located on the opposite side of The Esplanade to Peninsula Palms and contains significant accommodation facilities. Its situation is the same as Peninsula Palms in that it is zoned Tourism and currently exists in a care and maintenance status.</p> <p>Both Dampier sites are the only sites Rio Tinto will have to provide TWA within the Karratha area following demolition of the Kangaroo facility. Consequently, it is important that these sites can be reopened and redeveloped for TWA as required by Rio Tinto. Rio Tinto is currently undergoing a scoping exercise with a view to refurbishment to accommodate a total of 630 rooms across both these sites.</p> <p>Non-conforming use class provision under TPS8 would apply in certain circumstances in the event the Amendment is adopted. Whilst these provisions would accommodate the legal operation of current operating TWA, Rio Tinto has concerns that sites such as Peninsula Palms would not be able to be re-used or re-opened given they are currently not in use (despite the fact they are being maintained) as detailed under Clause 8.4.1 of TPS8.</p>	Refer to Officer Response 6.2	As per Officer Recommendation 6.2.

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6.16 Wickham Village has recently obtained the City's approval for an expansion of TWA. The site is zoned Town Centre under TPS8. The amendment identifies 'Workforce Accommodation – Temporary' as a 'Not Permitted' use within the zone, which is inconsistent with the recent approval.	Refer to Officer Response 6.2	As per Officer Recommendation 6.2.
<p>6.17 The western part of the Wickham Lodge site remains undeveloped. The site is zoned 'Residential' under TPS8. The Amendment would limit the type of TWA which could be approved on the site as workforce accommodation – temporary and workforce accommodation – construction camp are both Not Permitted uses within the Residential zone.</p> <p>The eastern part of the Wickham Lodge site contains permanent TWA which was approved and constructed over the last 3-4 years. Adjacent to this is the 'JM building' which provides support facilities for Rio Tinto's Wickham Accommodation. Both these buildings have required substantial capital investment and it is Rio Tinto's intention that these uses remain for the long term.</p> <p>Similar to the eastern part of the Wickham Lodge site, the western part of the Cajuput site was developed over the last 3-4 years with a substantial TWA development. It is Rio Tinto's intention that this development continues to be used for TWA into the long term.</p> <p>Cajuput is zoned Residential under TPS8. The proposed amendment would limit the type of TWA which could be approved on the site where Workforce Accommodation – Temporary and Workforce Accommodation – Construction Camp are both Not Permitted uses within the Residential zone</p>	<p>Refer to Officer Response 6.2</p> <p>In addition, the matters to be considered in assessing as application for Workforce Accommodation are set out in the latest draft version of DP10, which is presented for Council to consider adopting for public advertising.</p>	No modification recommended.
<p>6.18 Rio Tinto objects to the proposed changes as we require flexibility and certainty that our existing sites can be developed in the future to meet our accommodation needs. With the potential adoption of the Amendment resulting in the expansion of use class definitions for TWA and the changes to use class permissibility, Rio Tinto sites will have a diminished opportunities and flexibility for approval of different types of TWA.</p> <p>For the reasons of ensuring existing assets and access to Special Lease land under State Agreements are protected for TWA</p>	<p>Refer to Officer Response 6.2</p> <p>City Officers have met with Rio Tinto representatives to discuss these matters. There is flexibility in the recommended amendment and latest draft version of DP10 to consider proposed Workforce Accommodation proposals on their merits.</p>	As per Officer Recommendation 6.2.

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<p>development, Rio Tinto submits that the existing level of flexibility contained with TPS8 is retained.</p> <p>Rio Tinto is amenable to further discussions with the City should the Amendment proceed, to address zoning and use class permissibility issues. This may require a further Scheme Amendment(s) to address Rio Tinto's requirements on a site by site basis.</p> <p>Particular sites require a new zone such as has been discussed with the City for Wickham Village. Notwithstanding, Rio Tinto requires that the refurbishment, development, or redevelopment of our existing sites or sites under Special Lease can occur, as discussed.</p>		
6.19 Rio Tinto submits that the needs analysis requirement as outlined may present commercial challenges, particularly if rapid demand exceeds baseline supply.	<p>A needs analysis for workforce accommodation is considered to be a reasonable information requirement in support of a development application. A proliferation of unoccupied workforce accommodation camps is contrary to Council's established position that workforce accommodation be located and integrated within established urban areas and making use of existing accommodation where possible.</p> <p>Therefore, asking prospective applicants to provide a needs analysis is simply a way to justify the proposed development. City Officers have had discussions with industry operators who have freely provided this information.</p>	No modification recommended.
6.20 Rio Tinto submits that there are commercial and operational reasons for a resources company to own and operate our own facility, such as Wickham Lodge and Cajuput Villas, rather than rely solely on third party facilities. Indeed some accommodation demand such as for shutdown maintenance is volatile in nature and difficult to accommodate with certainty in outside facilities.	Cajuput Villas are a good example of a longer term workforce accommodation development. The proposed Scheme Amendment would not prevent a longer term approval being granted to a similar type of development in the future if need is demonstrated. Obviously Council's preference is to have residential workers wherever possible for long term operational workforce requirements. It is acknowledged that some volatility in accommodation demands will occur even without new projects.	No modification recommended.
6.21 Rio Tinto submits that the Amendment should not result in a situation where a new application for a company owned facility is not approved on the basis that the City believes there is sufficient baseline capacity elsewhere owned by a third party facility.	It is considered reasonable that the needs analysis would consider supply as well as demand.	No modification recommended.

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Rio Tinto submits that this may cause commercial constraints or result in commercially detrimental outcomes, particularly in the event of rapid demand.		
6.22 Rio Tinto cautions the City against designing the Scheme Amendment based on assumption that the current industry conditions of reduced accommodation demand will continue to prevail.	Under the proposed Scheme Amendment proponents will need to justify their own demands and the prevailing supply conditions at that time, as to whether or not new or expanded facilities are needed. The amendment is designed to offer more flexibility both in terms of location and type of accommodation compared with the current scheme provisions.	No modification recommended.
6.23 There are various circumstances under the Amendment which approvals could not be obtained under TPS8 by Rio Tinto. We submit that these changes are unacceptable for Rio Tinto as they have potential to restrict our operations.	There is considerable flexibility in the recommended scheme amendment to consider workforce accommodation across a range of zones. It is reasonable that proponents be required to demonstrate need. It is also considered reasonable to apply standard time limit of 10 years, with the potential for longer term approvals where performance criteria are met.	
6.24 Rio Tinto submit that there are sufficient statutory controls under the existing TPS8 provisions including Local Planning Policies, with updates if required, to address the different types of TWA uses; and to control location and built form outcomes.	The recommended modifications to the Scheme Amendment, and the draft revised version of DP10 presented to Council to consider adopting for public advertising, have been prepared having regard for the concerns raised in the submission and in subsequent discussions.	No modification recommended.
7. Velocity Village and King Way Motel and Bistro, Level 3, 369 Newcastle Street, Northbridge		
7.1 Lack of due process followed by the City of Karratha to initiate the amendment in regard to Cl.9.7.2 and its classification.	The City sought Legal Advice on the validity of the Amendment. Legal advice concluded that the validity of the Amendment was not impinged by non-compliance with Clause 9.7.2 and its classification as a standard amendment. The Department of Planning 's view was sought and they reached the same conclusion.	No modification recommended.
7.2 Deleting the 'Transient Workforce Accommodation' zone altogether from TPS8 and rezoning of the subject site to 'Mixed Business' zone, along with deleting the current 'Transient Workforce Accommodation' land use and replacing it with three new land use definitions, will result in the approved development at the subject site becoming non-conforming.	It is recommended that the three advertised use classes be replaced by the single definition from the Planning and Development (Local Planning Schemes) Regulations 2015. This would remove the Workforce Accommodation - Permanent use class. So no new Workforce Accommodation will enjoy time	Replace the three advertised use classes with the use class from the planning and

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<p>With respect to the proposed land use permissibility of the new (three) land use definitions for 'Workforce Accommodation' in the 'Mixed Business' zone, a 'Workforce Accommodation – Temporary' is the only use that may be approved (subject to the City of Karratha exercising its discretion and approving a development application after advertising). The permanent 'Workforce Accommodation' land use is prohibited in the 'Mixed Business' zone.</p> <p>The intention of non-conforming use provisions in TPS8 is to limit the life span of a non-conforming use, meaning the business operations of Velocity Village and King Way Motel and Bistro would be prejudiced.</p> <p>There would be no certainty in gaining approval for any expansion, renovations or other alterations to the existing (approved) accommodation infrastructure at the subject site if the development became non-conforming.</p> <p>It is very difficult to finance or attract investors when a development in non-conforming, which also affects insurances. Business operations will be restricted should the accommodation infrastructure become non-conforming (i.e. selling all or part of the business will be a major issue).</p>	<p>unlimited approvals. However, the draft revised version of DP10 presented for Council to consider adopting for public advertising recommends that upgrades to existing Workforce Accommodation developments that currently enjoy time unlimited approvals will also be time unlimited unless they propose additional beds, which would trigger a time limited approval across the development.</p> <p>Following further consultation with submitter representatives Additional Use provisions are recommended to allow Workforce Accommodation as a permitted use.</p>	<p>Development (Local Planning Schemes) Regulations 2015.</p> <p>Add additional use provisions to allow Workforce Accommodation as a permitted use for established Workforce Accommodation facilities in the Karratha Industrial Estate.</p>
<p>7.3 If the development is "mothballed" for a period of 6 months (or more) due to economic market conditions in the Pilbara the provisions of Clause 8.4 of TPS 8 (Discontinuance of Non-Conforming Use) will mean the subject site loses its non-conforming use rights for workforce accommodation.</p>	<p>Refer to Officer Response 7.2</p>	<p>As per Officer Recommendation 7.2</p>
<p>7.4 Under Clause 8.5 of TPS 8 (Destruction of Buildings), if a cyclone or other natural disaster was to destroy part of the accommodation infrastructure at the subject site approval to rebuild may be refused.</p>	<p>The clause reads as follows:</p> <p><i>"If any building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of Council."</i></p>	<p>No modification recommended.</p>
<p>7.5 Our client has been able to rely on the provisions of TPS8 which has specifically zoned the site for the purposes of transient workforce accommodation since 2000. This has provided certainty for industry which has guided investment decisions. The proposed amendment</p>	<p>Refer to Officer Response 7.2</p>	<p>As per Officer Recommendation 7.2</p>

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takes away that certainty resulting in an adverse impact on current and future investment in the City of Karratha.		
<p>7.6 Our client is concerned that the alterations to workforce accommodation will result in negative social and operational issues.</p> <p>The workers that reside at the accommodation facilities at the subject site are generally on a 2 or 3-week swing, have limited days off and some work night shift. They have limited time to spend at other commercial and retail facilities in Karratha and, moreover, given the nature of their employment have no need to purchase local goods (i.e. their employer provides meals etc). Locating workforce accommodation in urban zones would have no positive economic benefit for town-based businesses due to how the transient workforce operates and how employers remunerate employees (i.e. their meals etc. are provided).</p> <p>On the contrary, it is important to highlight that there may be negative social issues with locating workforce accommodation in urban areas, particularly existing residential areas where there may be land use compatibility issues between single houses and higher density accommodation facilities.</p> <p>Social and operational issues with locating workforce accommodation in existing and proposed urban areas.</p>	<p>Council has an established position which requires workforce accommodation developments that are located within urban areas to be compatible and integrated with the community.</p> <p>Cajuput Villas is an example of workforce accommodation which operates as part of the urban environment and is integrated as part of the community.</p>	No modification recommended.
<p>7.7 Issues with stringent scheme provisions placing development requirements on workforce accommodation.</p> <p>Amendment No. 39 proposes to introduce specific statutory provisions in TPS 8 for workforce accommodation proposals. These provisions relate to a developer producing a needs analysis, context/location analysis, a rehabilitation plan and ensuring workforce accommodation is developed to an appropriate scale and standard.</p> <p>These (proposed) development standards are already existing in the City's Local Planning Policy DP10 - Transient Workforce Accommodation ('DP10').</p> <p>It is inappropriate and impractical to apply such rigid scheme provisions to workforce accommodation development application (for</p>	<p>A purpose of the proposed Scheme Amendment is to give greater certainty and statutory effect to the principles and contained within the City's current Policy.</p> <p>A needs analysis for workforce accommodation is considered to be a reasonable information requirement in support of a development application. A proliferation of unoccupied workforce accommodation camps is contrary to Council's established position that workforce accommodation be located and integrated within established urban areas and making use of existing accommodation where possible.</p> <p>Therefore, asking prospective applicants to provide a needs analysis is simply a way to justify the proposed development. City Officers have had discussions with industry operators who have freely provided this information.</p>	No modification recommended.

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<p>extensions to existing developments and for new workforce developments) when such provisions exist in DP10.</p> <p>From a planning perspective, policy provisions provide greater flexibility in their application and allow a decision maker the ability to assess a development on its merits and in its context. The introduction of mandatory scheme provisions (that reflect the provisions of DP10) into TPS 8 is problematic and inappropriate particularly given the uncertainty in the application of such scheme provisions and their lack of flexibility.</p>	<p>It is entirely appropriate for scale, design and standard of a proposal to be considerations in determining whether a proposal is acceptable on a particular site. The proposed Scheme Amendment is seeking to provide a high degree of flexibility in terms of where workforce accommodation can be approved and it is therefore critical that only acceptable workforce accommodation developments are approved in any particular location, particularly given the lengthy approval timeframes that are generally requested.</p>	
8. Derek La Ferla, Karratha Village, Lot 1062, Mooligun Road, Karratha		
<p>8.1 We are of the view that proceeding with a rezoning like the one proposed will significantly and permanently damage the commercial interests and position of Karratha Village and indeed other transient worker's accommodation businesses in our precinct. Changing the zoning in the manner proposed would materially devalue the land on which our village is constructed and the inherent value of the assets and business operated on it.</p> <p>Having a land holding and business that constitutes a permitted use from a commercial zoning perspective is very different and appreciably better than owning land and business that constitutes a non-conforming use.</p> <p>We note in the City's letter to Hotchkin Hanly dated 17th January that the City would prefer to say that Karratha Village and Cherratta would be going from a 'Permitted' use to a 'permissible' use. With respect to the City, we do not feel this terminology improves our position in a commercial sense at all.</p> <p>The first phrase signifies the use is permitted – and commercial people attribute the highest value to that. The second phrase indicates the use might be permitted or might not, and possibly have conditions attached. Any level of uncertainty or conditionality affects values and indeed attractiveness in a commercial sense, whatever the phrases might indicate in a more technical planning sense.</p> <p>The decrease in value and reclassification of use will be a significant cause for concern to our bankers. Any decrease in value or</p>	<p>Existing workforce accommodation developments can continue to operate in accordance with the terms and conditions of existing approvals without further approvals needed.</p> <p>The proposed Scheme Amendment does not prevent Karratha Village's current workforce accommodation from continuing to operate.</p> <p>Following further consultation with submitter representatives, Additional Use provisions are recommended to allow Workforce Accommodation as a Permitted Use.</p>	<p>Add Additional Use provisions to allow Workforce Accommodation as a permitted use for established Workforce Accommodation facilities in the Karratha Industrial Estate.</p>

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<p>reclassification would be of concern at any time, let alone in these more difficult times when our bank, and indeed all other major banks and lenders have severely restricted any lending they do to Karratha. Consequential breaches in lending covenants are also likely.</p> <p>The reclassification and the consequences that result from it will also severely impede our ability to source further funds to maintain or improve the accommodation facility over time (which is something we have done and would like to continue to do). This applies to both our current and potential future investors.</p> <p>The reclassification will also severely impede our ability to sell the land and business (either together or separately) at any time in the future. This would apply both in the current difficult market conditions and in circumstances where the prevailing market conditions improve.</p> <p>The investors in Karratha Village, like those in Cherratta and possibly other accommodation businesses in our precinct, invested originally and constructed the accommodation facility because of the permitted zoning classification. This was, as you may know, in circumstances where we initially had leasehold and not freehold title. We invested further funds and acquired freehold title because of the permitted zoning classification as well, and because we saw this as a longer term investment for us.</p> <p>We find it difficult to comprehend why the City wishes to effect the re-zoning and undermine the interests of a business like Karratha Village and others in the precinct. Karratha Village and the investors behind it have been part of the wider Karratha Business community for many years now, both in vibrant times for Karratha and its businesses and difficult times like those experienced over the past few years and currently.</p> <p>We employ local people and retain the services of a wide range of local trades people and suppliers. In addition, Karratha Village is an operating joint venture between Karratha Village and Ngarluma Yindjibarndi Foundation Ltd which provides training and employment opportunities for aboriginal people in the area. We cannot understand why the City wishes to make it even more difficult for us and others to survive (let alone prosper) in a commercial sense.</p>		

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8.2 Over and above the commercial consequences, we are of the view that the proposed re-zoning has some planning, environmental and social causes for concern. We will raise these and further legal aspects with you once it is clearer what the City intends to do.	Administration will continue to engage with stakeholders to understand/address planning, environmental and social concerns.	No modification recommended.
9. Woodside, 240 St Georges Terrace, Perth		
9.1 We note with particular relevance to this proposed scheme amendment is an assumption that there is "...sufficient existing workforce accommodation to meet current and future demand" (see page 7). It is unclear whether the quality of existing accommodation was considered or whether this assumption is consistent with current industry needs.	It is recognised that demand changes and that companies may have particular requirements of their workforce accommodation. The key point here is that Council believes that the supply of workforce accommodation should be managed over time as part of transitioning to a more stable and sustainable community and local economy.	No modification recommended.
9.2 Approximately two thirds of the NWS Project workforce reside in Karratha. However, operations also require workers for short periods of planned, and unplanned, maintenance and specialised technical work. These numbers have increased from a baseload of around 700 to as high as 1,500 for periods of weeks and months. The majority of this workforce is engaged on a short term basis only, and a number of the same specialist and maintenance workers can be found working on other oil and gas projects across Australia and internationally. The industry, therefore remains competitive for such workers and quality accommodation is an important part of attraction and retention. The operations require sufficient numbers of quality beds to respond to planned and unplanned circumstances. For Woodside's business to operate efficiently and economically, whilst meeting best practice when it comes to employee wellbeing, a sufficient level of flexibility in accommodation planning and management is required	Council accepts that there is a need for some FIFO workers as part of Woodside's operations. Council would like to see the potential for residential workers to be maximised over time. Council is particularly interested in Woodside's plans in that regard.	No modification recommended.
9.3 We are concerned that the introduction of the overly prescriptive nature of these proposed amendments will impact timely decision making and our ability to respond to changing business circumstances. This is particularly pertinent in respect of the final	Council does not support this proposal but wants to help Woodside grow its local operations. This view was conveyed in Council's September 2017 resolution on the Bay Village proposal. Council wants to make sure the	No modification recommended.

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investment decision for the tender of a significant investment in a new long-term 700 bed facility in Karratha as outlined above.	right balance is achieved between Woodside's needs and the needs of the local community.	
<p>9.4 Woodside and the NWS Project participants hold a Crown Lease over Lot 3799, where Bay Village is located, granted in accordance with the provisions of the North West Gas Development (Woodside) Agreement Act 1979 (WA) (NWS State Agreement).</p> <p>Lot 3799 (i.e. the majority of 'Site 1') is the subject of a Crown Lease that has been granted in accordance with the NWS State Agreement for worker's accommodation. The proposed rezoning of the site to 'Urban Development', and the resultant non-conforming use, and associated potential impact on alterations and future uses is, in our view, inconsistent with the intentions and provisions of the NWS State Agreement. The NWS agreement specifically states:</p> <p><i>"The State shall ensure that any lands the subject of any Crown Grant lease, licence or easement granted to the Joint Venturers under the Agreement shall be and remain zoned for use or otherwise protected during the currency of this Agreement so that the operations of the Joint Venturers hereunder may be undertaken and carried out thereon without any interference or interruption by the State by any State agency or instrumentality or by any local or other authority of the State on the ground that such operations are contrary to any zoning bylaw regulation or order."</i></p>	Same as response to similar point made by DSD.	No modification recommended.
<p>9.5 Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) and TPS8, if the site is rezoned to 'Urban Development', unless the council resolves otherwise, a Structure Plan/Development Plan will be required as a precursor to the CofK considering proposed subdivisions or approving development.</p> <p>A Structure Plan will add an unnecessary layer of bureaucracy. This has the potential to result in delays and additional uncertainty in any future development.</p>	<p>A structure plan will be required as a precursor to development on a site zoned Urban Development.</p> <p>The preparation and assessment of a structure plan will ensure a site responsive design and is a standard requirement for large development parcels on the fringe of urban areas.</p>	No modification recommended.
9.6 Deletion of the TWA zone will result in the removal of sites that have previously been identified as being strategically appropriate for the development and operation of transient workforce accommodation, including the Bay Village site.	The recommended Scheme Amendment does not prevent Workforce Accommodation from being approved on the Bay Village site. However, decisions should be based on the circumstances that apply and the merits of the proposal.	No modification recommended.

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9.7 Woodside (as well as others) has been able to rely on the provisions of TPS8 which has specifically zoned land for the purposes of TWA since its gazettal on 22 August 2000. This has provided certainty for industry which has guided investment decisions. The proposed amendment undermines that certainty.	Council wants to help Woodside grow its local operations but wants to make sure the right balance between Woodside's needs and the needs of the local community. Through experience, Council no longer believes that having TWA zones is the right way to provide for workforce accommodation in the context of broader planning objectives.	No modification recommended.
9.8 Should these amendments be adopted, the use of Bay Village as TWA accommodation is expected to become a non-conforming use. Under the current TWA zoning of Bay Village, a permanent workforce accommodation facility is a permitted use. However, that use will no longer be a permitted use if Bay Village is rezoned Urban Development, potentially impacting any alterations or future uses of Bay Village.	Council believes there should be discretion in considering any new Workforce Accommodation proposal. The draft revised version of DP10 presented to Council to consider adopting for public advertising sets out the performance criteria against which any proposal would be considered. Council conveyed its view on the Bay View proposal in its September 2017 resolution.	No modification recommended.
9.9 Woodside opposes altering the land use definition. In general terms, the introduction of these new definitions introduce a degree of ambiguity and inflexibility that is neither practicable nor does it sufficiently account for current and future business needs. The deletion of the existing land use definition and replacement with three alternative and separate land use definitions (i.e. permanent, temporary and construction workforce accommodations) will add further complexities when seeking planning approval for workforce accommodation. From an operations perspective, many worker accommodation facilities contain permanent, temporary and construction workforces within the one facility.	It is recommended that the three advertised use classes be replaced by the single use class from the Planning and Development (Local Planning Schemes) Regulations 2015.	Replace the three advertised use classes with the single definition from the Planning and Development (Local Planning Schemes) Regulations 2015
9.10 Contrary to the content of the Scheme Amendment Report, the 'Workforce Accommodation' definition contained in the model provisions of the Regulations does not differentiate permanent temporary and construction workforce accommodation to the extent proposed in Amendment No.39. That is, the 'Workforce Accommodation' definition contained in the Regulations states: "Workforce Accommodation means premises which may include modular or relocatable buildings, used –	Refer to Officer Response 9.9	As per Officer Recommendation 9.9

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<p>a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis;and</p> <p>b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</p> <p>Introducing the new land use definitions for workforce accommodation into TPS8 would be inconsistent with the model provisions of the Regulations which were formulated as part of the WA Government's planning reforms to provide certainty and consistency across the State.</p> <p>Altering the existing definition, which segregates the permanent, temporary and construction elements of a workforce accommodation facility, is not only a departure from the model definition contained in the Regulations but also may result in applications seeking approval for a 'Use Not Listed' given the proposed new definitions may not align with how a workforce accommodation facility actually operates (i.e. with permanent, temporary and construction workforces all within the one facility.</p> <p>The existing 'Transient Workforce Accommodation' land use definition contained in TPS8 more closely aligns with the 'Workforce Accommodation' land use definition contained in the model provisions of the Regulations and better reflects how transient workforce accommodation operates in practice.</p>		
<p>9.11 Amendment No.39 proposes to mandate the preparation of a needs analysis for new workforce accommodation proposals and a requirement that all workforce accommodation is of an appropriate scale, design and standard.</p> <p>While it is usual practice to undertake due diligence and/or social impact studies, the introduction of mandatory provisions is, in our view unnecessary, as the CoK's existing Local Planning Policy DP10, already provides guidance when assessing workforce accommodation proposals</p>	<p>A needs analysis for workforce accommodation is considered to be a reasonable information requirement in support of a development application. A proliferation of unoccupied workforce accommodation camps is contrary to Council's established position that workforce accommodation be located and integrated within established urban areas and making use of existing accommodation where possible.</p> <p>Therefore, asking prospective applicants to provide a needs analysis is simply a way to justify the proposed development. City Officers have had discussions with industry operators who have freely provided this information.</p>	<p>No modification recommended.</p>

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9.12 Woodside as part of its usual business planning, undertakes due diligence to determine any business case for any new investments. It is worth noting that Woodside in 2016 engaged 'Creating Communities' to undertake an extensive social impact assessment that included consultation with the City of Karratha and other community stakeholders.	Noted.	No modification recommended.
<p>9.13 With respect to the proposed amendments to TPS8, provision (Clause 6.5) that relate to demonstrating the appropriateness of the scale, design and standard of a proposal, it is important to note that Woodside is, and has always been, committed to workforce accommodation facilities that are of an appropriate scale, are of a high design standard and meet planning requirements.</p> <p>Due to the subjective nature of the proposed alterations to Clause 6.5, such provision, we believe, is best expressed in planning policy (such as DP10) rather than embodied as scheme provisions.</p>	It is entirely appropriate for scale, design and standard of a proposal to be considerations in determining whether a proposal is acceptable on a particular site. The proposed Scheme Amendment is seeking to provide a high degree of flexibility in terms of where workforce accommodation can be approved and it is therefore critical that only acceptable workforce accommodation developments are approved in any particular location, particularly given the lengthy approval timeframes that are generally requested.	No modification recommended.