

City of Karratha Town Planning Scheme No.8
Draft Revised LPP No. DP10 – Transient Workforce Accommodation

Schedule of Submissions

No/Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
1.0	29 October 2014	Civeo Pty Ltd	GPO Box 2720, Cloisters Square, WA 6850	<p>Introduction:</p> <p>Civeo (formerly the MAC) appreciates the opportunity to make comments on the latest draft of the City of Karratha's Transient Workforce Accommodation (TWA) Policy.</p> <p>Civeo is firmly established as the leading workforce accommodation provider in Australia and is committed to contributing as a local business to the long-term vision of the City of Karratha.</p>		
1.1				<ul style="list-style-type: none"> 3 Definitions Civeo is opposed to terminology with negative connotations to describe workforce accommodation such as "Transient", or "Non-Resident" or "Temporary." An appropriate descriptor is "Workforce Accommodation." 	<p>'Transient workforce accommodation' (TWA) is defined in Town Planning Scheme 8 (TPS8) 'dwellings intended for the temporary accommodation of transient workers ...' DP 10 now provides a definition for 'Transient Worker' which helps describes a 'Transient Worker' when considering TWA developments which can be linked to TPS8. This is not considered to create negative connotations.</p> <p>In terms of alternative descriptors (workforce accommodation), these can be considered as part of the Scheme review process. Following the Scheme review, the City has the ability to amend the local planning policy so that it is consistent with the City's new Local Planning Scheme.</p>	<p>No modification required.</p> <p>In terms of alternative descriptors these can be considered when there is a Scheme Review.</p>
1.2				<ul style="list-style-type: none"> 6.4 Accommodating Operational Workforce Civeo agrees with the Council that a base-level of workforce accommodation beds are required to assist with accommodation supply, and they should be distinguishable from construction camps, the user of these base-level workforce accommodation should not be restricted. It is neither feasible nor desirable to make distinctions between operational, construction and short-stay workers from any industry. Evidence indicates regardless of type of workforce, decisions on FIFO are made by individual employers and employees based on many factors including lifestyle choice and availability of skilled labour. 	<p>Noted. It is considered that base-level TWA supply will give more certainty in terms of the permanency of the TWA use. The policy will be clearer on who is intended to be accommodated in these facilities. The policy promotes a higher quality, far more integrated development to accommodate operational FIFO workers than a typical TWA camp.</p> <p>It is acknowledged that there are decisions concerning FIFO that are outside Council's control. The City will continue to promote Karratha as a great place to be.</p>	No modification required.
1.3				<ul style="list-style-type: none"> 6.6 Time limited approvals- Evidence of occupancy, contracts or bookings to demonstrate demand. In relation to the provision of commercially sensitive and confidential information to the Council, specifically details relating to clients and contracts Civeo questions the legality of the Council being able to request this information. Any information which includes a guest's personal details, i.e. name, address etc. is covered by the Privacy Act can only be released when required under a court order or legislation. In relation to commercial confidential information, while the Council indicates it would be treated in complete confidence, can the Council guarantee the information would not be released under a Freedom of Information request if it was used to form part of a Council decision. Civeo request the Council advise if it would be prepared to provide Civeo and all other workforce accommodation providers with unlimited liability in relation to the release of this information 	<p>Noted. It is agreed that certain information can't be obtained under the Privacy Act. Council has the ability to classify information confidential. If sensitive information is received, then Council will ensure that this information is managed sensitively in accordance with privacy legislation.</p> <p>The Council will endeavour to work closely with parties that are providing commercially sensitive information to maintain its confidentiality.</p>	No modification required.
1.4				<ul style="list-style-type: none"> 6.10 Framework for Contributions Civeo supports development contributions to community infrastructure. Civeo is not in receipt of research to support the Council's statement "Research shows that there is a relative net loss in community service and benefit as a result of FIFO TWA living compared to town-based living." Our 	<p>Noted.</p> <p>It is acknowledged that high quality workforce accommodation may provide some benefit to the community and similarly FIFO contribute to the higher level of flight numbers arriving and departing from Karratha Airport but recent research has shown that there is a relative net loss in community service and benefit as a result</p>	No modification required.

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				<p>position is that well planned high quality workforce accommodation villages provide a net benefit to the community.</p> <ul style="list-style-type: none"> The important role of workforce accommodation villages was recently recognized in a NSW Land and Environment Court decision (Mac Service Group v Mid-Western Regional Council(2014) NSWLEC 1072) granting development consent to a Civeo village in regional New South Wales. In assessing the merits of the proposal and based on the socio economic evidence before the court, the Court determined, <i>“A TWA takes the pressure off both the lower socio-economic groups and tourism. It is a buffer to the volatility of the mining industry...”</i> To support our position we refer to the following examples of how workforce accommodation villages provide net benefit to the community: Base-level workforce accommodation villages, such as Civeo’s Karratha Village, support the availability and affordability of housing for local residents by acting as a shock absorber to dampen spikes and troughs in residential demand. Workforce accommodation villages help ensure availability for tourists in hotel/motel/caravan park style facilities. During periods of high workforce accommodation demand tourist facilities tend to target the workforce accommodation market with a resultant detrimental impact on tourists, who are often priced out of hotels, motels and caravan parks, with a resulting long term negative impact on the tourism sector in these regions. In areas where workforce accommodation demand has tapered, tourist operators are now experiencing reduced occupancy and have lost their traditional core tourist business. <p>The current and future FIFO workforce in Karratha is also one of the major drivers for the Council’s \$35 million upgrade of the Karratha Airport. This key asset is a vital economic and social service to the area providing connectivity between the city and Perth for workers, local businesses and residents. The money being spent on the airport, and the revenue it receives for the City, comes primarily from FIFO workforce. The high number of flights is directly linked to the FIFO workforce who generates the demand. This is another major example of net positive benefit from FIFO workforces who would primarily be accommodated in workforce accommodation villages.</p>	of FIFO TWA living compared to town-based living. The Council has a number of reports concerning these matters which can be made available to Civeo (e.g. Inquiry into Mental Illness in FIFO workers: Submission from Karratha City 2014; Cancer of the Bush or Salvation for our Cities FIFO and DIDO workforce practices in Regional Australia House of Representatives February 2013; Local Planning Strategy, Evidence Analysis Paper FIFO Labour September 2013).	
2.	28 October 2014	Rio Tinto Iron Ore (RTIO)	152-158 St Georges Terrace Perth 6000 WA	<p>Introduction:</p> <p>We acknowledge the City for the inclusion of permanent planning approval for certain categories of TWA, and the City’s acknowledgement that as a State Agreement Proponent RTIO’s compliance with the TWA and SIA policies is carried out at RTIO’s discretion in the interests of continuing our positive working relationship with the City.</p> <p>RTIO does not propose to restate our submissions that have been accepted by the City. However please note that in not restating these submissions RTIO is not indicating that we accept the City’s position.</p>	<p>Noted.</p> <p>The City will reference the TWA and SIA policies in commenting on relevant State Agreement matters and believes both policies should be considered as part of the decision making processes for such matters. The City appreciates the positive working relationship with Rio Tinto.</p>	No modification required.
2.1				<p><u>6.3 TWA & Freehold</u></p> <ul style="list-style-type: none"> It is noted that the Council’s stated preference is for TWA to be located on ‘freehold title’. This preference is stated at several points in the TWA Policy, including section 6.3- <i>Base-level construction peaks</i> and 5-<i>Background and Council Position</i> which states: <i>“The Council recognises the greater certainty of tenure of freehold title. The Council prefers that ongoing base-level supply of TWA beds be provided via TWA developments on freehold title and that Crown land only be used to accommodate additional short-term demand associated with particular construction projects.”</i> RTIO submits as a State Agreement proponent the majority of our assets in 	<p>Noted.</p> <p>It is acknowledged that proponents pursuant to State Agreement may have obtained long term tenure agreements which provide a degree of certainty, especially when large capital investment is being contributed to develop projects.</p> <p>With State Agreements, the local authority will have the opportunity to comment on projects but the State Government has the authority in determining the final outcomes for large scale development with their associated land tenure.</p> <p>The Council has stated a position concerning TWA in that the ongoing base level supply of TWA beds is to be provided via freehold title. In regard to the defining of</p>	<p>Modification required.</p> <p>Where necessary, Council position and section 6.1 being modified to distinguish high quality TWA in urban settings on State Agreement leases from other TWAs on leasehold land.</p>

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				<p>the City are located on leasehold tenure granted or held pursuant to a State Agreement, including much of the town of Wickham. Under RTIO's State Agreement, works (including accommodation) must be located on tenure granted or held pursuant to the State Agreement.</p> <ul style="list-style-type: none"> RTIO utilises leasehold tenure granted under its State Agreement for existing TWA facilities. RTIO submits that sufficient certainty of tenure exists for the Council under this existing arrangement. Many of RTIO's assets have been on a form of leasehold land for more than 50 years demonstrating the certainty of leasehold tenure. RTIO questions the assumptions that the Council has made in its defining of future <i>"base level supply"</i> and the demand profile that has informed these assumptions. RTIO requests further detail regarding this definition. RTIO submits that demand forecasting of FIFO beds is problematic, particularly over a multi-year period. The possible removal of rooms raises a concern that market demand may not be met, specifically in periods of high demand such as construction projects and maintenance shutdowns. 	<p>the base level supply of beds, further research will be undertaken. The City would welcome the opportunity to work with major resource players in acquiring information to further assist in defining the base-level supply of TWA beds.</p> <p>It is to be noted that Rio Tinto has invested in developments like Cajuput Villa accommodation for FIFO operational workforce. Such development is of a high quality and fits into a residential neighbourhood. This development is located on State agreement lease. It is recommended that this type of development should be exempt from time restrictions that otherwise apply to TWA based on the substantive investment that has gone into integrating this accommodation into an urban environment.</p> <p>When applications are lodged concerning high quality accommodation on land being non freehold the consideration for a time exemption would need to be assessed at the time of application in terms of Table 1 which sets out Design Objectives. The qualifier for exempting time limits will depend on the quality of design of the proposed developments.</p>	
2.2				<p><u>6.4 Defining Remote TWA</u></p> <ul style="list-style-type: none"> Defining <i>'Remote TWA'</i> as <i>'more than 50 kilometres from a town site'</i> is unnecessarily arbitrary. A more flexible definition to consider factors such as geographic and locational issues, driving distance and road conditions as well as fatigue management would better suit both the needs of the City and proponents. 	<p>The Council accepts the need for Remote TWA where a project is more than 50km from a townsite. The 50km is based on a travel time of approximately 30 minutes from a townsite. The definition could be modified to also be inclusive of a risk/ factor analysis that would be considered by the Council to determine if the TWA is remote, especially if it is proposed to be located less than 50km from a town site. This gives opportunity for the proponent to carry out a risk assessment covering geographical and locational factors, driving distances and fatigue management travel/distance times between work and accommodation to enable adequate rest and relaxation that may contribute to the TWA being remote. The risk assessment would be carried out by a suitably qualified person and this would be assessed by the Council to determine if the TWA is considered to be remote.</p> <p>A copy of the proposed rewording of the definition was forwarded to RioTinto for comment. Rio Tinto commented that this better qualifies the definition in identifying remote TWA.</p>	<p>Modification required.</p> <p>The definition for remote TWA be modified <i>"A remote TWA is considered to be a TWA located more than 50km from a townsite but consideration may also be given to a TWA being remote (less than 50km) if by means of a risk assessment being provided demonstrating matters relating to locational/geographical factors, travel distance and time factors between work and accommodation maximising the opportunity for rest and relaxation between shifts. The risk management assessment would need to be carried out by a suitably qualified person and would be assessed by the Council to determine if the TWA generally satisfies the criteria set for a TWA being considered remote."</i></p>
2.3				<ul style="list-style-type: none"> Further guidance is sought regarding what conditions, or removal of conditions are likely to be attached to a TWA defined as a <i>'remote TWA'</i> 	<p>A remote TWA planning application will be subject to assessment in terms of DP 10 being subject to matters covered within this policy e.g. Time limit based on operational requirements, Decommissioning/ transitioning. Conditions would be set covering these matters in a Development Application approval.</p>	<p>No modification.</p>
2.4				<p><u>6.5 Decommissioning/Transitioning</u></p> <ul style="list-style-type: none"> We welcome the officers comments in the Schedule of Submissions at 5.21 that a <i>"discretion can be included to consider requests for reduced periods where there is still a commitment to prepare such plans"</i>. This flexible approach is not reflected in the current wording of the TWA Policy. It is considered that a period of three to six months better suits the dynamic nature of the resources industry. 	<p>The following are the officers comments were made in the Schedule of Submissions in the September 2014 report.</p> <p><i>"The requirement for a decommissioning or transition plan does not apply if the facility is permanent or a renewal to the approval is granted. Some discretion can be included to consider requests for reduced periods where there is still a commitment to prepare such plans."</i></p> <p>Section 6.7 of revised DP 10 can be modified to accommodate this flexibility for a decommissioning or transition plan.</p>	<p>Modification required.</p> <p>Include qualification in Section 6.7 that the requirements for decommissioning or transition plans only applies to time-limited approvals where renewal is not expected to be granted and provide some discretion to consider reduced periods for lodgement of decommissioning or transition plans where there is a commitment to preparing and implementing such a plan.</p> <p><i>"A decommissioning or transition plan to be lodged with the Council 18"</i></p>

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						<i>months prior to expiry of the planning approval. A reduced time period may be considered at the discretion of Council where there is a commitment to prepare such plans."</i>
2.5				<p><u>6.8 Framework for contributions</u></p> <ul style="list-style-type: none"> RTIO refers to the officer's recommendation in the schedule of submissions at 5.5 that states <i>"a contribution is only contemplated under the policy as discretion."</i> This is not clear in the TWA policy in its current form and it is considered that a statement similar to this was included to reduce any uncertainty regarding the discretionary nature of contribution payments. 	<p>It is noted under section 5; <i>"The Council believes a community contribution should be made by TWA proponents at the time of initial approvals as there is a relative loss of community service and benefit in approving TWAs due to association with FIFO working arrangements."</i></p> <p>It is noted under section 6.9 Assessment of Social Impact last paragraph <i>"Management measures to be undertaken in accordance with the social impact management plan may include contributions in accordance with (clause 6.10) below but need to address the full range of social impacts following guidance provided by the Council's Social Impact Assessment Policy."</i></p> <p>Depending on the Social Impact Assessment and Social Impact Management Plan, contributions may be required. The form of contribution can take different forms as set out in section 6.10.1 of DP 10.</p> <p>The form of contribution if required will be dependent on the nature of the Social Impact Assessment as guided by the Social Assessment Impact Policy.</p> <p>In regard to contributions being discretionary, this is a matter that will be weighed against the Social Impact Assessment of a new TWA.</p> <p>This matter will be further discussed with Rio Tinto to see if there is a possibility of clarifying the situation in relation to the discretionary nature of contributions without undermining Council's position.</p>	Further consultation to be undertaken with Rio Tinto to see if there is a possibility of clarifying the situation in relation to the discretionary nature of contributions without undermining Council's position.
2.6				<ul style="list-style-type: none"> Question the City's view of the TWA Policy relationship and the Western Australian Planning Commissions (WAPC) State Planning Policy 3.6 (SPP) Development Contributions for Infrastructure. The officer's comments at 5.26 in the Schedule of Submissions that the TWA Policy <i>"has not been prepared under the provisions of SPP 3.6 and was never intended to"</i>. We submit that the better outcome is for the City to prepare the DP 10 policy in accordance with the SPP 3.6 so there is greater consistency, accountability and transparency between both levels of Government. 	<p>The contribution framework proposed by the draft Policy has not been prepared in accordance with the provisions of SPP 3.6.</p> <p>McLeods Barristers and Solicitors provided legal advice on 3 September 2013 in relation to similar concerns raised by the Department of Planning on the draft interim TWA policy adopted by Council for public advertising at its May 2013 meeting: <i>"It can't reasonably be suggested however that the contribution mechanisms contemplated in SPP 3.6 are appropriate for the type of temporary TWA that the Shire is presently encountering"</i>.</p> <p>The framework has been prepared to be generally consistent with the underlying principles as listed in clause 6.8.3 of the draft policy.</p>	No modification required.
2.7				<ul style="list-style-type: none"> The officer's recommendation 5.31 in the Schedule of submission to include the words <i>"for re-approval of that development"</i> modifying 6.8 of the TWA Policy has not been included. 	<p>In accordance with Clause 6.10 of the Policy 'once a contribution proposal has been accepted by the council for a TWA development, no further contribution will be sought by the Shire'</p> <p>An application for an extension of time would not attract a separate contribution. An application for expansion may attract a separate contribution being new development. The need for a contribution would depend on the review of a Social Impact Plan and scale of the proposed expansion.</p>	<p>Modification required.</p> <p>Implement the following modification and the last paragraph of Section 6.10 to read:</p> <p><i>".....no further contributions will be sought by the City for re-approval of that development"</i></p>
2.8				<p>Social Impact Policy DP 20</p> <p>While Council has resolved to not advertise the SIA Policy RTIO maintains the concerns that were set out in the submission of 29 April 2014. The City does not have the ability to require a SIA for developments that do not require development approval from the City.</p>	<p>Noted.</p> <p>The City has worked closely with the Department of State Development in finalising its SIA Policy to make sure it fits with DSD's ISA Framework.</p>	No modification required.
3.	29 October 2014	CME (The Chamber of Minerals and	Level 10, 2 Mills Street Perth. WA	<p>Introduction</p> <p>The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative Body in WA funded by its member companies</p>		No modification required.

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		Energy of Western Australia)	Locked Bag N984,Perth WA 6844	which generate 95% of the value of all mineral and energy production and employ 80% of the resources sector workforce in the state.		
3.1				<p>TWA & FREEHOLD</p> <ul style="list-style-type: none"> CME notes Council's preference for TWA to be located on 'freehold title'. This would be an unworkable provision for those proponents who operate under State Agreements e.g. Woodside and RioTinto as a majority of their assets are located on leasehold tenure pursuant to a State Agreement. Under the SA framework any infrastructure that is for the purpose of State Agreement works (including accommodation) must be located on tenure granted or pursuant to a State Agreement. If SA proponents are required to locate TWA on freehold titles they would need to obtain the Department of State Developments (DSD) or the Minister for State Developments agreement for such tenure to be held outside of SA. Section 5 of the TWA Policy states: <i>"The Council recognises the greater certainty of tenure of freehold title. The Council prefers that ongoing base-level supply of TWA beds be provided via TWA developments on freehold title and that Crown land only be used to accommodate additional short-term demand associated with particular construction projects."</i> <p>CME does not agree there is a link between certainty of tenure and freehold title. A number of the City's permanent structures are located on Crown leases, and many assets have been on a form of leasehold land for more than 50 years which provides certainty of tenure.</p> CME questions how the Council has defined future 'base level supply' and the demand profile that has informed these assumptions. Demand forecasting of FIFO beds is problematic particularly over the medium to longer term. Any removal of village rooms raises a risk of market demand not being met, specifically in periods of high demand such as construction projects and maintenance shutdowns. <p>CME recommend remove stated preference for new TWA villages to be located on freehold title and for the Council to work with CME in forecasting future demand for TWA</p>	<p>Noted. Please refer to section 2.1 of this submission schedule.</p> <p>In relation to defining future demand for TWA beds and defining the base-level supply for TWA beds the Council would support a liaison relationship with CME whereby research information is shared to enable a clearer understanding of TWA bed forecasting.</p>	No modification required.
3.2				<p>Definitions Remote TWA</p> <p>Defining "Remote TWA" as "more than 50kilometres from a town site" appears to be based on an arbitrary figure, rather than any evidence based logic. A definition which adopts a risk based approach taking into account both driving distances and road conditions would be preferable to the current proposed prescriptive distance-based method. Companies seek to minimise the travel distance and time taken by employees to reduce potential risks associated with movements between worksite and accommodation and to maximise opportunity for rest and relaxation between shifts.</p> <ul style="list-style-type: none"> Council to adopt a risk-based approach to assessing whether TWA is designated remote or not. 	<p>Please refer to Section 2.2 in this submission schedule.</p> <p>It is acknowledged that the risk-based assessment has merit in defining an isolated TWA based on a number of factors as suggested. The risk based assessment would be open to interpretation. The arbitrary distance of 50km is considered to be a reasonable distance and guide based on a distance travel time of approximately 30minutes.</p>	Modification required.
3.3				<p>Decommissioning/Transitioning</p> <p>CME supports the comments in the Schedule of Submissions in 5.21 that <i>"discretion can be included to consider requests for reduced periods where there is still a commitment to prepare such plans."</i> However CME considers this flexible approach is not reflected in the current wording of the TWA Policy which requires a minimum of 18 months for a decommissioning/transitioning plan.</p> <ul style="list-style-type: none"> Council considers a flexible approach to timeframes concerning Decommissioning Plans. 	<p>Noted. Refer to section 2.4 in this submission schedule.</p>	Modification required.
3.4				TWA Developer Contributions		No modification required.

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				<p>CME acknowledges the improved guidance regarding the framework for contributions set out in the Schedule of Submissions at 5.5. However, the officer recommendation as outlined in 5.5 that <i>“a contribution is only contemplated under the policy as discretion”</i> is not made clear in the DP 10 TWA Policy document.</p> <p>For the purpose of transparency, certainty and clarity the TWA Policy’s relationship to the Western Australian Planning Commission’s (WAPC) State Planning Policy (SPP) Development Contributions for Infrastructure needs to be articulated. While the officer comments at 5.26 of the Schedule of Submissions that the TWA Policy <i>“has not been prepared under the provisions of SPP 3.6 and was never intended to”</i>, CME does not consider this to be acceptable.</p> <p>The Council should amend the TWA policy to reduce uncertainty regarding the discretionary nature of contribution payments and amends DP 10 policy to be in accordance with SPP 3.6 to ensure better consistency, accountability and transparency between both levels of government.</p>	<p>Noted.</p> <p>Please refer to section 2.6 in the Schedule of Submissions.</p>	
3.5				<p>Application to existing TWA facilities</p> <p>CME notes the guidance provided at 5.33 of the Schedule of Submissions which states time limited approval renewals may trigger the TWA Policy. CME submits in circumstances where no significant expansions or modifications are proposed to a TWA facility, application of such a policy would cause significant uncertainty for proponents. The retrospective application of the policy on existing TWA facilities will result in the inclusion of significant new costs in order to fit the parameters of the TWA Policy or potential non-renewal of facilities.</p> <p>The Council does not retrospectively apply the TWA Policy that will impact or affect the operations, alteration or extension of any previously approved TWA.</p>	<p>.</p> <p>Noted.</p> <p>The requirements within the Policy will not apply to existing TWA’s that have approvals in place and conditions are being satisfied.</p> <p>The Policy will be referred to when applications are made to renew time-limited approvals or where ‘other’ land uses (e.g. restaurants and take-away food outlets) are currently operating within a TWA without planning approval whereby a retrospective approval will be required from the Council.</p> <p>In terms of any extensions or alterations to existing approved TWAs the Council would have regard for DP10. It is noted that Clause 6.1 of the Policy sets out matters to be considered in exercising discretion where the TWA is a ‘discretionary’ or ‘advertised use’.</p> <p>The council will need to consider these applications on a case by case basis giving consideration to DP10.</p>	No Modification.
3.6				<p>SIA Policy</p> <p>The Council resolved to not re-advertise the Social Impact Assessment (SIA) policy. However CME does not consider the Council should require a SIA for State Agreement area or Mining lease developments that do not require development approval from the Council and on which they are requested to comment.</p> <p>CME does not consider a SIA for each TWA facility for the local government is necessary as the social and economic impact of a project extends beyond the geographic location of a particular TWA.</p> <p>CME and member companies acknowledge the importance of mitigating potential social impacts on local communities that may arise from the near town location of a TWA. However, social impacts are, and should be considered in the context of the entire project development and approvals process in negotiation with the State Government.</p> <p>DP 20 will create unnecessary duplication and introducing a new layer of administrative requirements. Lack consistency of the requirements across</p>	<p>Noted.</p> <p>In regard to proposals under the <i>Mining Act 1978</i> and Sate Agreement under Section 6.1 the City will recommend a SIA be submitted for comment. The City recognises that SIA may be incorporated into other project assessment processes i.e. State-level Infrastructure Services Assessment Framework and this policy is not intended to duplicate such processes but rather to assist in guiding, informing and streamlining them.</p> <p>In terms of this legislation, when the Council receives a project to comment on if a SIA has already been prepared this would be reviewed and commented on with recommendations.</p> <p>TWA applications not subject to the <i>Mining Act 1978</i> or State Agreement would be required to submit a SIA.</p> <p>DP10 and DP20 are policies that work in tandem. DP-20 is adopted and should be retained.</p>	No modification.

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				<p>Federal, State and Local Governments in this regard result in administrative burdens on industry.</p> <ul style="list-style-type: none"> The Council does not adopt Local Planning Policy DP 20- Social Impact Assessment. 	Policies are reviewable and if parts are unworkable they can be reviewed and reconsidered.	
4.	7 November 2014	Stayover by Ausco	4-44 Formation Street, Wacol QLD 4076 Australia	<p>Introduction</p> <p>Stayover by Ausco thanks the Shire of Roebourne for the opportunity to provide comment to the revised Local Planning Policy DP10 – Transient Workforce Accommodation (DP10).</p> <p>It is noted a number of matters raised within our previous submission have been addressed in the revised DP10. We reiterate our commitment to a long-term presence in the region and our support of the revised policy and strategic approach the City has adopted (including advertising for further comment).</p> <p>We hope the additional comments made within the submission further assist the Council in finalizing a long-term strategic approach to workforce accommodation. This approach should strengthen the capacity to attract investment and provide flexible and high quality working environments for those people and organizations working in fly-in/fly-out employment.</p>	Noted. The City appreciates constructive input.	No modification required.
4.1				<p>1. Determining Need and Base-supply</p> <p>The revised DP10 articulates the Council's intention to ensure that the provision of TWA beds within the City of Karratha (excluding remote TWA's) is appropriately located and managed. This will be used by the Council to rezone suitable land to TWA under the Council's Town Planning Scheme and to inform this the Council is in the process of assessing overall base supply of TWA's required over a defined horizon. Stayover supports the Council's approach to establishing a base need for TWA's.</p> <p>Clause 6.1 of the DP10 include the following consideration when determining an application:</p> <p><i>"If on Freehold Land, whether the TWA is needed to service the ongoing base-level supply of TWA beds.</i></p> <p>In developing a new approach to the consideration of new proposals, Stayover considers it would be counterproductive to refuse new applications for TWA's in locations that are most appropriate (and achieve highest and best use), simply on the basis that demand may already be addressed through existing TWA's which themselves be actually be inappropriately located to achieve broader land use planning and economic development outcomes. Essentially, a holistic understanding of the demand and location of TWA's needs to retrospectively consider the location of previous TWA's approvals.</p> <p>As part of the further investigations about to be completed, Stayover therefore recommends that the City consider the following mutually exclusive of each other in the process:</p> <ul style="list-style-type: none"> The broad number of beds required into the future to address demand; and Suitable locations to meet this need in the long term. <p>This approach should be reflected within the content of the policy to clearly articulate Council's expectations not only relate to provision of suitable supply but also long-term suitable locations of TWA's in Karratha irrespective of their historical approval. Stayover notes Kingfisher Village is:</p>	<p>Noted.</p> <p>Clause 6.1 of DP10 has been modified to include: <i>"If on Freehold Land, whether the TWA is needed to service the ongoing base-level supply of TWA beds.</i></p> <p>In terms of further and future investigations the Council is supportive in researching:</p> <ul style="list-style-type: none"> The broad number of beds required into the future to address demand; and Suitable locations to meet this need in the long term. <p>With TWA developments on freehold title, consideration should be given to zoning these sites to TWA e.g. Kingfisher, The Mac. It is considered that the current TWA zones are not adequate. The Policy cannot change zoning, but the draft policy has been revised to recognise the distinction between construction camps and base-level TWA supply in terms of intended purpose, with the longer-term aim of formalising this distinction via zoning under the Scheme.</p> <p>The Scheme can be reviewed to reconsider the TWA use in relation to all zones. On defining the base-level bed supply, it may mean in the future that TWAs are restricted to certain zones.</p> <p>The recommendations proposed by the submitter will be taken into consideration when defining the base level supply of TWA beds and initiating Scheme Amendments concerning TWA zoning.</p> <p>Any TWA proposal will be considered against the adopted planning policy framework in place at that point in time.</p>	<p>No modification required.</p> <p>Clause 6.1 of DP10 was modified in the advertised draft version.</p>

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				<ul style="list-style-type: none"> • A Freehold Lot; • Town-based being located within the Karratha Townsite Boundary and a short drive from the City Centre; • Not to be at risk to natural hazards such as flooding or storm-surge (previous approvals); • Adjoins vacant land; • Has limited adjoining land-uses that could create a conflict in the short-term; • Will not hinder or create conflict with any future proposed land developments as identified within the Karratha 'City of the North' Growth Plan; • Accessible to the local and regional road network and does not compromise future infrastructure corridors; and • Already contributing to the local community through the employment of local people and operation of frequent bus services into the centre for guests of the village. <p>The Kingfisher Village is considered to be ideally located to support the longer-term base supply of TWA in the City of Karratha. It forms a logical extension to an approved operation with limited alternative development potential that could benefit the local economy or community. As such, in the longer term Kingfisher Village could be more appropriately used as TWA. This approach was suggested by Officers in the agenda item presented to Council.</p> <p>In summary, this approach has more long-term benefits to the strategic planning and development framework of the Council irrespective if current TWA beds in the market meet the determined base supply.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • The Policy should include an additional subsection under Section 5- Background and Council Position', which clarifies that some TWA's with existing and unfettered approvals may not be suitably located to meet long-term base supply of beds within the City of Karratha. • Additional clarification be included within the policy to clarify that the suitability of location to meet base supply is the overarching requirement. The preference of location should be preferred even if base supply has been met within the market. 		
4.2				<p>1.1. Contributions</p> <p>Stayover reiterates comments made in its previous submission with respect to community contributions linked to operations of TWAs. We support the principle that TWAs should make positive contributions to the communities in which they are located. This should be determined through SIA and appropriately scoped responses as opposed to a basic financial contribution. As highlighted in our previous submission, the approach used in Canada, using Community Benefits Plans, is a more appropriate response which ensures actual impacts are properly managed.</p> <p>The agenda report to Council provides justification for the retention of contribution provisions in DP10 on the basis that TWAs don't provide a substantial benefit to the community. Statement of Planning Policy 3.6- Development Contributions for Infrastructure (SPP3.6) sets out the current statutory planning framework for the application of contributions. A fundamental principle of SPP3.6 is the need to demonstrate the demand for new infrastructure as a result of development. TWAs by their own nature and operations are self-sufficient and do not generate a need for additional infrastructure to support their operations (aside from utilities which are paid for directly by the TWA operator). In addition, TWA operators already pay significantly heightened rates to reflect the number of occupants within the facility and their potential use of the City's public facilities.</p>	<p>Noted.</p> <p>Refer to comments in section 2.6 of the schedule of submissions.</p> <p>With any new TWA or expansion of any existing TWA the SIA will determine if any form of contribution is to be made. Contributions are by agreement.</p> <p>If a proponent has made, or is making a contribution, this would be taken into consideration with any expansion to an existing TWA.</p> <p>With any new TWA, any form of contribution would relate to the SIA submitted for the proposed development.</p> <p>Section 6.10 of DP10 should be retained.</p> <p>It is noted that the Department of Planning (DoP) submission dated 6 May 2014 states the following <i>"The DoP advises that local planning policies are intended as guidelines used to assist the local government in making decisions under a local planning scheme. The DoP has concerns that the Shire's draft local planning policies go beyond this by imposing additional requirements, therefore purporting to impose a separate planning regime. It may be beneficial for the Shire to seek legal advice on this matter, particularly in relation to the enforceability of requirements that do not have explicit statutory authority."</i></p>	No modification required.

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				<p>Despite the notion contributions in the policy are not compulsory, we still consider the implied expectation of a contribution, detached from demand or impact, is inappropriate and inconsistent with SPP3.6. This is particularly important in regards to potential duplication of contributions through already imposed rates charges.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> The entire removal of Section 6.10 from DP10; or The City obtain approval from the WAPC for the retention of such provisions within DP10 prior to final adoption. 	<p>As mentioned above McLeod’s Barristers and Solicitors provided legal advice on 3 September 2014 concerning the matters raised by DoP.</p> <p>It is considered that the Draft TWA and SIA Policies are not outside of what is contemplated in Town Planning Scheme 8 (TPS8) establishes for relevant consideration for determining applications in regard to social impact.</p> <p>Clause 4.4 of TPS 8 Matters to be considered by Council para (y) <i>‘the potential loss of any community service or benefit resulting from the planning approval’</i>.</p> <p>It is therefore considered that the requirement for a SIA for developments that are known to have community impacts is considered to be a reasonable and relevant request contemplated in TPS8.</p> <p>McLeod’s Barristers and Solicitors made the following comment about the concerns raised by DoP.</p> <p><i>“The comment that the Department has concerns about the draft Policy imposing requirement for social impact management in my opinion may be misconceived. The Shire’s draft Policy does not seek to impose an obligation of social impact management, but puts it forward as a mechanism that may be used in appropriate circumstances.”</i></p> <p>Contributions provided would be considered to be a mitigation measure and an outcome from the SIA process.</p>	