

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

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1. OBJECTIVE

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

The objectives of this Policy are to:

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

2. PRINCIPLES

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

2.1 Application of Policy

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

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

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

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

2.2 Exclusions

Transient workforce accommodation facilities are exempt from this Policy where:-

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

3. DEFINITIONS

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

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

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

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

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

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

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

Temporary accommodation means an accommodation use that is not permanent.

Transient worker is a worker that stays in the City of Karratha while working in the City of Karratha on a continuous work program but who lives elsewhere (ie. a worker on a fly in-fly out roster).

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

4. CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that Councillors and Officers retain appropriate documentation to substantiate their expenditure. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.[JH1]

5. BACKGROUND AND COUNCIL POSITION

Background

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

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

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

The recent construction phase experienced in the City of Karratha has resulted in far more TWA beds being available and approved than are forecast to be required in coming years (City of Karratha Local Planning Strategy Evidential Analysis Paper, September 2013). The Council's preference is to accommodate workers in more permanent forms of town-based accommodation wherever possible, preferably dwellings. Where there are intentions to accommodate FIFO operational workers in other forms of accommodation, the Council expects the development to be of a high standard, suitably integrated with surrounding development, not a typical camp situation or layout.

The Pilbara Cities initiative seeks to facilitate the development of a hierarchy of urban settlements where people choose to settle on a permanent basis, a place to raise families with access to high standards of education, health and diverse employment and career opportunities. To that end, there is a clear intent at the State, Regional and Local Government level to promote a local skilled workforce and

facilitate a transition to a permanent town-based population that supports facilities in a manner that is beneficial to the workers, employers and the broader community.

This Policy provides further interpretation of City of Karratha's Town Planning Scheme No.8 in the preparation and assessment of applications for TWA facilities. The Policy further aims to set out the information requirements and provisions the City of Karratha shall have due regard to in the assessment and determination of development applications.

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

Council Position

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

- The Council acknowledges the critical role Transient Workforce Accommodation plays during the construction phase of major resource projects and to accommodate peak short-term workforce requirements associated with maintenance shut downs.
- The Council's aspiration is that workforce accommodation needs should be met as much as possible through more permanent forms of town-based accommodation, rather than transient workforce accommodation.
- The Council's preference is for operational workers to be town-based and will work with companies to pursue options for increasing town-based workers.
- The Council is committed to helping to grow and develop the local economy and the local community. While TWAs do make a contribution, they are only intended to serve a specific purpose (that being transient worker accommodation). In all cases except within a TWA zone, this is on a temporary basis. [The intention to transition over time towards a residential workforce should be shared.](#)
- The Council recognises the greater certainty of tenure of freehold title. The Council prefers that ongoing base-level supply of TWA beds be provided via TWA developments on freehold title and that Crown land only be used to accommodate additional short-term demands associated with particular construction projects.
- The Council recognises that there are particular TWA developments that have been designed to accommodate operational FIFO workers on a ~~Acceptable forms of more~~ permanent basis and to integrate with surrounding urban environments. The Council is prepared to ~~accommodation should be~~ distinguished [such developments](#) from typical TWA ~~uses~~ camps and approve them as permanent TWAs.
- The Council limits timeframes and the scope of uses permitted under the use class transient workforce accommodation to reflect the intention for the use.
- The Council believes a community contribution should be made by TWA proponents at the time of initial approval as there is a relative loss of community service and benefit in approving TWAs due to association with FIFO working arrangements.

6. POLICY MEASURES

6.1 Matters to be considered in exercising discretion

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

- If on freehold land, ~~Whether~~ the TWA is needed to service the [ongoing base-level supply of TWA beds.](#)
- If on Crown land, whether the TWA is needed to service the needs of a [particular construction project, ~~construction phase or maintenance shut down.~~](#)
- If for the permanent accommodation of operational FIFO workers, whether the TWA [integrates and is compatible with the surrounding urban environment.](#)
- The level of consistency and/or conflict with the relevant objectives of the precinct and the relevant objectives and/or clauses of the applicable zoning.
- Exposure to risk from natural hazards.

- Compatibility with surrounding land uses.
- Existing and planned infrastructure corridors.
- Separation distances (eg. buffers to industrial uses, including the potential for the proposed development to have an adverse impact on future permissible land uses within the zone.
- The cumulative impacts of multiple TWA developments on the sustainability and liveability of affected towns and the [Council City](#) generally.
- Such other matters as considers relevant, including matters identified in Section 4.4 of the Scheme.

6.2 Construction v operational phases

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

- ~~• peak workforce demands during the construction phase of major projects only where those workforces cannot be accommodated in town-based short stay accommodation or permanent dwellings; and~~
- ~~• peak short-term workforce requirements associated with maintenance shut-downs.~~

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

Where ~~there are~~ proponent intentions to accommodate FIFO operational workers in TWA on a permanent basis ~~other forms of accommodation~~, the Council expects the development to be of a high standard ~~and~~, suitably integrated with surrounding development, not a typical camp situation or layout. ~~Acceptable forms of accommodation should be distinguished from typical TWA uses. Proponents should discuss such proposals with the City to ensure they meet expectations.~~

6.3 Permissibility of other uses

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

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

6.4 Time limited temporary use

Apart from TWAs approved for the permanent accommodation of operational FIFO workers, Aa maximum time limit of 5 years will be applied to development approvals for new TWA applications, extensions and modifications and requests for extension of time. The 5 year period is recognised as a maximum short-term planning timeframe which reflects the intention for TWA to be a temporary use. The specific time limit will ~~however~~ be at the discretion of the Council, having regard to the matters outlined below. It should not be assumed that a 5 year period will be granted.

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

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

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

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

6.5 Decommissioning/Transitioning

Apart from TWAs approved for the permanent accommodation of operational FIFO workers, decommissioning/transition plans are required for TWAs. The City encourages applicants to submit a decommissioning/transition plan with an application. As a minimum, a condition will be included on any approval requiring Aa decommissioning or transition plan ~~is~~ to be lodged with the Council 18 months prior to the expiry of the planning approval for a TWA facility.

6.6 Development Standards

Table 1 of this Policy sets out the development standards for TWA applications.

All TWA applications will be required to demonstrate compliance with these standards. Where variations from specific development standards are proposed, justification will be required.

6.7 Assessment of Social Impact

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

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

Management measures to be undertaken in accordance with the social impact management plan may include contributions in accordance with clause 3.8 below but need to address the full range of social impacts following guidance provided by the Council's Social Impact Assessment Policy.

6.8 Framework for contributions

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

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

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

6.8.1 Form of contributions

Contributions may be in the form of:

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

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

6.8.2 Establishing a standard rate for contributions

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

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

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

Contributions to infrastructure may be in the form of:

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

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

6.8.3 Principles for contributions

As outlined in clause 3.8, the proposed arrangement for contributions is not a formal arrangement pursuant to the provisions of State Planning Policy 3.6. The Council, however, recognises that there will be expectations that contributions from TWA development shall be generally consistent with the same underlying general principles, including:

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

6.8.4 Administration of collected funds

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

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

6.8.5 Consultation

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

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

7. APPLICATION REQUIREMENTS

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

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

8. CONSULTATION

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

9. REFERENCES TO RELATED DOCUMENTS

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

Other legislative documents which have potential to influence applications:

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

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