FINAL DECISION

WOODSIDE ENERGY LTD AND PRESIDING MEMBER OF KIMBERLEY PILBARA GASCOYNE JOINT DEVELOPMENT ASSESSMENT PANEL

DR 279 OF 2018

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING
11 DECEMBER 2018
INTRODUCTION

1. Woodside Energy Ltd (Woodside) applied to the Kimberley Pilbara Gascoyne Joint Development Assessment Panel (the JDAP) for approval to commence development for a 700 room Workforce Accommodation facility (the development). The development is intended to occur at Lot 3799 Rankin Road, Gap Ridge (the subject land). The subject land is a 6-hectare Crown land parcel, with a 300m frontage to Bayview Road and a 200m frontage to Rankin Road.

2. The principal elements of the proposed development are:
   a. Three, two-storey in-situ (assembled on site) accommodation buildings totalling 192 rooms;
   b. 16, two-storey modular (assembled off site) accommodation buildings totalling 508 rooms;
   c. ‘Village Centre’ comprising a reception, self-check-in desks, first aid room with ambulance bay, transit lounge, dining and catering facilities, small gymnasium and small ‘village green’ area;
   d. Small swimming pool (plunge pool), multi-purpose sports courts and sports oval, barbeque and picnic areas; and
   e. Maintenance compound and Laundry.

3. The City of Karratha (the City) recommended approval of the development, subject to conditions, including conditions limiting the approval to a period of 10 years occupation and stipulating occupancy only by employees and direct contractors of Woodside and/or North West Shelf Joint Venture projects. On 9 October 2018, the JDAP approved the development subject to the City's recommended conditions, with minor modifications to Condition 8 and inclusion of an additional advice note.

4. On 5 November 2018, the Applicant made an application for review to the State Administrative Tribunal (the Tribunal) to modify Condition 1 and delete Conditions 2 and 14. Condition 1 relates to the 10 year time limited approval and Condition 2 relates to the occupancy restrictions. Condition 14 requires a pedestrian/cycle path to be provided linking the development to an existing neighbourhood centre in the City.
5. I directed the Acting President of the Tribunal to refer the application to me for
determination pursuant to section 246(2)(a) of the Planning and Development Act 
2005 (WA) (the Act).

6. In the meantime I am aware that Woodside made an application to the City for the 
amendment of the existing approval granted on 9 October 2018 under regulation 17 of 
the Planning and Development (Development Assessment Panels) Regulations 2011 
(the Regulations). This application was considered on 19 November 2018 which was 
after the expiry of the date and time for me to call-in the application from the Tribunal 
in accordance with section 246 of the Act. So whilst this amended application arrived 
at a mutually agreeable outcome, I determined that it was necessary to call-in the 
application, to mitigate the risk that a mutually agreeable outcome was not reached 
and subsequently the prospect of a lengthy process through the State Administrative 
Tribunal.

7. These are my reasons for determining the conditions of approval applicable to the 
development approved by the JDAP on 9 October 2018.

THE NATURE OF MINISTERS DISCRETION

8. Section 247(1) of the Act applies to my determination of this matter and provides: "In 
determining an application the Minister is not limited to planning considerations but 
may make the determination having regard to any other matter affecting the public 
interest."

ISSUES BETWEEN THE PARTIES

9. The original determination and the subsequent application for review made to the 
Tribunal identified three key issues between Woodside and the City of Karratha:
   a. Whether the proposed development should be limited to 10 years or 30 years.
   b. Whether the proposed development should only be approved for occupation by 
      Woodside employees and direct contractors involved with Woodside and the 
      North West Shelf Joint Venture.
   c. Whether the proposed development gives rise to the need and nexus to warrant 
      the upgrade of the pedestrian and cycle connection between the proposed 
      development and the Tambrey Neighbourhood Centre.
10. I have received a joint submission from the City and Woodside advising me that they are in agreement with regard to the issues above being that:
   a. The proposed development should be limited to an initial term of 10 years plus and further 5 years should Woodside advise that this is required.
   b. The proposed development should be restricted to occupation by Woodside employees and direct contractors involved with Woodside and the North West Shelf Joint Venture.
   c. The proposed development should include a financial contribution towards the upgrade of the pedestrian and cycle connection between the proposed development and the Tambrey Neighbourhood Centre.

11. I have received a further submission from Woodside advising that in accordance with the joint submission referred to above they require the full 15 year term of development approval.

12. Notwithstanding the agreement between the City and Woodside, once a ministerial call in has been made it must be seen through to its conclusion. I note that the decisions of Wattleup Road Development Company Pty Ltd and Holcim (Australia) Pty Ltd set out that once a ministerial call-in of an application has been made, my control over the planning system becomes total and final. As a result, there was no longer any power to amend a development application – either under clause 77 of the Deemed Provisions or as a Form 2 under the Regulations. Further and for the same reasons, there is also no ability for the proponent to withdraw the SAT appeal once I have called it in.

THE RELEVANT PLANNING FRAMEWORK

13. The subject land is zoned Transient Workforce Accommodation under the City of Karratha Local Planning Scheme No.8 (LPS8).

14. The key documents relevant to my consideration of the application are as follows:
   a. LPS8;
   b. Proposed Local Planning Scheme Amendment No. 39;
   c. State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
d. WAPC Position Statement on Workforce Accommodation;
e. Local Planning Policy DP10 – Transient Workforce Accommodation;
f. Draft Local Planning Policy DP10 – Workforce Accommodation; and
g. Local Planning Policy DP20 – Social Impact Assessment Policy.
h. Responsible Authority Report considered by the JDAP on 9 October 2018.
i. The Development Application Documentation from the Applicant.

15. I consider that the development complies with the relevant planning framework subject to conditions. In this respect I note that Amendment No. 39 to the City of Karratha Local Planning Scheme No. 8 and subsequently the City of Karratha Draft Local Planning Policy – DP10 Workforce Accommodation are neither certain nor imminent.

THE MERITS OF APPLICATION

16. Having considered the relevant planning framework and the submissions provided to me by the City and Woodside, I consider the proposed further amendments to the conditions of approval is consistent with the intent of the planning framework and with the State Government’s objective of ensuring the onshore processing of natural gas.

CONCLUSION AND CONDITIONS

17. For the reasons set out above, I determine that the decision made by the JDAP to grant conditional development approval for a workforce accommodation facility at Lot 3799 Rankin Road, Gap Ridge is varied as follows:

a. The duration of approval under condition 1 is varied from 10 years from the date of occupation to 15 years from the date of occupation.

b. A new condition is inserted as condition 2 to with the effect of limiting the maximum number of beds to 604.

c. That the period of time referred to under condition 16 is varied from 6 months prior to expiry of the 10 year occupancy period to 6 months prior to expiry of the 15 year occupancy period, to reflect the above variation of condition 1.

d. Subsequent renumbering of the conditions and consequential amendment of advice notes.
18. The final determination including the conditions as varied above is outlined as follows:

The development is approved subject to the following conditions:

Conditions

1. This development approval is limited to 15 years from the date of occupation.
2. The accommodation element of the development being for a maximum of 604 beds at any time.
3. The development only being occupied by Woodside employees and direct contractors involved with Woodside and/or North West Shelf Joint Venture projects.
4. The Social Impact Management Plan for the development, being finalised prior to occupation of the buildings and implemented in its entirety thereafter during operation of the facility to the satisfaction of the City of Karratha.
5. The Stormwater Management Plan being finalised prior to occupation and implemented to the satisfaction of the City of Karratha.
6. The Traffic Management Plan being finalised prior to occupation and implemented to the satisfaction of the City of Karratha.
7. The Bushfire Management Plan being finalised prior to occupation and implemented to the satisfaction of the City of Karratha.
8. The External Lighting Plan being finalised prior to occupation and implemented to the satisfaction of the City of Karratha.
9. A cyclone emergency shelter of adequate size being provided to accommodate all residents on site at any time.
10. A Construction Environmental Management Plan being prepared prior to commencement of works on site and implemented to the satisfaction of the City of Karratha.
11. An Operational Environmental Management Plan being prepared prior to occupation and implemented to the satisfaction of the City of Karratha.
12. A Waste Management Plan being prepared prior to occupation and implemented to the satisfaction of the City of Karratha.
13. A Pest Control Management Plan being prepared prior to occupation and implemented to the satisfaction of the City of Karratha.

14. Dual Use Path connections being installed between the proposed development and the local Dual Use Path network prior to occupation to the satisfaction of the City of Karratha.

15. A lit pedestrian and cycle connection that meets relevant standards and specifications being provided between the development and the Tambrey Neighbourhood Centre prior to occupation to the satisfaction of the City of Karratha.

16. Detailed Landscaping and Irrigation Plans being prepared prior to occupation and implemented to the satisfaction of the City of Karratha.

17. A Decommissioning and Rehabilitation Plan being submitted to and endorsed by the City of Karratha 6 months prior to expiry of the fifteen (15) year occupancy period and the plan being implemented to the satisfaction of the City of Karratha within 12 months of the fifteen (15) year occupancy period ceasing.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

2. A Building Permit is required for the approved development, prior to works commencing, in accordance with the Building Act 2011.

3. In relation to Condition 4, the following advice is provided:
   a. The Social Impact Management Plan (SIMP) is to encourage the use of existing local services and local businesses within Karratha including commitments whereby a wet mess, café, general store and commercial gym are not located on-site and a nightly shuttle bus service is provided to make use of the Leisureplex, local fitness operators and other businesses.
   b. A commitment is to be included in the SIMP to monitor and report on the achievement of commitments and to review and revise any
commitment that is reported to have been falling short of targets set in
the SIMP.

4. In relation to Condition 5, capacity of the Rankin Road drain to accommodate
additional stormwater from this development needs to be confirmed having
regard for the stormwater generated from the existing subdivision south of
Rankin Road and the Rankin Road drain needs to be upgraded as required to
accommodate additional stormwater from this development.

5. In relation to Condition 6, the Traffic Management Plan is to recognise that
following commencement of operations the Rankin Road crossover is only to
be used by emergency vehicles.

6. The Bushfire Management Plan is to be prepared with recognition of the needs
of persons with disabilities.

7. In relation to Condition 8, lighting to be designed to mitigate potential impacts
on surrounding residential properties.

8. In relation to Condition 9, Council’s adopted Local Planning Policy DP10:
Workforce Accommodation requires each workforce accommodation facility
to provide a building(s) designed for emergency (cyclone) sheltering purposes
and such building(s) to be designed to Building Code of Australia importance
level four (4).

9. In relation to Condition 10, in accordance with the Environmental Protection
(Noise) Regulations 1997, approved construction hours in the City of Karratha
are Monday to Saturday between 7am and 7pm. Any works done outside these
approved hours (including Sundays and Public holidays) are subject to a
separate approval by the City and an application fee.

10. In relation to Condition 11, noise emitting equipment (eg refrigeration units) is
to be designed, installed and operated to comply with the Environmental

11. In relation to Condition 12, the Waste Management Plan is to address storage
of putrescible waste (especially during the summer period), bin storage and bin
washing facility – concrete wash down pad graded to a floor drain, with a tap
and hose.
12. In relation to Condition 16, the Detailed Landscaping and Irrigation Plans need to provide for landscaping that contributes to improved appearance from adjoining road frontages, particularly at the entries to the development, on the corner of Bayview and Rankin and along the edge of the oval and sports courts. Best endeavours should be made to source endemic species and mature plantings locally where possible, rather than replacing them with non-local species. There may be an opportunity to relocate existing trees from Nickol Bay Hospital.

13. The proponent has agreed that no area within this development would be licenced under the Liquor Licensing Act 1988. This is to be reflected in the commitments made within the finalised Social Impact Management Plan.

14. Angle car parking spaces shall have a minimum dimension not less than 2700 mm by 5500 mm, unless otherwise agreed by the local government in accordance with clause 5.11.15 of the City of Karratha Local Planning Scheme No.8.

15. Council’s Public Art Policy encourages private developers to spend 1% of the construction cost on public art. Through consultation with City, should the proponent agree to provide some form of public art this should be included as a commitment within the Social Impact Management Plan.

16. Under the Food Act 2008, food businesses must comply with the Food Standards Code and food business registration is required before commencement of trade. An application for registration should be submitted to the City including detailed plans of the proposed layout and fit out of the kitchen and associated facilities.

17. Under the Health Local Law 2012, the facility must comply with requirements under Part 8 and registration as a Lodging House is required. An application for registration should be submitted to the City. Specifically, clause 8.10(1)(a)(ii) requires that laundry facilities be provided at a ratio of at least 1 laundry unit per 15 residents.

18. Under the Health (Public Buildings) Regulations 1992, the maximum accommodation of areas falling within the definition of a Public Building (e.g. central dining area, gym) needs to be calculated and a certificate of approval
outlining these figures issued. A ‘Form 1’ application for approval should be submitted to the City.

19. Under the Health (Aquatic Facilities) Regulations 2007, an approval of construction must be obtained from the Department of Health prior to construction of the swimming pool. An application for approval should be submitted to the Department of Health directly. The Department of Health then request the City’s environmental health service to inspect prior to issuing a certificate of compliance, which is required before the swimming pool opens.

20. The proponents have advised that grey water from the development will be discharged to the Karratha Waste Water Treatment Plant so it can be utilised in the City’s Effluent Reuse Scheme. Bearing this in mind, section 3.9 of the application report needs to be modified to remove reference to grey water reuse on site.

Signed this 11th day of December 2018

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING