

C O U N C I L L O R S

Late Submission

**18.1 Cape Lambert – Camp B Transient Workforce
Accommocation**

**Ordinary Council Meeting
15 November 2010**

18.1 PROPOSED 1200 PERSON TRANSIENT WORKFORCE ACCOMMODATION FACILITY - LOT 500, LOT 317 (RESERVE 35813) AND UNALLOCATED CROWN LAND, CAPE LAMBERT ROAD

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| File No: | P2349 |
| Attachment(s) | Site plans, Staging Plan, Floor Plan, Elevation |
| Responsible Officer: | Director Development And Regulatory Services |
| Author Name: | Senior Planning Officer |
| Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to consider and make determination on application for planning approval P2349 that proposes the development of a 1200 person Transient Workforce Accommodation (TWA) facility across Lot 500, Lot 317 (Reserve 35813) and Unallocated Crown Land (UCL), Cape Lambert Road at Cape Lambert. The application has been referred to Council for determination in accordance with the Shire's Delegated Authority Register.

Background

Application for planning approval P2349 was received on 14 September 2010 submitted by Robe River Mining Company Ltd Pty Ltd being a subsidiary of RioTinto. The application proposes the development of a 1200 person TWA facility. The development is proposed to be staged and this is detailed in the 'Issues' section below. The facility is known by the applicant as the Cape Lambert Construction Camp B and will be referred to in this report as Camp B.

The site of Camp B is located approximately 3.2km north-northeast of Wickham and the town of Point Samson is located approximately 4.2km to the north east. An area of tidal marine flats is located approximately 500m to the east of the site.

It is noted that a 1200 person TWA (Camp A) has previously been approved (PA 1588) adjacent to the proposed Camp B and within Lot 500 (refer to attachments). Camp A is presently operational with the majority of the approved facilities having been constructed and presently able to accommodate 780 persons. Under PA 1588 Camp A has the potential to accommodate a further 420 persons.

The proposed development of Camp B is spread across the following three parcels of land (refer to attachments);

Lot 500: This lot currently contains Camp A and associated Waste Water Treatment Plant and treatment effluent disposal system (sprayfields). Lot 500 under this development application is proposed to contain a portion of Camp B including parking areas and entry to Camp B from Cape Lambert Road. This lot is zoned as Strategic Industry under TPS8.

Reserve 35813: The applicant is seeking to excise a portion of land from Reserve 35813 (34.8Ha) to be amalgamated with lot 500. The bulk of the proposed development will be located within this portion of land. This land is zoned as Strategic Industry under TPS8.

Unallocated Crown Land: The applicant is seeking to excise a portion of unallocated crown land (14.89Ha) adjoining Lot 500 to the south. This portion of land is proposed to be used to accommodate the treated waste water dispersal or 'sprayfield'. No permanent structures are

proposed to be located within this land area. This portion of land is zoned as Conservation, Recreation and Natural landscapes under TPS8.

The majority of the land subject of this proposal (the land within Lot 500 and Reserve 35813) is zoned under TPS8 as 'Strategic Industry' with the portion of unallocated crown land that is to contain the 'sprayfield', being zoned 'Conservation Recreation and Natural Landscapes'.

The applicant has stated that proposed Camp B is to accommodate Fly In Fly Out (FIFO) construction worker's (with the possibility of a small proportion of operational workers from time to time), necessary for the forthcoming Cape Lambert port and rail expansion.

The proposal contains the following components:

- Accommodation for 1200 persons within 4 single person accommodation units and 8 single 'accessible' accommodation units. These units are arranged in groups of 14 four person units across the development with each group being linked by footpaths to a laundry (see attachments).
- Kitchen and dining facilities (this building also acts as the emergency cyclone shelter).
- Administration and office buildings
- Internet Cafe
- Gymnasium
- Medical Facility with ambulance shelter
- Tavern and Beer Garden
- Outdoor kitchen and BBQ area.
- Cricket Nets
- Multi-sport court
- Swimming pool
- Shop
- Induction/Training Room
- Store rooms
- Linen Facilities
- Bin compound and washdown areas
- Maintenance shed and compound
- Vehicle wash down bay
- Gate house
- Communications room
- Parking: total of 433 car parking bays (including 9 disabled bays) plus 32 bus/truck parking bays. For further detail in regard to parking refer to the 'Issues' section.
- Internal road network and connection to Cape Lambert Road
- Perimeter fencing
- Waste Water Treatment Plant and associated treated effluent disposal system
- Earthworks and stormwater drainage systems
- Topsoil stockpile

It is recognised that an application of this scale of development not only has significant impacts upon the land area within the site boundaries but also has the potential to have significant impacts on surrounding areas. In this case the proposal is considered to have potential social and economic impacts beyond the boundaries of the site and in particular upon the towns of Wickham and Point Samson and the facilities, infrastructure and services available to the residents of these towns. Following this, the 'Issues' section below will discuss both site impacts and those impacts on surrounding areas.

Issues

Tenure and TPS8 Zoning Implications

Lot 500 is currently under a Crown Land Lease (K58441) to the applicant. The lease particulars provide for a term of four (4) years commencing on 16 January 2007. The 'Permitted Use' under the particulars of the Lease, state the following;

“Subject to and in accordance with Approved Proposals, the construction operation and maintenance of a construction camp (including water treatment plant) to accommodate, after the Agreement Minister’s approval pursuant to the Agreement of the Expansion Proposals, the Lessee’s workforce required for the expansion and upgrade the subject of the Expansion Proposals and for ancillary and incidental purposes thereto.”

Effectively, this land has been leased to the applicant for the specific purpose of providing a camp to accommodate the workforce (including wastewater treatment plant) for the Cape Lambert port and rail expansion.

The land to be excised from Reserve 35813 and the parcel of Unallocated Crown Land are to be amalgamated with Lot 500 under a newly determined Crown Land Lease in favour of the applicant.

The implications for the Council in regard to this modification of land tenure is in regard to the Unallocated Crown Land that would become amalgamated to Lot 500 and subsequently subject to a similar Crown Land Lease. This land will then fall under the legislation provided within the Iron Ore (Robe River) Act, 1964.

The relevant Clause of the Iron Ore (Robe River) Agreement Act States the following:

(g) that the mineral lease and the lands the subject of any Crown Grant lease license or easement granted to the Company 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 Company 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 or regulation;

Should the unallocated crown land be amalgamated into the Lease granted to the applicant, the Shire’s TPS8 zoning over the land would become ineffective in regard to future proposals on this land by the applicant due to the abovementioned clause. The 'Permitted Use' over the Lease land that is written into the new lease would determine what can be undertaken on this land. At present this is strictly for a construction camp to accommodate workers associated with Cape Lambert expansion, including waste water treatment and ancillary and incidental purposes. Once under a Lease the applicant could apply to undertake works associated with the construction camp over the excised land and the zoning under the TPS8 would be ineffective. Any physical structures associated with a TWA would be unlikely to meet the intent of the Conservation, Recreation and Landscape zoning.

It is the Shire’s responsibility to undertake proper planning in relation to the intent of the zoning. To achieve this, the following actions could be undertaken should Council resolve to grant planning approval for this application;

- Request the Department of Regional Development and Lands to include within the newly formed lease (that would include the excised land) that the “Permitted Use”, for

this Lease Area be the same as that already contained within the existing Lease (K 58441) over Lot 500.

- Request the Department of Regional Development and Lands to include a Clause in the Lease that essentially states that the area of land, which is that area to be excised from the Unallocated Crown Land, is strictly for the purpose of the dispersal of wastewater and cannot contain any buildings or structures, (including a waste water treatment plant) for the term of the Lease. This would ensure that the intent of the Conservation, Recreation and Natural Landscapes zoning is maintained and that the Shire has undertaken it's responsibilities in accordance with TPS8.
- Should Council grant planning approval to the proposed Camp B, conditions of approval could also be applied to ensure the environmental integrity of the use on the land and surrounding areas and therefore meet the intent of the TPS8 zoning. These conditions would be as follows:
 - (a) That the area of land being excised from the Unallocated Crown Land and that are zoned Conservation, Recreation and Natural Landscapes be used only for the dispersal of treated waste water in line with DEC Works Approval/s and that no buildings or structures (including a waste water treatment plant) may be permitted to be constructed on this land.
 - (b) The submission to the Shire of the DEC Works Approval/s associated with the dispersal of treated wastewater over this land, prior to any works and/or use beginning on this parcel of land is recommended.

The excision of land from Reserve 35813 will not contain the same implications as that of the unallocated crown land as the Reserve land is currently zoned as 'Strategic Industry' under TPS8 and under TPS8 a TWA is permitted in this zoning should Council grant planning approval.

Staging and Timing

The applicant has stated that Camp B is proposed to have a lifespan of approximately five (5) years. It is recommended that should Council grant planning approval for this application that a condition of approval have a timeframe of six (6) years for the operational life of the TWA and that should the applicant wish to extend this, a new application for planning approval is to be submitted to the Shire for assessment. In addition it is recommended that a condition of approval require the applicant to submit a detailed Site Rehabilitation Plan to be endorsed by Planning Services prior to any occupation of the TWA.

The applicant proposes to undertake the overall development across three (3) stages (refer to the Staging Plan in the attachments).

Council's Local Planning Policy (LPP) DP10 – TWA requires that recreational facilities be provided for occupants of the TWA. The policy allows the provision of these facilities to be deferred for a limited period provided that alternative suitable arrangements to ensure an acceptable minimum level of recreational services are in place. The applicant proposes to provide adequate recreational facilities for the occupants within Stage 2 of the development. The applicant has stated that to ensure adequate recreational opportunities are available to those occupants of Stage 1 the facilities within Camp A will be made available to these occupants. At present Camp A contains fully operational gymnasium, BBQ areas, a multipurpose sports court, an "indoor" cricket net, a wet mess, a recreation room, a swimming pool, a phone room and an internet room. This is considered a satisfactory

arrangement. It is recommended that a condition of approval require that the bulk of the approved recreational facilities be provided before the accommodation units associated with Stage 2 are occupied.

The staging of the proposal is considered to work appropriately in regard to the provision of all other infrastructure and facilities as required under LPP DP10 –TWA.

Infrastructure

Power will be provided via extension of the existing HV powerlines to a proposed load centre within Camp B. Water will be provided via extension of a supply main from the Water Corporations 9,000m³ capacity 'summit tank' which is located on the hill above proposed Camp B.

All building and facilities proposed as part of the development are proposed to be connected to a buried pipe sewerage reticulation system. Waste water will be captured in sewers and gravity fed to pumping stations that will transfer, via rising mains to a proposed new wastewater treatment plant (WWTP) adjacent to the existing Camp A WWTP. This new plant would be located within the existing Lot 500. The associated 'sprayfield' used to disperse treated waste is proposed to be located directly south of Lot 500 on the Unallocated Crown Land. The applicant has stated that they are in close consultation with the Department of State Land Services in relation to the grant of tenure over this unallocated crown land. Should Council resolve to approve the application, it is recommended this be conditional upon the applicant gaining tenure over the parcel of Unallocated Crown Land required for the 'sprayfield'.

The applicant has submitted the application for Works Approval with the Department of Environment and Conservation for the proposal to construct the Camp B WWTP and associated 'sprayfield'. The applicant has also applied for a Native Vegetation Clearance permit for the land area of the WWTP and 'sprayfield' and it is anticipated that this will be issued once tenure has been granted. It is considered that should the DEC grant the Works Approval for the WWTP and issue the Native Vegetation Clearance permit that all environmental considerations in regard to the WWTP and 'sprayfield' will have been dealt with adequately. However, should Council resolve to grant any planning approval for this proposal conditions of approval are recommended to require evidence of such approvals and permits being submitted to Planning Services prior to any works beginning on site. Further to this, any works are to be undertaken in accordance with Construction Environmental Management Plan as submitted by the applicant and an Operational Management Plan for the ongoing operation of the WWTP should also be submitted to Planning Services prior to the WWTP becoming operational.

The internal road network within Camp B is considered appropriate to provide functionality to the use of the site as a TWA and parking numbers are adequate and in line with the provisions of TPS8. The proposal includes connection to Cape Lambert Road. It is recommended that any planning approval that may be issued for this application be conditioned to require the submission to and endorsement by the Shire, of a detailed Traffic Management Plan for both the construction and operational phases of the development prior to works beginning on site. It is considered that the applicant should be required to seek confirmation from Main Roads as to whether the additional volume of traffic generated by the proposal will require any upgrading of the Cape Lambert Road intersection with the Point Samson – Roebourne Road. This information would be included within the Traffic Management Plan.

The applicant has provided some information in regard to the proposed drainage of the site, however as there is tidal flats downstream from the site which are part of the estuarine

system of local mangrove lined creeks, it is recommended that any approval that Council may grant for this application require the submission of detailed Stormwater Management Plans and Sediment and Erosion Control Plans ensuring that mitigation measures are in place to prevent any significant impacts upon the downstream estuarine systems. These plans are to be submitted to and endorsed by the Shire prior to any works beginning on site.

Environmental

The applicant has submitted a detailed Construction Environmental Management Plan that covers potential environmental impacts during the construction phase along with mitigation measures to prevent any significant impacts within the site and on surrounding lands. Environmental impacts and their mitigation during the operational phase require further detail to be submitted to and endorsed by the Shire along with evidence of approvals and permits from other government authorities. Should Council resolve to approve this application conditions of approval are recommended which would require the applicant to provide the following information and evidence of permits or approvals at the appropriate stage of the development:

- Solid Waste Management Plan
- Stormwater Management Plan
- Sediment and Erosion Control Plan
- Site Rehabilitation Plan
- Evidence of Native Vegetation Clearance Permits (for both the Camp B site area and the area containing the WWTP and 'sprayfield')
- Evidence of all required Works Approvals.
- Invasive Weed and Pest Control Management Plan

Heritage

Aboriginal cultural heritage surveys have been conducted in and around the site during the Cape Lambert Port B Environmental Impact Assessment and Engineering Study. Specific details of these surveys are presented in the Cape Lambert Port B Public Environmental Review (PER). The applicant has provided avoidance site fencing to prevent any interference with areas noted as having some aboriginal heritage significance.

There are no sites as listed under the Shire's Municipal Heritage inventory contained within the bounds of the proposed site area for Camp B, including the area to be used as the 'sprayfield'. Nor are there any sites on surrounding land that would be affected by this proposal.

TPS8 - Cape Lambert Precinct Objectives

Section 5.3 Precinct Objectives of TPS8 provides Council's preferred land use and development outcomes within various areas of the Shire and provides additional guidelines for Council when determining applications for planning approval. The subject site is located in that area known as the Cape Lambert Precinct under TPS8. Subsequent Section 5.5 - Cape Lambert Objectives states the following;

- (i) Facilitate the development of the Cape Lambert precinct as a strategic industry estate which:
 - allows the efficient and effective processing of primary resources,
 - does not compromise the lifestyle and tourist assets of the Shire, and
 - has due regard to the environmental and heritage values of the area.

- (ii) Accommodate the development of additional port facilities, including public wharf facilities.
- (iii) Retain access to key coastal recreational nodes within the precinct, in particular Boat Beach.

Having regard to the Cape Lambert Objectives it is clear that this proposal would assist to achieve the facilitation of the development of Cape Lambert as a Strategic Industry estate which would allow the efficient and effective processing of primary resources. The environmental and heritage values have been considered by the applicant and conditions of any approval that may be granted can ensure that potential environmental impacts of the proposal can be adequately mitigated to prevent significant impacts on the surrounding environment.

The application as it has been presented at this point in time does not provide sufficient information to make a proper assessment against objective (i) in regard to whether this proposal would or would not compromise the lifestyle and tourist assets within the surrounding areas and towns. The Shire has requested that the applicant provide a Socio-Economic Impact Assessment of the proposal on the towns of Wickham and Point Samson. At the time of writing this has not been forwarded to Council to enable a proper assessment of the proposal in this regard. For further discussion on this matter refer to the subheading below: Socio-Economic Impacts of the Proposal.

It is considered that the proposal meets the objectives (ii) and (iii) in that the proposal assists in the upgrade of port facilities and does not impede access to coastal recreation nodes, including Boat Beach.

Local Planning Policy DP10 – Transient Workforce Accommodation

DP10 -TWA is the Shire's guiding document for TWA development within the Shire as reflected in the objectives of the policy.

The proposal complies with DP10 requirements for building setbacks to boundaries, site cover, building height and density. The proposal provides adequate dining area and seating for the total number of 1200 occupants in accordance with DP10. The dining/kitchen building is proposed to be designed to Building Code of Australia importance level 4 and is designed in accordance with DP10. This provides an adequate shelter for cyclone emergency purposes. The proposed laundry facilities are in accordance with DP10. Essential buildings within the site, including the dining/kitchen areas are proposed to be accessible to those with disabilities. The number of 'accessible' accommodation units proposed to be provided is eight (8). DP10 requires that 12 'accessible' units be provided. Should Council resolve to grant planning approval for this proposal a condition of approval is recommended that would require the provision of 12 'accessible' accommodation units.

The proposal provides a total of 461 parking bays including 32 bus/truck bays and 9 'accessible' bays. DP10 requires the provision of car parking bays at the rate of 0.5 bays per person. The proposal provides for a total of 1200 occupants which under DP10 would require a total of 600 car parking bays. Section 6.12.5 states that where Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of car parking bays otherwise required by TPS8 and/or associated policies (DP10). It is considered that as Camp B is for the purpose of providing accommodation to construction workers solely involved in the Cape Lambert port and rail expansion that a large number of the occupants will be bussed by the applicant from Camp B to the work site at Cape Lambert. Being FIFO workers many of the occupants of Camp B will not have personal vehicles. It is considered that the proposed number of parking bays is adequate in this instance. Further to this, each

stage of the development is considered to provide sufficient car parking bays to service the level of occupation of each stage.

It is recommended that should Council resolve to approve the application that a condition be applied to allow the applicant to provide justification to the satisfaction of the Director of Development and Regulatory Services seeking a lesser car parking requirement should the applicant seek to provide a lesser number than 461 parking bays. It is considered that this is appropriate in this instance as the nature of the development, its occupant demographic being FIFO construction workers and its close proximity to the work sites could possibly see a far less demand for parking than that required under DP10. It is a desirable and a more sustainable approach to have less sealed surfaces than those that are required under DP10, in some instances, whilst still allowing for the functionality of this TWA.

The applicant has not provided a detailed landscaping plan. It is recommended that any condition of approval that may be granted by Council contain a condition requiring the submission and endorsement of a landscaping plan by Planning Services, prior to any occupation of the site.

To ensure that the day to day operations of the TWA are such that any potential impacts on surrounding sites and nearby land users are mitigated a Management Plan is recommended to be required as a condition of approval should Council grant approval to this proposal.

Socio-Economic Impacts of the Proposal

As discussed above under the heading TPS8 – Cape Lambert Precinct Objectives, Section 5.5 of TPS8 requires an application to achieve the objective that pertains to the facilitation of the development of the Cape Lambert Precinct as a strategic industry estate that does not compromise the lifestyle and tourist assets of the Shire. Having regard to this objective and Council's concern for the potential for significant impacts upon the surrounding towns of Point Samson, Wickham and nearby public facilities, it is essential that the applicant provide sufficient information to enable a proper assessment of this proposal. Following this, Council has previously requested the applicant to provide a Socio-Economic Impact Assessment investigating the potential impacts of this proposal on the towns of Wickham and Point Samson. The applicant to this date has not submitted this further requested information and it is considered that until this information is received by the Shire it is not possible to make a proper planning decision in regard to this matter. Therefore, it is recommended that the appropriate resolution for Council to make is that a decision on this application for planning approval be deferred until the Socio-Economic Impact Assessment has been received by and considered by Council staff, where upon a proper assessment of the application can be undertaken and a decision in accordance with the Planning and Development Act, 2005 and TPS8 can be made.

Options

Council has the following options available:

1. Approve planning application P2349, with relevant conditions, for the development of Transient Workforce Accommodation at Lot 500, Lot 317 (Reserve 35813) and Unallocated Crown Land on Cape Lambert Road, Cape Lambert.
2. Refuse planning application P2349 for the development of Transient Workforce Accommodation at Lot 500, Lot 317 (Reserve 35813) and Unallocated Crown Land on Cape Lambert Road, Cape Lambert.

3. Defer the decision on planning application P2349 until the completion of a socio-economic impact assessment is received and assessed by the Shire and the mitigation of any noted impacts within the assessment are concluded to the satisfaction of the CEO.

4. Approve planning application P2349, subject to the completion of a socio-economic impact assessment and the mitigation of effects to the satisfaction of the CEO.

Policy Implications

Policy number DP10 – Transient Workforce Accommodation is relevant to this matter.

Legislative Implications

There are no relevant legislative implications pertaining to this matter.

Financial Implications

The applicant has made payment of fees (\$31,100), applicable to the planning application based on development cost.

Conclusion

Application for planning approval (P2349) is of a scale that will not only have significant impacts upon the land area of the site but is likely to have significant impacts on the surrounding towns of Wickham and Point Samson and associated public facilities, infrastructure and services. The applicant has provided information to assess the impacts on the site area and immediate surrounds, although relevant conditions of approval would be required to satisfy that certain aspects of the approval would be undertaken in an appropriate manner by the applicant should planning approval be granted for this proposal. It is considered that the physical elements of the proposal are appropriate to the site and the zoning of the land. Having regard to potential socio-economic impacts beyond the site and particularly in regard to the towns of Wickham and Point Samson it is considered that the applicant, at this time, has not submitted sufficient information to make a proper planning assessment in accordance with the Planning and Development Act, 2005 and TPS8. It is considered that the requested Socio-Economic Impact Assessment requested by the Shire is required to be submitted to and assessed by the Shire before a proper assessment can be made in regard to these issues. Therefore, it is recommended that Council resolve to defer the decision on planning application P2349 until the completion of a socio-economic impact assessment is received and assessed by the Shire and the mitigation of any noted impacts within the assessment are concluded to the satisfaction of the CEO.

Voting Requirements

Simple.

RECOMMENDATION

That Council defer the decision on planning application P2349 until the completion of a socio-economic impact assessment is received and assessed by the Shire and the mitigation of any noted impacts within the assessment are concluded to the satisfaction of the CEO.