



# MINUTES OF THE SPECIAL COUNCIL MEETING

29 APRIL 2024

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON MONDAY, 29 APRIL 2024 COMMENCING AT 5:00PM.**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member, Cr GA Cosgrove opened the meeting at 5:00pm.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

**Councillors**

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr AR Smyth	Councillor
Cr RA Starick	Councillor

**Staff**

Mr Matt Fanning	Chief Executive Officer
Ms Erin Greaves	Governance and Community Manager

**Apologies**

Cr JD Bagley	Councillor
Mrs Helen Sternick	Manager Corporate Services
Ms Erin Greaves	Governance and Community Manager

**Members of the Public**

Mrs Naomi Obst

**Members of the Press**

Ms Alice Angeloni	ABC Midwest and Wheatbelt
Ms Piper Duffy	ABC Midwest and Wheatbelt

**3.0 DECLARATIONS OF INTEREST**

Nil

4.0 CHIEF EXECUTIVE OFFICER

4.1 PROPOSED GAS EXTRACTION WELLS, GAS PROCESSING FACILITY AND WORKFORCE ACCOMMODATION

Location/Address: (Shire of Mingenew)  
Lot 686 Watson Road, Lockier  
Lot 2385 Strawberry North East Road, Lockier  
Lot 100 Watson Road, Lockier  
Lot M433 Moorriary Road, Moorriary  
(Shire of Irwin)  
Lots 3558 & 3561 Midlands Road, Mount Horner  
Name of Applicant: Energy Resources Limited & Westranch Holdings Pty Ltd  
Disclosure of Interest: Nil  
File Reference: ED.INT.1  
Date: 26 May 2024  
Author: Simon Lancaster, Planning Advisor  
Senior Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

**Summary**

Council has been invited to comment upon an application for gas extraction wells, gas processing facility and permanent workforce accommodation camp (the Lockyer Gas Project) by the Department for Planning, Lands & Heritage (DPLH).

This report recommends that Council advise the DPLH that it supports the approval of the gas processing facility and wellheads subject to conditions, but that it opposes the workforce accommodation component of the project.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 4.1- RESOLUTION #01290424S**

**MOVED: Cr AR Smyth                      SECONDED: Cr HR McTaggart**

Council advises the Department of Planning, Land & Heritage in relation to the Lockyer Gas Project application that:

- 1 Council objects to the approval of any permanent workforce accommodation onsite noting that:
  - (a) The proposed development is sited 17km west of Mingenew townsite and 30km east of the Dongara townsite, and both of these townsites offer existing community facilities, medical facilities, retail facilities, recreational facilities and have land available for development with utility servicing.
  - (b) The approval of the workforce accommodation component would be contrary to the Aims of both the Shire of Mingenew and Shire of Irwin Local Planning Schemes.
  - (c) The approval of the workforce accommodation component would be contrary to the strategies and outcomes of both the Shire of Mingenew and Shire of Irwin Strategic Community Plans.
  - (d) The approval of the workforce accommodation component does not satisfy the matters that are to be given due regard under Schedule 2 Part 9 Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- (e) The approval of the workforce accommodation component would be contrary to the WAPC Position Statement: Workforce Accommodation that seeks to site workforce accommodation in established towns.
- (f) The approval of the workforce accommodation component would be contrary to the principles and objectives of the State Planning Strategy that seeks to create places where people want to live and work and sustainable and resilient regions.
- (g) The approval of the workforce accommodation component does not align with Statement of Planning Policy No.3 – Urban Growth and Settlement that has the objective of building on existing communities.
- (h) Insufficient information regarding the impact of the development on the local community has been provided and the application should include a social impact assessment and stated goals and actions to assist in this regard.
- (i) The approval of a permanent workforce accommodation camp within a 30-minute drive of an existing townsite (and in this case 2 townsites) does not align with best practice as identified by multiple local governments' planning documents.
- (j) The housing of workers in a townsite environment that has a community culture and lifestyle with supporting police presence, community facilities, medical facilities, recreational facilities and commercial facilities rather than on-site in a camp arrangement may be considered to better serve employees and assist in bringing about culture change as identified in the Western Australian Parliamentary Committee Report 'Enough is Enough-Sexual Harassment against women in the FIFO mining industry'.

2 Council seeks the application of the following conditions in the event that the DPLH approves the gas processing facility component upon Lot 3558 (1,239ha) and Lot 3561 (803ha) Midlands Road, Mount Horner:

- (a) The upgrading of Strawberry North-East Road to a sealed standard to the local government specifications at the applicant's expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.
- (b) The construction of the unnamed road between the development site and Strawberry North-East Road to a sealed standard to the local government specifications at the applicant's expense and the construction works are to be implemented in full prior to commencement of the development.
- (c) The upgrading of the Midlands Road and Strawberry North-East Road intersection to Main Roads WA specifications at the applicant's expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.
- (d) Prior to the commencement of the development a Construction Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter, the plan shall address but not be limited to:
  - (i) hours of construction;
  - (ii) site access and egress;
  - (iii) construction traffic management;
  - (iv) deliveries and storage of construction materials and machinery;

- (v) management of vibration, dust and erosion;
- (vi) management of construction noise and other site generated noise;
- (vii) construction waste management, recycling and removal;
- (viii) public communication and complaint handling;
- (ix) road upgrades.

- (e) Prior to the commencement of the development a Light Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter.
- (f) Prior to the commencement of the development a Waste Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter.
- (g) The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the satisfaction of the DPLH.

3 Council seeks the application of the following condition in the event that the DPLH approves the gas production wells and wellhead facilities component upon Lots 100 & 686 Watson Road, Lot 2385 Strawberry North East Road, Lockier and Lot M433 Moorriary Road, Moorriary:

- (a) The applicant shall be responsible for the upgrade, repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
- (b) The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the satisfaction of the DPLH.

4 Any approval of the development should be made subject to the applicant submitting to the DPLH for approval (on advice of the Shires of Irwin and Mingenew) a Social Impact Statement and Local Community Investment Program, and requirement for the applicant to enter into a legal binding agreement, at their cost, to ensure the implementation of the Social Impact Assessment and the associated Local Community Investment Program for the life of the project.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

*(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearse, Cr AR Smyth, Cr HR McTaggart and Cr RA Starick AGAINST: Nil)*

**Attachments**

Attachment 4.1.1 - Development application (provided as separate attachments 4.1.1.a – 4.1.1.m)

Attachment 4.1.2 - Schedule of Submissions (provided as separate attachment)

Note: The development application report was accompanied by the following technical documents which are available for viewing at the following links to the DPLH and EPA websites:

- Communication Summary;
- Economic Benefit Statement;

- Access Memorandum
- Transport Impact Assessment;
- Environmental Noise Assessment;
- Waste Management Plan;
- Environmental Impact Assessment Overview;
- Heritage Report Summary;
- Visual Impact Report Summary;
- Bushfire Management Plan.

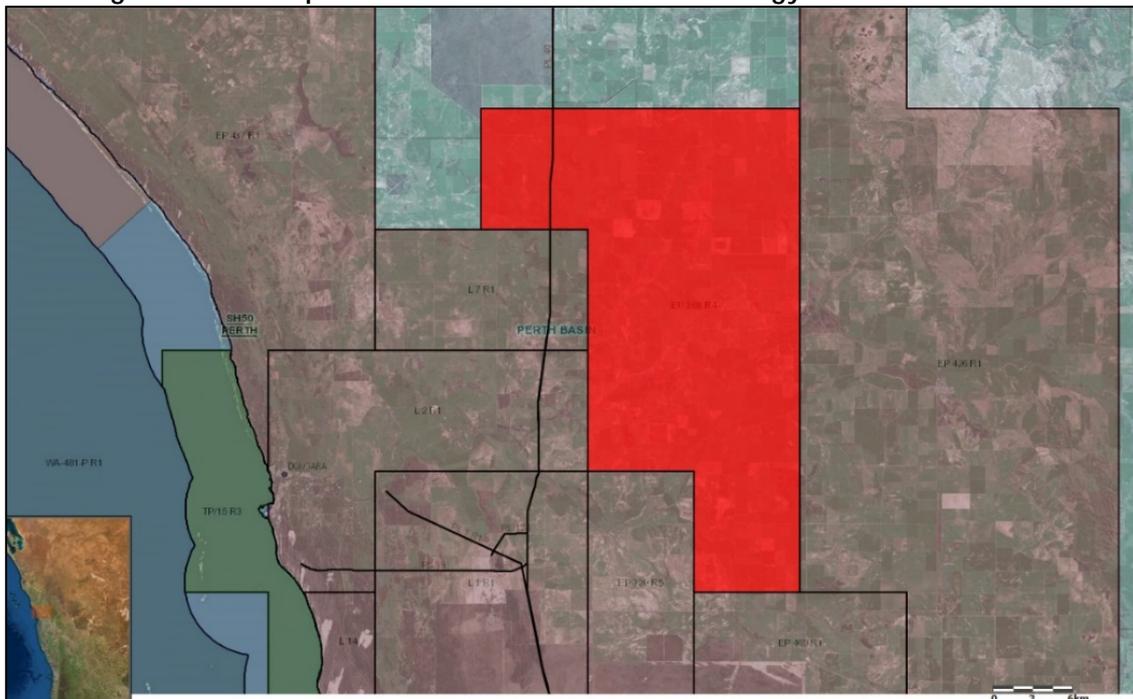
<https://consultation.dplh.wa.gov.au/reform-design-state-assessment/mt-lockyer-gas-extraction-and-processing/>

<https://www.epa.wa.gov.au/proposals/lockyer-conventional-gas-project>

### **Background**

The applicant was issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety (DMIRS) on 30 June 2015 under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin.

**Figure 4.1.1 – Exploration Permit 358 issued to Energy Resources Limited**

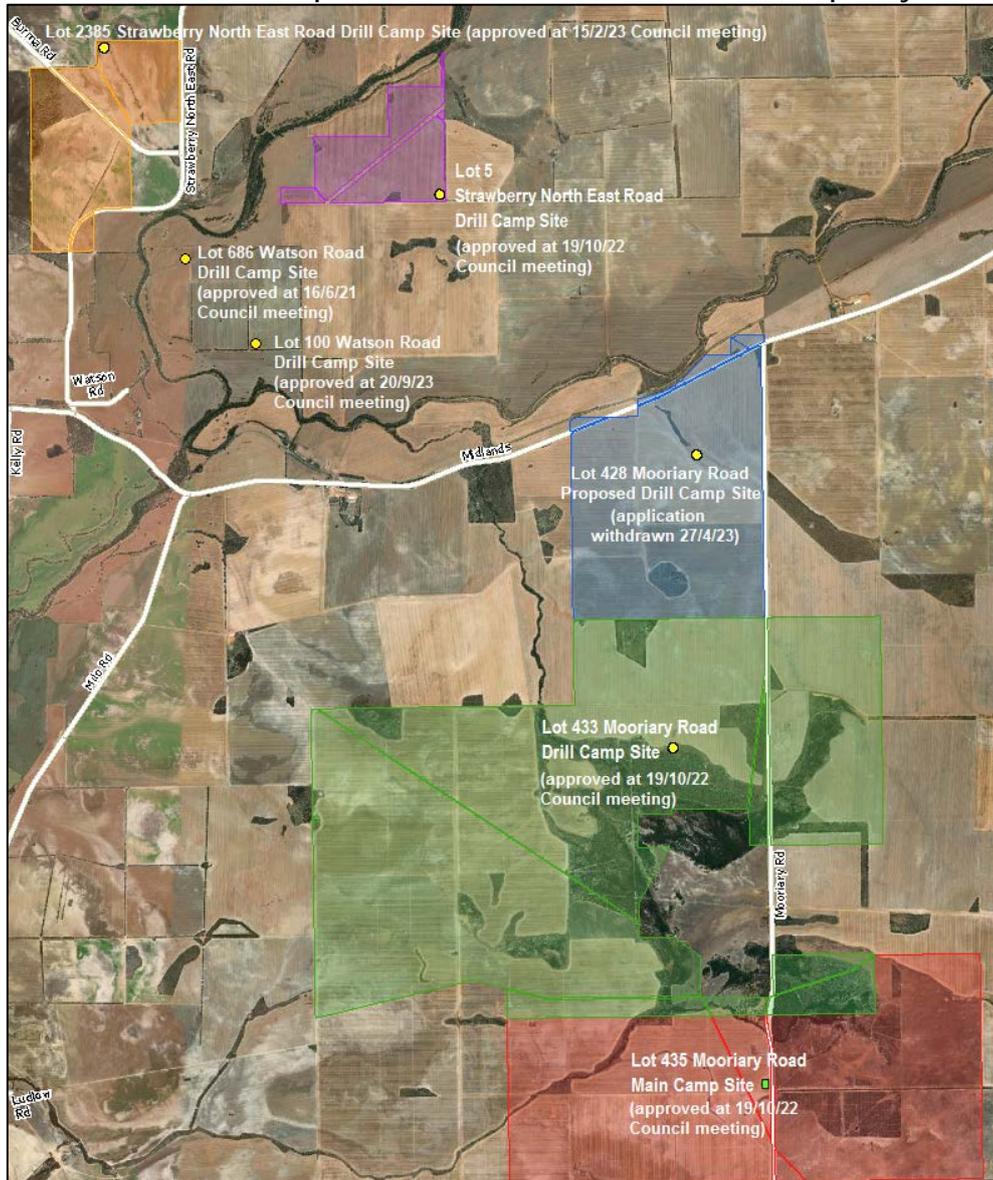


Council has previously approved applications for temporary workforce accommodation camps from the applicant at the following locations:

- temporary exploratory drill site camp – Lot 686 Watson Road, Lockier (16 June 2021 Council meeting);
- temporary exploratory phase main camp – Lot 435 Moorriary Road, Moorriary (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 433 Moorriary Road, Moorriary (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 5 Strawberry North East Road, Lockier (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 2385 Strawberry North East Road, Lockier (15 February 2023 Council meeting);
- temporary exploratory drill site camp – Lot 100 Watson Road, Lockier (20 September 2023 Council meeting);

Given that the applicant had been issued with a petroleum exploration permit by DMIRS the previous Council decisions were limited to the matter of the temporary drill camps and the access points onto, and use of the local road network, and not the purpose for which the camps were to serve, as this had been addressed prior by the overriding State approval.

**Figure 4.1.2 – Location of exploration drill sites and associated temporary drill camps**



The Lockyer Gas Project proposes to collect natural gas from conventional gas wells and direct the gas via a pipeline to a central processing facility where the raw gas would be treated to the specification required for export by pipeline to the Dampier to Bunbury Natural Gas Pipeline (DBNGP). The condensate by-product would be treated onsite and transferred offsite via B-double road trains to a location suitable for marine export.

The gas production wells, and wellhead facilities contained in this application are located in the Shire of Mingenew on the following properties:

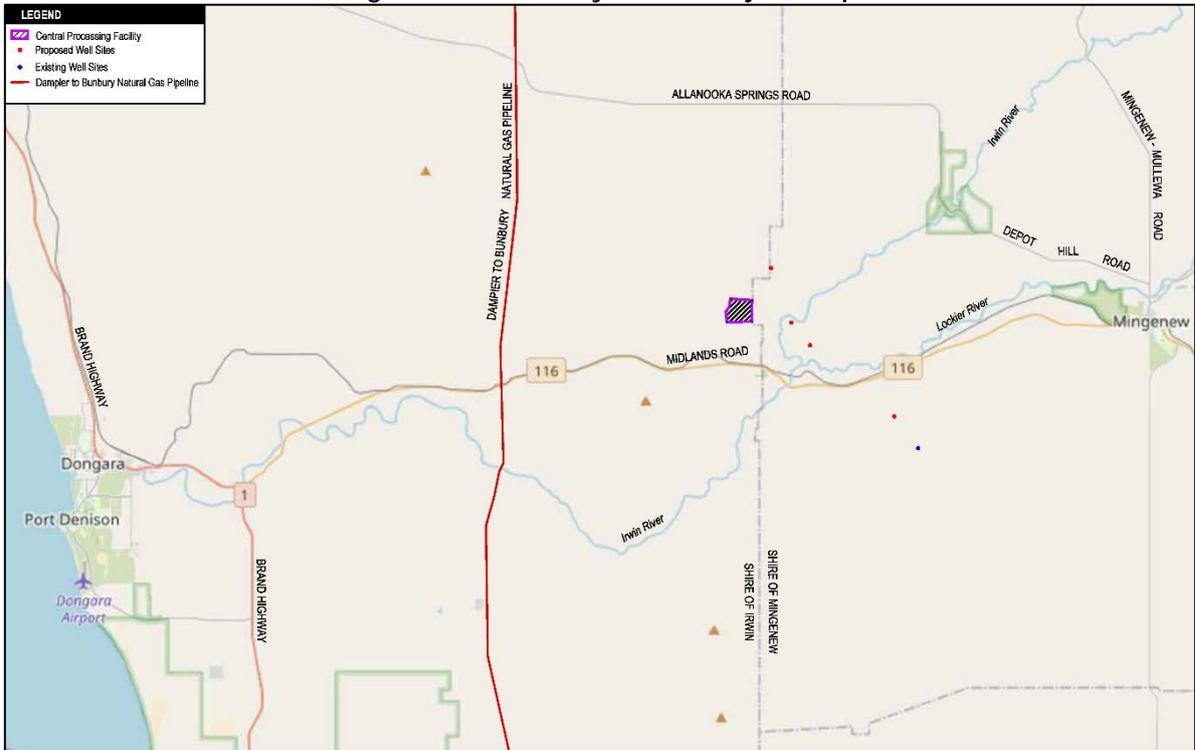
- Lockyer Deep 1 - Lot 686 Watson Road, Lockier;
- Lockyer 3 - Lot 2385 Strawberry North East Road, Lockier;
- Lockyer 4 - Lot 100 Watson Road, Lockier;
- Lockyer 5, North Erregula Deep 1 & North Erregula 2 – Lot M433 Mooriary Road, Mooriary.

The applicant's layout and elevation plans for the wellheads can be viewed as separate Attachment 4.1.1.d and at the following link:

[Applicants Architectural Plans Wellheads - Attachment 2.pdf \(planning.wa.gov.au\)](https://planning.wa.gov.au)

The gas processing facility would be located in the Shire of Irwin, immediately west of the Shire of Mingenew boundary, on Lot 3558 (1,239ha) and Lot 3561 (803ha) Midlands Road, Mount Horner.

Figure 4.1.3 – Lockyer Gas Project Map



The site would gain access back to Midlands Road via Strawberry North East Road and an unnamed road reserve leading west off this. The initial 2km section of Strawberry North-East Road and the unnamed road reserve leading west off this are both within the Shire of Irwin (Strawberry North East Road enters the Shire of Mingenew immediately north of the unnamed road).

Figure 4.1.4 – Strawberry North East Road and Shire boundary



The gas processing facility would occupy a 5.4ha footprint and consist of separation and compression infrastructure, evaporation ponds and condensate truck loading pad, there would also be associated infrastructure including power generation, telecommunications, administration building, warehouse building, workshop, car parking, internal vehicle network, water and monitoring bores and effluent disposal system.

The site, elevation and floor plans for the gas processing facility can be viewed as separate **Attachment 4.1.1.c** and at the following link:

[Applicants Architectural Plans Central Processing Facility - Attachment 2.pdf \(planning.wa.gov.au\)](#)

**Figure 4.1.5 – Concept Model of proposed Gas Processing Facility**



The applicant is also seeking approval for a permanent 24 bedroom onsite workforce accommodation camp.

The applicant's site, elevation and floor plans for the workforce accommodation camp can be viewed at the following link:

[Applicant Architectural Plans Operations Village - Attachment 2.pdf \(planning.wa.gov.au\)](#)

**Figure 4.1.6 – Concept Model of proposed workforce accommodation**



## MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 29 APRIL 2024

The applicant has lodged this application directly to the State Department for Planning, Lands & Heritage under the significant development pathway, further information on which can be found at the following link:

<https://www.planning.wa.gov.au/significant-development-pathway>

This pathway allows for the State Government to make decisions that, whilst they should have 'due regard' for the planning framework, are not necessarily bound by it, for example this application is an industrial development in a rural zone, which would generally be listed as a land use that is not permitted. The State Development Assessment Unit however may choose to disregard this and approve the application.

It might be viewed that the significant development pathway brings the benefit of providing the ability to fast-track development and economic growth. Alternatively it might be viewed that the significant development pathway centralises decision making in Perth and removes the process whereby the planning system required the more thorough (albeit slower) process of a rezoning of land for such a development and the proponent to have demonstrated that their emissions modelling was adequately contained within a buffer area for which they were the landowner, or for which surrounding impacted landowners had been appropriately compensated and/or had the ability to make detailed submission to both a local and Perth-based decision making authority.

### Comment

The proposed gas processing facility would be 17km west of Mingenew townsite and 30km east of the Dongara townsite.

The proposed development is estimated to create up to 350 jobs during the construction phase and approximately 40 permanent staff once operational with a focus on local employment and skills. It is considered appropriate that a construction phase project may require onsite accommodation for temporary workers to assist in the efficient delivery of a project. However, it is not agreed that permanent workers should be accommodated onsite, particularly when located in proximity to existing settlements.

The provision of onsite workforce accommodation suggests the project will cater for workers who do not live within the surrounding area and should be considered a lesser outcome in terms of corporate social responsibility and engagement with the surrounding community. Whilst it is recognised that projects do have an underlying objective of maximising the proponent's interests there is still ability for it to have regard and concern for the wider social context of the region in which it is located. Without such regard it might be asked; *if the project were to not proceed would the local community be any the worse off?*, indeed it might be better off as the local community will bear the impacts to its own transport activities and networks, particularly during the construction phase, the impact on its rural amenity through visual, noise and light impacts, and the environmental risks both during the operation and post-operation legacy phases when a proponent, who is from outside the region, has made their profits and moved on.

The introduction of onsite workforce accommodation, when nearby townsites offer existing community facilities, medical facilities, retail facilities, recreational facilities and have land available for development with utility servicing, does not serve to grow communities and is not reflective of the way in which other local governments seek to address this issue.

It is considered appropriate to give regard for how other regional local governments who have faced this issue and have addressed it, with some examples provided below.

The Town of Port Hedland 'Workforce Accommodation Position Statement' states that:

*"Proximity - The Town encourages workforce accommodation for projects in proximity to the Town being located within the townsite boundary, where a safe driving distance to site and return can be achieved. This will ensure these developments realise the immediate and sustainable value for the community and maximise psychosocial outcomes for industry workforces."*

## MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 29 APRIL 2024

*"Location - The Town supports long-term workforces being accommodated in permanent residential-style developments, with a preference that these be integrated within higher activity centres to enhance amenity, stimulate local business activity, support town-based services and infrastructure, and encourage community integration."*

*"A well-planned proposal for workforce accommodation benefits the Town, local businesses, industry proponents and FIFO workforces by:*

- establishing a process of upfront and ongoing engagement with the community to identify and mitigate/manage impacts, harness project opportunities, respond to community expectations and resolve misunderstandings*
- planning for, and offsetting, demand on limited physical and community infrastructure and services, and the community's social structure, through applying a defined process of economic and social impact assessment and management*
- revealing issues relevant to land use planning decisions, resulting in a more environmentally, economically and socially sustainable environment*
- potentially reducing development approval timeframes and associated costs by applying a consistent and structured planning and approvals process*
- collocating workforce accommodation to achieve mutual benefit through community and service integration*
- providing transition processes (where relevant) from workforce accommodation to residential settlement within the Town*
- enhancing the amenity and safety of the accommodation and ancillary developments for workforces and adjacent residents*
- understanding community values, identity and cultural beliefs*
- effectively managing the supply and use of accommodation and associated redundancy, including during resource sector economic cycles"*

A copy of the Town of Port Hedland 'Workforce Accommodation Position Statement' can be viewed at the following link:

[https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/200702\\_Position\\_Statement\\_-\\_Workforce\\_Accommodation\\_Post\\_June\\_OCM.pdf](https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/200702_Position_Statement_-_Workforce_Accommodation_Post_June_OCM.pdf)

The location of the gas processing facility would easily satisfy the researched measure of a 30 minute one-way commute to either Mingenew or Dongara as referenced in the Town of Port Hedland 'Workforce Accommodation' Local Planning Policy (which notes that workforce accommodation within a 30 minute commute from a townsite should not be permitted).

A copy of the Town of Port Hedland 'Workforce Accommodation' Local Planning Policy can be viewed at the following link:

[https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/201216\\_LPP\\_05\\_-\\_Workforce\\_Accommodation\\_FINAL.pdf](https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/201216_LPP_05_-_Workforce_Accommodation_FINAL.pdf)

The Shire of Ashburton local planning policy for Transient Workforce Accommodation states:

*"The Council of the Shire of Ashburton does not support fly-in fly-out mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. The Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established."*

A copy of the Shire of Ashburton 'Transient Workforce Accommodation' Local Planning Policy can be viewed at the following link:

<https://www.ashburton.wa.gov.au/documents/192/lpp13-transient-workforce-accommodation>

## MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 29 APRIL 2024

The City of Karratha 'Workforce Accommodation' Local Planning Policy has the following objective:

*"Facilitate development which enables occupants to integrate with the community and town services, recognising that an appropriately integrated workforce accommodation facility has the potential to form the foundation for the development of an urban centre."*

The City of Karratha policy also notes that:

*"The Council's preference is for workers to be accommodated in more integrated forms of townbased accommodation wherever possible, preferable dwellings. Operational workers are employed on a long term basis and ideally from a local community perspective, these workers should be residential. There should at least be plans or options for these workers to transition to residential."*

*While Council's preference is clear, where FIFO operational workers are to be accommodated on a long term basis, Council expects their accommodation to be: of a high standard; suitably integrated with surrounding development and the community; and not a typical camp design or layout appropriate to an isolated/remote camp. Integration can bring a range of advantages – to the community in the form of an increased population within commercial catchments with consequent commercial and social benefits – and to the FIFO workforce with opportunities for involvement in the wider community on a regular basis.*

*The objectives of this Policy are consistent with the report on the parliamentary enquiry into FIFO practices by the House of Representatives Standing Committee on Regional Australia which noted:*

*...the (FIFO) work practice is eroding the liveability of some regional communities to such an extent that it is increasingly removing the choice to 'live-in' rather than simply 'cash-in' and*

*Policy makers must develop a policy mix that ensures the FIFO/DIDO (Drive-In Drive-Out) work practice does not become the dominant practice, as it could lead to a hollowing out of established regional towns, particularly those inland.*

*In light of the above, workforce accommodation must be managed carefully, with a long term aim to minimise its use and maximise the residential workforce. This is a consistent approach for policy settings across all tiers of government in most if not all communities with a strong resources economy."*

- "d) The Council's preference is for operational workers to be town-based and the City will work with industry and the State Government to pursue options for increasing town-based workers;*
- e) The Council's aspiration is for workforce accommodation needs to be met as much as possible through more permanent forms of town-based accommodation;*
- f) The Council is committed to helping to grow and develop the local community and the local economy. Workforce accommodation facilities incur a relative loss of contribution compared to a resident workforce;*
- g) It is Council's intention to transition towards a residential workforce over time. Accordingly, workforce accommodation is approved on a temporary basis in all cases. The intention to transition over time towards a residential workforce should be shared;*
- h) Only Workforce Accommodation developments that are sufficiently integrated into the community shall receive longer term approval provided they meet the requirements of this policy"*

A copy of the City of Karratha 'Workforce Accommodation' Local Planning Policy can be viewed at the following link:

[https://karratha.wa.gov.au/sites/default/files/2021-05/DP10\\_Workforce\\_Accommodation\\_Nov2019.pdf](https://karratha.wa.gov.au/sites/default/files/2021-05/DP10_Workforce_Accommodation_Nov2019.pdf)

## MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 29 APRIL 2024

The issue of workforce accommodation has been one that proponents, communities and Federal, State and local governments have been seeking to manage effectively with a number of studies into this, including the following:

### Australian House of Representatives

Standing Committee on Regional Australia 'Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia'

<file:///cv1-prw->

[rd01/home%20drives/dceo/Downloads/https\\_\\_\\_aphref.aph.gov.au\\_house\\_committee\\_ra\\_fifodido\\_report\\_fullreport%20\(3\).pdf](rd01/home%20drives/dceo/Downloads/https___aphref.aph.gov.au_house_committee_ra_fifodido_report_fullreport%20(3).pdf)

[https://www.infrastructure.gov.au/sites/default/files/migrated/departments/ips/files/FIFO\\_Government\\_Response-Tabled\\_4\\_June\\_2015.pdf](https://www.infrastructure.gov.au/sites/default/files/migrated/departments/ips/files/FIFO_Government_Response-Tabled_4_June_2015.pdf)

### The Queensland University of Technology

'Social Impact of Mining Survey: Aggregate Results Queensland Communities'

<https://eprints.qut.edu.au/42056/1/42056.pdf>

### Planning Institute of Australia

'Position Statement – Resource Communities'

<https://www.planning.org.au/documents/item/5049>

The Western Australian Parliamentary Committee Report 'Enough is Enough-Sexual Harassment against women in the FIFO mining industry' reached the conclusion that sexual harassment is prevalent in the mining industry and made multiple recommendations to bring about cultural change.

It might be argued that the project proponent would be better caring for its workforce by housing them in a townsite environment that has a community culture and lifestyle with supporting police presence, community facilities, medical facilities, recreational and commercial facilities rather than on-site in a camp arrangement which is a model that has not always best served employees.

The committee report can be viewed at the below link:

[https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/EF1DF1A3F5DF74A848258869000E6B32/\\$file/20220621%20-Report%20No%202.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/EF1DF1A3F5DF74A848258869000E6B32/$file/20220621%20-Report%20No%202.pdf)

### Consultation

This application was advertised for comment by the DPLH from 13 March 2024 until 18 April 2024 and the Shire is required to submit its comments to the DPLH by 1 May 2024.

The DPLH consultation included the following actions:

- public notice placed in the Midwest Times;
- correspondence sent to landowners within 5km of the site and relevant state government departments and utilities;
- notice of the application and links to the DPLH website where the application was available for viewing were placed on the Shire of Mingenew and Shire of Irwin websites.

At the conclusion of the advertising period the DPLH had received 14 submissions, 6 in objection, 6 seeking changes to the application (primarily the removal of the workforce camp aspect) and 2 in support.

A summary of submissions that was prepared by the DPLH and provided to the Shire on 25 April 2024 which has been provided as **separate Attachment 4.1.2**.

Ordinarily an application (whether run through a standard process or a Development Assessment Panel process) would be advertised by a local government and the Shire Councillors would be provided with a copy

of the received submissions and given sufficient time to review the submissions and provided with a Schedule of Submissions that summarised each submission and provided individual comment to the issues raised within them. Shire Councillors are democratically elected to represent their local communities and a thorough, transparent consultation process is an important component of a Councillors' ability to represent their communities. The significant development pathway process has not provided this.

The Lockyer Conventional Gas Project was also advertised by the Environmental Protection Authority from 2 April 2024 until 9 April 2024 inviting comment on whether or not the EPA should assess the proposal under Part IV of the *Environmental Protection Act 1986* and, if so, what level of assessment was considered appropriate:

<https://www.epa.wa.gov.au/proposals/lockyer-conventional-gas-project>

<https://consultation.epa.wa.gov.au/seven-day-comment-on-referrals/lockyer-conventional-gas-project/>

### **Statutory Environment**

The *Petroleum and Geothermal Energy Resources Act 1967* provides for the State's ability to grant petroleum exploration and production approvals within a permit area. Under Section 5 of the Act petroleum is defined to include any naturally occurring hydrocarbon whether in gaseous, liquid or solid state.

The application was lodged under Part 17 'Special provisions for COVID 19 pandemic relating to development applications' of the *Planning and Development Act 2005*, that established the WAPC as the decision-making authority for significant development applications.

The Part 17 Significant Development Pathway was a temporary initiative introduced by the State Government in 2020 to assist economic recovery as part of its COVID-19 response program and continued as the means to determine development applications lodged up until the 29 December 2023 deadline. On 1 March 2024, a permanent Part 11B Significant Development Pathway became operational, that along with the *Planning and Development (Significant Development) Regulations 2024* established a permanent development assessment pathway for significant developments whereby applicants can opt-in where they meet the following criteria (unless otherwise excluded by the Act):

- development valued at \$20 million or more in the metropolitan Perth and Peel region scheme areas;
- development valued at \$5 million or more elsewhere.

Proposals not meeting the above criteria may be authorised by the Premier on the recommendation of the Minister for Planning to lodge an application based on their State or regional importance. Applications deemed to be significant development are determined not by local government but instead by the DPLH.

All proposed sites associated with the Lockyer Gas Project are zoned 'Rural' under the respective Shire of Mingenew and Shire of Irwin Local Planning Schemes.

The gas processing facility aspect of the application would meet the definition of 'Industry-General' which is listed as an 'X' (i.e. not permitted) use in the 'Rural' zone in the Shire of Irwin Local Planning Scheme.

Previously an applicant would have been required to lodge a Scheme Amendment that gave specific regard for the development and its impact on surrounding land (with particular regard for emissions upon third party landholders and their residences and future development potential) and ordinarily have rezoned the land to 'General Industry' with an accompanying 'Special Control Area' (i.e. buffer) zoning.

Under such a scenario, prior to lodging their Scheme Amendment, the applicant would have been prudent to have engaged with surrounding landowners who had portions of their rural land within the buffer area and reached private financial agreement to implement legal agreements that precluded the development of habitable buildings upon third party land within the emission/buffer area. This would have ensured the surrounding landowners were compensated and in exchange the applicant had assurance that their business would not be encroached upon by houses.

Instead under the significant development pathway the decision making process is centralised, hastier and enables decision making that is outside of the statutory requirements of the local planning scheme. Views on

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whether this is a beneficial or problematic outcome may vary depending on whether the party is an applicant or a neighbour, remote or local.

'Workforce Accommodation' is not listed in the Shire of Irwin Local Planning Scheme and Section 4.4.2 of that Scheme would therefore apply:

*"4.4.2 If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –*

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and therefore not permitted."*

The housing of workers onsite rather than having the workforce for the development living in, and contributing to the existing nearby townsites can be considered contrary to the following aims of the Shire Mingenew and Shire of Irwin Local Planning Schemes:

(Shire of Mingenew)

*"9(a) to preserve, protect and enhance the amenity and character of Mingenew Townsite, and areas of cultural, heritage and natural and biodiversity significance across the Shire"*

*"9(c) to provide for a range of accommodation and lifestyle choices that meet the needs and aspirations of the community"*

*"9(d) provide opportunities for the ongoing use and potential expansion of commercial areas, and tourist facilities to serve the needs of the residents and visitors"*

*"9(g) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate"*

(Shire of Irwin)

*"1.6.c to provide for housing choice and variety with a community identity and high levels of amenity"*

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered in considering a development application:

*"(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*

*... (c) any approved State Planning Policy...*

*(e) any policy of the Commission...*

*(fa) any local planning strategy for this Scheme endorsed by the Commission;...*

*... (m) the compatibility of the development with its setting, including –*

*(i) the compatibility of the development with the desired future character of its setting; and*

*(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

*(n) the amenity of the locality including the following –*

*(i) environmental impacts of the development;*

*(ii) the character of the locality;*

*(iii) social impacts of the development;*

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- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- ...(q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following –*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
  - (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses...*
- ... (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

### **Policy Implications**

The Western Australian Planning Commission's 'Workforce Accommodation Position Statement provides guidance in relation to the assessment of this application.

*"Where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability" (page 1)*

*"Where the requirement for development approval under the Planning and Development Act applies, a local government has the ability to control the location, permissibility, terms of operation and development standards of workforce accommodation through its local planning scheme and other local planning instruments. Generally, proposals for workforce accommodation for operational workforces that are outside the jurisdiction of the Mining Act or State Agreement Acts should be located in a town and integrated with town services, in so far as practicable." (page 2)*

A copy of the WAPC Position Statement can be viewed at the following link:

[https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement\\_Workforce\\_Accommodation.pdf](https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf)

### **Financial Implications**

In the event that the traffic movements associated with the wellhead have an impact on the condition of the local road network, it is considered reasonable that a contribution to maintenance be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

**Strategic Implications**

Housing workers onsite rather than in the existing townsites is considered contrary to the following strategies and outcomes of the Shire of Mingenew and Shire of Irwin Strategic Community Plans:

(Shire of Mingenew)

*"10 Year Outcomes*

*2 Attract investment and grow resident population*

*Strategic Priorities 2023-2033*

*2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options"*

*4 Year Priority Actions*

*d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects."*

*"10 Year Outcomes*

*3 Supporting infrastructure initiatives that makes business easy and support them to thrive*

*Strategic Priorities 2023-2033*

*3.3 Advocate for and promote local spending and business partnerships"*

*"10 Year Outcomes*

*5 Local talent returns and is retained to support the local workforce*

*4 Year Priority Actions*

*d. Encourage resource companies to support local employment, development and training opportunities for youth."*

*"Strategic Priorities 2023-2033*

*10.3 Mining and energy companies are locally regulated to encourage responsible practices.*

*4 Year Priority Actions*

*10.3 b The Shire promotes and sets the expectation that Towards Sustainable Mining (TSM) benchmarks and principles are implemented by resource companies operating locally."*

(Shire of Irwin)

*"Outcome 1.1.2*

*Partner with and advocate on behalf of commerce and industry to improve local infrastructure and service"*

The gas processing facility aspect of the application can be considered to align with the WAPC's State Planning Strategy desired 2050 outcome of energy production and consumption that minimises carbon emissions and is more affordable, and objective of enabling secure, reliable, competitive and clean energy that meets the State's growing demand.

The workforce accommodation aspect of the application can be considered to be contrary to the following aspects of the State Planning Strategy:

*"By 2050, Western Australia will have a diverse range of interconnected and vibrant local communities and regional centres. The people in these communities will be healthy, resilient, active, prosperous, respectful of cultural difference and participate in the public domain." (page 20)*

*"Planning for community betterment can balance aspirations for creating wealth, caring for the environment and building communities of which people feel proud." (page 22)*

*"Of particular importance to the State's resources economy will be the planning of:*

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- *regional centres and towns that are desirable places to live;*
- *regional towns that have services comparable to regional centres; and*
- *resource projects which can source the majority of their needs from regional supply chains and local knowledge where practical.” (page 42)*

The State Planning Strategy has the following strategic goals of relevance:

Strategic Goal 2 - Strong and resilient regions

The priorities of this strategic goal are:

STATE VISION	PRIORITIES
Diversity	embracing diverse economic and social opportunities
Liveability	creating places where people want to live and work
Connectedness	building strong relationships and accessibility
Collaboration	enabling collaborative advantages across and within regions

Strategic Goal 3 - Sustainable communities:

The priorities of this strategic goal are:

STATE VISION	PRIORITIES
Diversity	community-specific development, responsive to diverse needs, places and contexts
Liveability	communities with attractive, liveable environments
Connectedness	providing natural and built connections within and between communities
Collaboration	collaborative and inclusive planning

The State Planning Strategy 2050 can be viewed at the following link:

<https://www.wa.gov.au/government/publications/state-planning-strategy-2050>

The WAPC's Statement of Planning Policy No.3 – Urban Growth and Settlement has the following objectives, that are considered relevant to the assessment of the workforce accommodation component of this application:

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.”*

SPP3 also notes that:

*“In the regions, whilst the larger regional centres such as Geraldton, Kalgoorlie, Broome and Esperance have continued to grow, some of the smaller country towns have declined due to reduced employment opportunities and social change as people have moved out of the rural settlements into urban centres. In the mining and resource sector, improvements in mobility brought about by more cost effective travel, has seen the growth of the fly-in fly-out workforce often accommodated at mine sites. There are concerns that fly-in fly-out working arrangements do little to contribute to the local economy and the viability of regional towns and communities. The resources sector, however, regards fly-in fly-out as critical for remote mining operations and in attracting skilled workers. There is a need to promote investment in regional communities whilst recognizing that fly-in fly-out arrangements will often be necessary due to remoteness and to attract skilled workers.”*

SPP3 can be viewed at the following link:

[https://www.wa.gov.au/system/files/2021-06/SPP\\_3\\_urban\\_growth\\_settlement.pdf](https://www.wa.gov.au/system/files/2021-06/SPP_3_urban_growth_settlement.pdf)

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**5.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**6.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil.

**7.0 CONFIDENTIAL ITEMS**

Nil.

**8.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 19 June 2024 commencing at 5.00pm.

**9.0 CLOSURE**

The meeting was closed at 5:07pm.

These minutes were confirmed at an Ordinary Council meeting on 19 June 2024

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_