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State Planning Commission and
Department of Planning and Transport and Infrastructure
Via email: DPTI.planningreformsubmission@sa.gov.au

To whom it may concern,

Comments on the draft Planning and Design Code for Phase Two councils (rural areas) as they relate to the Municipal Council of Roxby Downs

BHP wishes to thank the Department of Planning Transport and Infrastructure (DPTI) for the opportunity to provide comment on the Planning and Design Code (P&D Code) prior to its implementation as part of the incoming *Planning Development and Infrastructure Act 2016* (PDI Act) scheduled for April 2020.

Olympic Dam began production in 1988 with the town of Roxby Downs established to support the operations. Under terms of the *Roxby Downs (Indenture Ratification) Act 1982* BHP is charged with ensuring adequate services such as water and electricity are supplied to the community. BHP owns a significant number of residential properties within the Roxby Downs township, operates two accommodation villages (with a third proposed) and two industrial areas, an airport, holds a number of vacant allotments and has access to Crown land under two non-exclusive licences, OL017944 and OL018250 for 'Town Development'.

Requirements of the current *Planning Act 1993* (the Act) and incoming PDI Act are considered integral to BHP's operation in, and around, Roxby Downs.

Overview

On review of the P&D Code and PDI Act, released for consultation on 1 October 2019, BHP acknowledge the new legislation and associated consultation process provides an ideal opportunity to simplify the regulation governing development within South Australia. However, BHP also considers Roxby Downs provides a variety of unique planning and development constraints not identified in other regions which may not be accounted for in an overarching document such as the P&D Code.

As DPTI have provided a consultation period prior to the introduction of the PDI Act, BHP have taken the opportunity to provide feedback on changes made with respect to development within the Draft P&D Code with an emphasis on how these changes will impact BHP's Olympic Dam operations. BHP understands that this is the Draft P&D Code, which is under consultation, and DPTI is approaching the implementation of changes with an iterative approach. BHP look forward to working collaboratively with DPTI and the Municipal Council of Roxby Downs to ensure a practical solution is identified for the Council area.

Attachment 1 provides a comprehensive breakdown of the impacts of the proposed changes within the P&D Code in relation to the current *Roxby Downs (Municipal) Development Plan (consolidated 18 October 2012)* (the Plan). A summary of key issues of concern identified by BHP in our review of the P&D Code is also provided below.

Residential Park Zone

The Plan currently provides a Special Living Zone that caters for development of, amongst other things, long distance commute accommodation for BHP Olympic Dam staff and external contractors, with some levels of

development being identified as complying. The P&D Code identifies this zone as being replaced with a Residential Park Zone. BHP have identified the following concerns with respect to the proposed changes:

- Residential Parks are defined under the *Residential Park Act 2007*, the Olympic Dam Village (ODV) is not and does not operate as a Residential Park, and BHP do not consider that ODV should be defined as a Residential Park for the purposes of development.
- The Residential Park Zone seeks 1 car park per dwelling and 0.2 for visitors, ODV does not operate in a manner that promotes visitor access and is considered an extension of the workplace with appropriate protocols in place to ensure only authorised people are within the village. The requirement to provide for visitors car parks and 1 car park per dwelling does not reflect the operational support purpose of a facility like ODV or the nature of the largely fly in fly out (FIFO) workforce. BHP has recently implemented a Safe Travels Policy that further discourages the long distance commute required by employees who drive in drive out (DIDO).
- The minimal allowances for permanent dwellings and lack of dwelling definition of the Residential Park Zone reduces BHP's ability to provide future accommodation options that include provisions and design elements required to provide for and support an inclusive and diverse workforce.
- No 'deemed to satisfy' development is identified to replace the existing complying development provided to the Special Living Zone

General Neighbourhood

Presently the Residential Zone of the Plan identifies workers accommodation as being part of the desired character of the zone and is further supported by the principles of the development control outlined within zone provisions. This is identified as a potential cause for concern for the following reasons:

- Current greenfield sites identified within the existing Roxby Downs Residential Zone have the potential to be developed for workers accommodation should an expansion of Olympic Dam mining operations require. Provisions within the General Neighbourhood Zone of the P&D Code do not appear to provide the same potential. Our interpretation of the restrictions relating to a permanent workers accommodation village needing to comply with the definition of a Residential Park do not support the development of modern workers accommodation villages as may be required by BHP.
- The workers accommodation definition identified within the P&D Code defines temporary accommodation in a manner that is not consistent with BHP requirements for accommodating Olympic Dam staff and contractors.
- A Residential Park is identified within the General Neighbourhood Zone, however as detailed above, BHP does not consider Residential Park to be the correct definition for the requirements of a workers accommodation village to support the Olympic Dam mining operations.
- Recent engagement with the Roxby Downs community (completed by BHP) regarding the provision of accommodation for Olympic Dam staff and contractors indicate a clear preference of the community for modern permanent workers accommodation village rather than that of one which is temporary in nature or that promotes more transient living facilities such as described in the Residential Park definition.
- Workers accommodation parking requirements have been increased under the P&D Code. BHP consider this an issue for any future accommodation facilities that may be proposed where provision for an increased number of car parks will be required. The requirement for car parking does not reflect the FIFO nature of a large number of the BHP workforce nor the transport support services (e.g. buses) provided by BHP to support workers travelling the Olympic Dam operations. These parking provisions are seen as an unfair imposition placed on the mining industry as a whole where remote mining facilities only have FIFO operation as an option and accommodation villages do not integrate with an associated township such Olympic Dam Village with Roxby Downs.

Workers accommodation

The P&D Code definition for workers accommodation envisages accommodation of seasonal and short term workers in rural areas. This definition provides accommodation requirements that do not distinguish between a permanent mining facility requiring year round operation (as is reflective of BHP's Olympic Dam operations) and seasonal accommodation requirements for the likes of shearers and fruit pickers.

With the P&D Code proposing to change the existing ODV workers accommodation to Residential Park, the P&D Code will supersede the current Development Plan's definition of workers accommodation for mine operations with that of Residential Park.

Based on the P&D Code definition of a Residential Park, it appears as though the intent of a Residential Park relates to the operation of a commercial venture, it is not BHP's intent, to operate a commercially viable Residential Park in order to accommodate staff. Accommodation facilities are an integral part of the operational requirements of Olympic Dam and it is considered that BHP's existing or future mining accommodation villages should not be imposed with the same requirements as that of a commercially operated Residential Park.

Workers Accommodation and Construction Camps have been identified in the existing Development Plan as being development envisaged for the ongoing support of the Olympic Dam mining operations. As detailed in Attachment 1, alterations to current zoning provisions will significantly impact BHP's ability to be agile in the provision of adequate accommodation for workers.

Recommendations

Based on our review of the P&D Code and how they relate to Roxby Downs, BHP have identified a number of areas for consideration by DPTI for amendment prior to finalisation of the P&D Code, these include:

- Acknowledgement of workers accommodation and construction camps, in their own right, for the purpose of mining and removal from the definition of Residential Park under the *Residential Park Act 2007*.
- Introduction of additional zoning or an overlay for areas where existing workers accommodation sites are located to ensure provision of development approval is not impacted by the change to Residential Park.
- Introduction of workers accommodation and construction camps into P&D Code zones where they were previously identified in superseded Development Plan zones (or introduction of overlay in areas identified for mining).
- Reintroduction of deemed to satisfy (complying development) status to zones and types of development where complying development currently exists.
- Acknowledgement of the requirement for BHP to provide infrastructure for the Roxby Downs Township under the *Roxby Downs (Indenture Ratification) Act 1982*.

Conclusion

As previously identified, BHP appreciate the need to update the current *Development Act 1993* with the incoming *Planning Development and Infrastructure Act 2016*, and fully supports the proposed changes in order to make the process associated with development applications and approvals more efficient across the state. BHP also appreciates that the development of a code which covers the whole state and all the associated idiosyncrasies of existing development as being an extremely hard exercise to capture all types of development.

BHP looks forward to discussing these highlighted issues and recommendations with DPTI and Roxby Downs Municipal Council further.

Should you require any further information or clarification regarding BHP's submission, please do not hesitate to contact Julieanne Goode, Lead Tenure and Approvals on telephone [REDACTED] [REDACTED] [REDACTED], email [REDACTED].

Yours sincerely



Emily Perry
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Attachment 1: BHP detailed comments on the Planning Design Code as they relate to the Roxby Downs Municipality

Attachment 1 – BHP detailed comments on the Planning and Design Code as they relate to the Roxby Downs Municipality

Development type	Planning Act definition	P&D Code definition	Comments	Development Act approval	P&D Code Approval
Workers Accommodation	Not defined	Means premises used to accommodate workers on a temporary basis while they carry out employment: (a) on the same site as the workers' accommodation; (b) in mining or petroleum extraction; (c) in seasonally intensive rural activities such as fruit picking, pruning, animal shearing, meat processing or similar; or (d) in road and/or railway infrastructure construction.	Specifically identified in the PDC's of the Residential Zone differentiated from Residential Park Roxby Downs (Municipal) Development Plan refers to workers accommodation and construction camp as being one of the same. <i>See Industry Zone desired character reference to workers accommodation (construction camp)</i>	Residential Zone – Merit based assessment, envisaged land use, Category 2 notification Industry Zone – Complying development Special Living – Complying development and Merit based assessment Category 1 notification	Suburban Neighbourhood Zone – Performance assessment Employment Zone – Performance Assessment Residential Park Zone – Performance assessment
Construction Camp	Not defined	Not defined	Roxby Downs (Municipal) Development Plan refers to workers accommodation and construction camp as being one of the same. <i>See Industry Zone desired character reference to workers accommodation (construction camp)</i>	Special Living – Complying development Industry Zone – Complying development Residential Zone – Merit based assessment, envisaged land use, Category 2 notification	Residential Park Zone – Performance assessment Employment Zone – Performance Assessment Suburban Neighbourhood Zone – Performance assessment

Development type	Planning Act definition	P&D Code definition	Comments	Development Act approval	P&D Code Approval
Residential Park	<p>Not defined by the Development Act 1993, but is defined elsewhere as an area of land used or intended to be used in either or both of the following ways:</p> <p>(a) as a complex of sites of dwellings in respect of which rights of occupancy are conferred under various residential park tenancy agreements, together with common area bathroom, toilet and laundry facilities and other common areas;</p> <p>(b) as a complex of sites in respect of which rights of occupancy are conferred under various residential park site agreements, together with common areas (which may, but need not, include bathroom, toilet and laundry facilities)”</p>	<p>Means a residential park operating under the regulatory framework of the Residential Parks Act 2007.</p>	<p>Residential Park Act 2007:</p> <p>residential park means an area of land used or intended to be used in either or both of the following ways:</p> <p>(a) as a complex of sites of dwellings in respect of which rights of occupancy are conferred under various residential park tenancy agreements, together with common area bathroom, toilet and laundry facilities and other common areas;</p> <p>(b) as a complex of sites in respect of which rights of occupancy are conferred under various residential park site agreements, together with common areas (which may, but need not, include bathroom, toilet and laundry facilities);</p>	<p>Residential Zone – Merit based assessment, envisaged land use, Category 2 notification</p>	<p>Suburban Neighbourhood Zone – Performance assessment</p>