

IMPROVEMENT PLAN NO. 37

BROWSE LIQUEFIED NATURAL GAS PRECINCT



WESTERN AUSTRALIAN PLANNING COMMISSION

September 2012

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Introduction

1. Under section 119 of the *Planning and Development Act 2005*, the Western Australian Planning Commission (WAPC) is authorised to certify and recommend to the Acting Minister for Planning that an Improvement Plan should be prepared for the purpose of advancing the planning, development and use of any land within the State of Western Australia.
2. The Improvement Plan provisions of the *Planning and Development Act 2005*, provides for the WAPC, with the approval of the Governor, to:
 - Plan, replan, design, redesign, consolidate, re-subdivide, clear, develop, reconstruct or rehabilitate land held by the State under the Act or enter into agreement with any owner of land not held by it within the Improvement Plan area;
 - Provide for the land to be used for such purposes as may be appropriate or necessary;
 - Make necessary changes to land acquired or held by it under the act;
 - Manage the tenure of ownership of the land or any improvements to that land held by it under the act or enter into agreement with other owners of land within the Improvement Plan area for the same purposes;
 - Enter into agreement for the purchase, surrender, exchange, vesting, allocation or other disposal of land, including the adjustment of boundaries;
 - Recover costs in implementing the agreement with any owner of land within the Improvement Plan area; and
 - Do any act, matter of thing for the purpose of carrying out any agreement entered into with other land owners.
3. Improvement Plan No. 37 is prepared pursuant to section 119 of the *Planning and Development Act 2005* to advance planning for the Browse Liquefied Natural Gas Precinct (The Precinct), conferring on the WAPC the authority to undertake the necessary tasks to plan for and facilitate the implementation of the project on behalf of the Western Australian State Government.

Background

4. The Department of State Development is the lead agency in the planning for the Precinct. The Precinct will consist of LNG processing facilities and associated infrastructure, and will be located in the vicinity of James Price Point, approximately 60 kilometres north of Broome, on the West Kimberley coast of Western Australia.

5. The location of the Precinct was chosen following an extensive site selection process involving consultation with a broad spectrum of stakeholders and a collaborative review of a comprehensive set of technical, environmental, heritage, economic and social criteria.
6. The Precinct will provide a location for processing gas and associated products from the Browse Basin with an LNG production capacity of up to 50 million tonnes per annum. Full development of the Precinct will be phased in if and when demand for additional processing capacity arises.
7. The Precinct would accommodate a minimum of two proponents at one location, include a general industrial area for third party contractors, a workers accommodation area and enable sharing of common-user facilities.
8. A Browse LNG Precinct Strategic Assessment Report has been developed to meet the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the Western Australian *Environmental Protection Act 1986*.
9. Land access and native title consent has been secured through the execution of the Browse LNG Precinct Native Title Agreements, between the State Government, the Goolarabooloo Jabirr Jabirr people and Woodside, on 30 June 2011. These Agreements establish strict boundaries within which the development can occur and limit the use of the Precinct to LNG processing and associated activities only.
10. The jurisdictional boundaries of the *Shire of Broome Town Planning Scheme No. 4* (the scheme) extend north only as far as Willie Creek. As such the James Price Point area is not subject to development control by the scheme. Pursuant to the *Planning and Development Act 2005*, the Shire has an *Interim Development Order No. 4 (IDO)* in place which sets the planning requirements for land located outside the scheme which includes the proposed Precinct area.
11. The Browse LNG Precinct is of State significance and as such, there is an obligation to ensure that appropriate statutory planning occurs over the Precinct area. The current IDO over the Precinct area is not a suitable statutory mechanism to allow for appropriate detailed planning to be undertaken and as such an alternative is required.
12. The Improvement Plan has been prepared following consultation with the Shire of Broome.

Purpose

13. The purpose of Improvement Plan No. 37 is to:

- a. Enable the WAPC to undertake all necessary steps to advance the planning and development of the Browse LNG Precinct as provided for under Part 8 of the *Planning and Development Act 2005*.
- b. Establish the strategic planning and development intent for the Browse LNG Precinct.
- c. Provide guidance to the preparation of statutory plans, statutory referral documentation and policy instruments.
- d. Provide for a strategic planning framework endorsed by the WAPC, Acting Minister for Planning and the Governor; and
- e. To authorise the preparation of an Improvement Scheme for the Browse LNG Precinct and to establish its objectives.

Improvement Scheme

14. Section 122A of the Planning and Development Act 2005 enables the WAPC to introduce an Improvement Scheme in areas where an Improvement Plan is in place. Where applied, the provisions of an Improvement Scheme will prevail over applicable region and local planning schemes.

15. This Improvement Plan authorises the making of an Improvement Scheme, by resolution of the WAPC and approval of the Acting Minister for Planning.

16. The Improvement Scheme made under this Improvement Plan will be informed by the following objectives:

- a. To establish a commercially viable gas processing location on the west Kimberley coast;
- b. To minimise and mitigate its impact on the terrestrial and marine environment;
- c. To optimise the allocation and use of land within the Precinct, and enable the sharing of infrastructure networks and corridors to enable multiple user development within the Browse LNG Precinct;
- d. To facilitate the development of the Browse LNG Precinct through the provision of a multidisciplinary structure planning framework;
- e. To limit the duplication of infrastructure within the Precinct such as ports, infrastructure corridors and roads, which would be required if individual proponents were to build 'stand alone' facilities;

- f. To ensure the appropriate separation and layout of land uses through appropriate internal and external buffers to prevent incompatible or conflicting land uses;
- g. To provide a dedicated road from Cape Leveque Road to the Precinct;
- h. To limit aviation activities to those directly associated with the Precinct;
- i. Encourage development of the workers accommodation to incorporate sustainable technologies and design including best practice with regard to water sensitive urban design, alternative energy sources and reuse of waste water;
- j. To ensure the public have access to James Price Point.

Improvement Plan Area

17.Improvement Plan No. 37 incorporates the subject area depicted on the attached Department of Planning Plan No. 3.2526.

Affected Local Governments

18.The Shire of Broome will be affected by Improvement Plan No. 37.

Certificate

This Improvement Plan is accompanied by a Certificate given in accordance with Part 8 of the *Planning and Development Act 2005*. It has been endorsed by the Commission for submission to the Acting Minister for Planning.

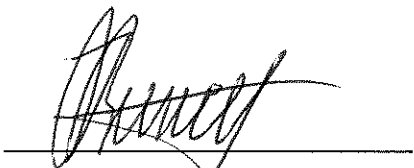


TIM HILLYARD
ACTING SECRETARY
WESTERN AUSTRALIAN PLANNING COMMISSION

7.1.2013

DATE

THIS RECOMMENDATION IS ACCEPTED:



ACTING MINISTER FOR PLANNING
(BROWSE LNG PRECINCT APPROVALS)

08/01/2013

DATE

THIS RECOMMENDATION IS ACCEPTED:



GOVERNOR

22 JAN 2013

DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
IMPROVEMENT PLAN NO 37

CERTIFICATE AND RECOMMENDATION

Pursuant to Part 8 of the *Planning and Development Act* 2005, it is hereby

1. Certified that for the purposes of advancing the planning, development and use of all that land within the Browse Liquefied Natural Gas Precinct ('the land') should be
 - planned, replanned, designed, redesigned, consolidated, resubdivided, cleared, developed, reconstructed or rehabilitated;and
2. Recommended to the Acting Minister for Planning and His Excellency the Governor that the land should be so dealt with and used and made the subject of Improvement Plan No. 37 as depicted on Department of Planning plan numbered 3.2526 annexed hereto.

This Certificate and Recommendation is given in accordance with a resolution of the Western Australian Planning Commission passed on the 28th August 2012.

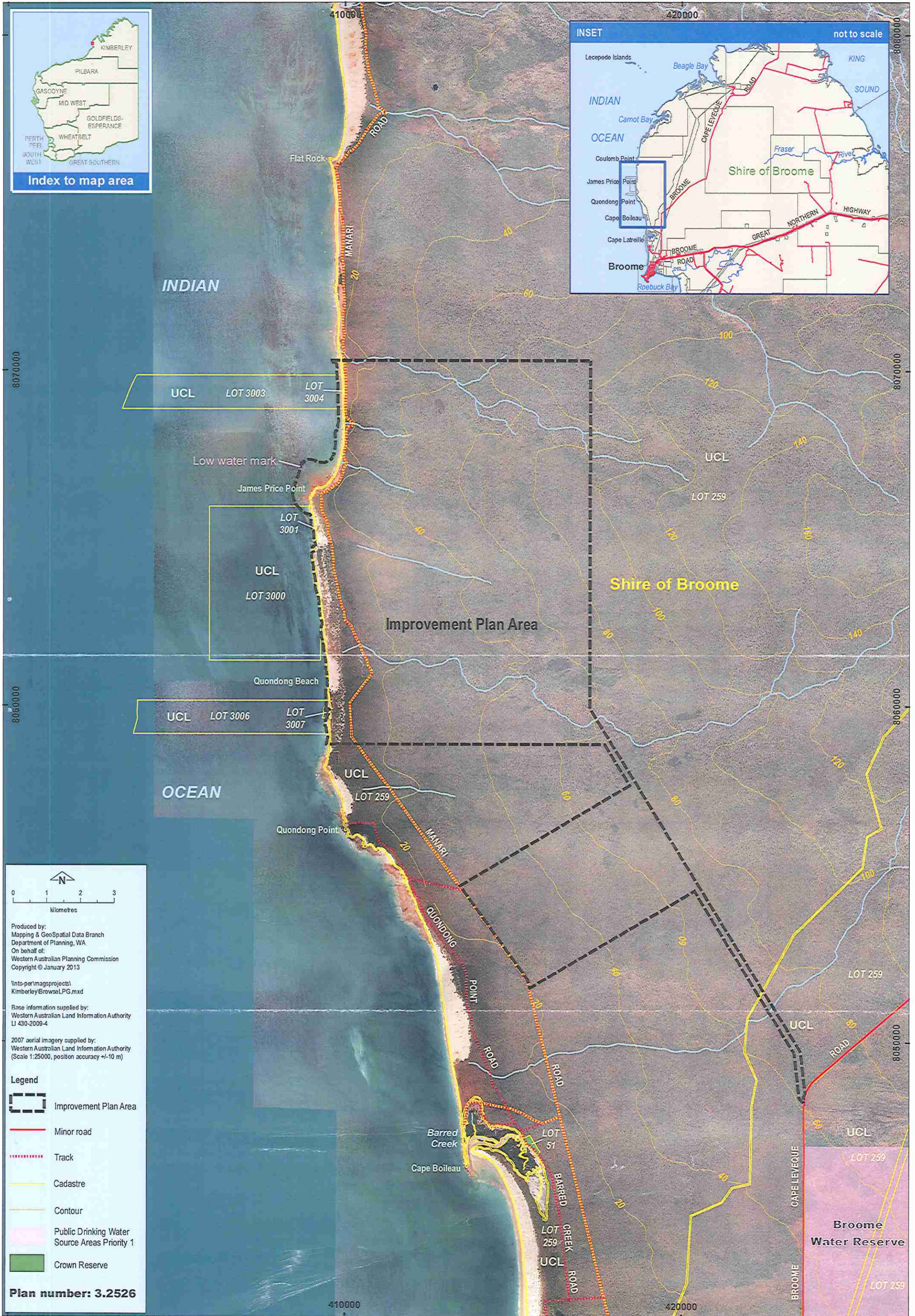


TIM HILLYARD
ACTING SECRETARY
WESTERN AUSTRALIAN PLANNING COMMISSION

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Browse Liquefied Natural Gas Precinct



Improvement Plan No. 37 - Browse Liquefied Natural Gas Precinct