



Office of the Director-General

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Contact: Wayne Garnsey
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Wayne.Garnsey@planning.nsw.gov.au

Our ref: PP_2012_MIDWR_001_00
Your ref:

Dear Mr Bennett,

Re: Planning Proposal to define and make provisions for 'temporary workers' accommodation'

I refer to planning proposal PP_2012_MIDWR_001_00 to define and make provisions for 'temporary workers accommodation'.

On 3 February 2012, the Minister's delegate determined that the planning proposal to amend the Mid-Western Regional LEP 2008 or the draft Mid-Western Regional LEP 2011 should proceed subject to conditions.

It is noted that the Gateway provided a clause and definition for 'workers accommodation' and in doing so required Council to replace the proposed clause and definition with one drafted by the Department and amend the planning proposal accordingly.

Further to advice received from Council staff, it is acknowledged that the clause and definition provided by the Gateway did not achieve Council's intent to distinguish development from regular dwellings provided, and to provide accommodation on a temporary basis. Therefore, having regard to Council's requirements, I have determined as delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway determination dated 3 February 2012 for PP_2012_MIDWR_001_00.

The Gateway determination is amended by providing Council with a new clause and definition as per Condition 1 in the attached Gateway determination. Council is to amend the planning proposal accordingly and provide the Department's Regional Office with a copy of the revised planning proposal prior to the commencement of public exhibition.

Further, Council is also to amend the planning proposal to address relevant S117 Directions in response to the conditions in the attached Gateway determination and highlighted in previous correspondence from the Gateway to Council.

The Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the original Gateway determination. Therefore, the planning proposal is due for completion by 8 February 2013. Council should aim to commence exhibition of the planning proposal upon completion of public authority consultation and amendments to the planning proposal as required by the Gateway. Council's request for the Department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

If you have any questions in relation to this matter, please contact Mr Wayne Garnsey of the Regional Office of the Department on 02 6841 2180.

Yours sincerely


Sam Haddad
Director General

2/4/2012

Revised Gateway Determination

Planning Proposal (Department Ref: PP_2012_MIDWR_001_00): to define and make provisions for 'temporary workers accommodation' associated with mines and major infrastructure works

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to either the Mid-Western Regional Local Environmental Plan 2008 or the draft Mid-Western Regional Local Environmental Plan 2011 to define and make provisions for 'temporary workers accommodation' for mine and major infrastructure works should proceed subject to the following conditions:

1. Council is to amend the planning proposal to include the following clause and definition and provide the Department with the revised planning proposal prior to the commencement of community consultation:

"1 Temporary workers' accommodation

(1) The objectives of this clause are as follows:

- (a) to enable development for temporary workers' accommodation if there is a demonstrated need to accommodate employees due to the nature of the work or the location of the land,*
- (b) to ensure that temporary workers' accommodation is appropriately located,*
- (c) to ensure that the erection of temporary workers' accommodation is not likely to have a detrimental impact on the future use of the land or conflict with an existing land use,*
- (d) to minimise the impact of temporary workers' accommodation on local roads and infrastructure.*

(2) Development consent must not be granted to development for the purposes of temporary workers' accommodation for works unless the consent authority is satisfied of the following:

- (a) the development is to be located within 5 kilometres of the site on which the work is being carried out,*
- (b) there is a demonstrated necessity to provide temporary workers' accommodation due either to the nature of the industry that the workers are employed in or because of the remote or isolated location of the work site,*
- (c) the development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,*
- (d) water and sewerage infrastructure will be provided to adequately meet the requirements of the development,*
- (e) when the development is no longer in use, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the development.*

- (3) *In this clause:*
temporary workers' accommodation means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed for the purpose of carrying out works associated with a large-scale infrastructure project, including development for the purposes of an extractive industry, mining, renewable energy or electricity transmission or distribution networks."

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Central West Catchment Management Authority
 - Hunter – Central Rivers Catchment Management Authority
 - Essential Energy
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Fire and Rescue NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and S117 Direction 4.2 Mine Subsidence and Unstable Land.
5. Council is to amend the planning proposal to consider the requirements of S117 Direction 6.3 Site Specific Provisions and provide further justification as to why the proposed clause and definition is the most appropriate solution to achieve Council's intended outcome.



6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The LEP is due for completion by **8 February 2013**.

Dated 2nd day of April 2012.

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure