

Temporary Workers Accommodation

Proposal Title : **Temporary Workers Accommodation**

Proposal Summary : **Proposed local clause that contains a new definition and locational criteria for temporary workers accommodation for mine and major infrastructure works**

PP Number : **PP_2012_MIDWR_001_00** Dop File No : **11/22412**

Proposal Details

Date Planning Proposal Received : **16-Dec-2011** LGA covered : **Mid-Western Regional**

Region : **Western** RPA : **Mid-Western Regional Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **whole of lga**

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412192**

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RPA Contact Details

Contact Name : **Elizabeth Densley**

Contact Number : **0263782850**

Contact Email : **elizabeth.densley@midwestern.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Liaising with POC & LSB to progress this matter**

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective is to specifically define and provide locational criteria for temporary workers accommodation associated with mines and major infrastructure**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of the provisions is adequate however there are matters to be resolved (with LSB & POC) in relation to the proposed definition, the uses in which the definition should cover and the locational criteria.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

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e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Council has not adequately addressed the relevant s117 Directions and will need to do so following Gateway determination and prior to exhibition. The particular s117's are 1.3 Mining - need to consult with DPI, 1.5 Rural Lands - need to address SEPP Rural Lands, 4.4 Bushfire - need to consult with NSWRF, 6.3 Site specific - need to provide justification**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping is required as it is proposed that the local provision and definition will ultimately apply across the whole of the Mid Western Regional Council lga**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days is proposed which is considered adequate**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **The proposal only applies to land in the former Mudgee Council lga under the Mid Western Interim LEP 2008 - Council should be requested to advise why this proposal should not apply to former Rylstone (Rylstone LEP 1996) and former part Merriwa (Merriwa LEP 1992) and then into the whole of the Mid Western lga**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Proposal is generally adequate but deficient in the way in which it has addressed the s117 Directions however this matter can be addressed post Gateway and prior to exhibition**

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **The public exhibition of the draft Mid Western LEP 2012 has been completed with Council considering the submissions in Dec 2011. Council's s68 Submission is expected to be submitted to the Department soon.**

The planning proposal proposes to amend the draft Mid-Western Regional LEP 2012 in the same way that it would amend Council's current plan (Mid Western Interim LEP 2008) i.e. through the inclusion of a new definition and clause. This has greater policy implications to similar forms of development throughout the state. The Department, through discussions between POC, legal and the regional teams should consider an appropriate definition that satisfactorily addresses the intent to provide for temporary workers accommodation directly in relation to the operation of a mine or extractive industry. The Department should however consider the need for a temporary workers accommodation definition to cater for a wider range of uses state wide.

The Department can work with Council to create a definition that is suitable state wide and achieves Council's outcomes.

Assessment Criteria

Need for planning
proposal :

For the proposed use the closest SI definition would be "hotel or motel accommodation". Other Iga's are using existing definitions such as "caravan parks" and "hotel or motel accommodation" and are dealing with such land use as local development. These definitions do not exactly cover the nature of the proposed temporary worker accommodation development. Regard should also be given to the existing definition of 'rural workers accommodation'.

To remove any doubt in relation to the definition it is considered there is a need for a specific definition for temporary workers accommodation (TWA). The proposed definition should not be supported in the form as submitted. The definition should not only be limited to mining and major projects but should also consider broader state wide temporary workforce accommodation needs for other industries and seasonal workers.

In drafting a new definition, attention should be given to the interpretation of the word 'temporary' and the length of time workers propose to live on site. There also needs to be a definitive link between the undertaking and the need for accommodation with satisfactory criteria established.

The need for the locational criteria needs further detailed investigation as the proposal as submitted has the potential to create a sub zone.

The implications of a new definition could require an amendment to the Standard Instrument Order given the state wide significance.

In summary the definition needs to be developed in consultation with the Department.

Consistency with
strategic planning
framework :

Mid Western Regional Council has had a Comprehensive Land Use Strategy (LUS) endorsed by the DG. The LUS strategy did not specifically address the need for TWA of this nature. The LUS did consider tourist development in the rural zone and encouraged residential development into and near existing settlements.

The proposed locational criteria for TWA to be within 5 km of a mine or major infrastructure has the potential to create issues in relation to servicing, impacts on mining and agricultural potential and the location of a substantial settlement in the rural or environmentally sensitive areas. The location of TWA near a mine or major infrastructure site does have advantages in terms of traffic generation and impacts on access roads.

Essentially TWA is residential accommodation and ideally should be located either on the mine or major infrastructure site as ancillary development or in or near settlements that contain the urban support infrastructure.

However Council has stated that examples of such development elsewhere are indeed producing negative impacts for the community.

While there is a need to address this issue in relation to the amount of mines being developed near Mudgee and the resultant housing stress being created in Mudgee and Gulgong it is considered that the TWA definition be supported subject to the Department assisting in formulating a suitable definition having regard to state wide implications.

The impacts of the location of TWA requires further detailed investigation in the long term.

Environmental social
economic impacts :

Council has referred to anecdotal evidence in relation to examples of mining and TWA impacts in Queensland where social impacts have been negative. Further detailed work needs to be undertaken in relation to this issue and further policy work may be required to establish guidelines that can be used state wide.

Environmental impacts can be assessed with each specific application. Consultation with DPI and NSWRFs and other relevant agencies will be required to assist in determining the

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impact of TWA within 5 km of a mine site.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority : **Central West Catchment Management Authority**
Consultation - 56(2)(d) : **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

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Subject to consultation with Department in relation to the definition, locational criteria and the application of the provision**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Legal Services

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering letter.pdf	Proposal Covering Letter	No
Council Report.pdf	Proposal	No
Planning Proposal.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions

Additional Information : **The intent of the proposal is generally supported in creating a definition for TWA. The planning proposal has broader state wide policy implications and therefore requires the formulation of a suitable definition with the assistance of the Department. The planning**

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proposal suggests that the temporary accommodation in this instance would accommodate up to 400 workers.

There are a number of options to progress the matter:

1. Support the proposal in its current form - this is not recommended due to the precedent that approving the clause and definition would set.

2. That the Department establish a position on the clause and definition and adapt it to provide Council with a clause that achieves the intent of the proposal that can also be used and adapted by other Council's with similar circumstances. This would require further consideration by the Department prior to issuing a Gateway determination to proceed in a form that to the satisfaction of Council and the Department.

3. To consider an amendment to the SEPP (Mining, Petroleum Production and Extractive Industries) 2007, which does not provide for accommodation of temporary workers directly related to the subject activity.

It is important to note that the proposal provides for workers directly related to mining or workers related to the construction of major infrastructure. In progressing the amendment, consideration should also be given to accommodating temporary workers of other industries such as fruit pickers, on-farm primary agriculture and other seasonal industry workers.

Should Gateway determine to support the Planning Proposal the following conditions would be applicable:-

That Council post Gateway Determination and prior to public exhibition, submit to the Director General the results of consultations with the specified agencies

That Council post Gateway Determination and prior to public exhibition, submit to the Director General an assessment of and justification for inconsistencies with s117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 4.4 Planning for Bushfire Protection and 6.3 Site Specific Provisions

That Council post Gateway Determination and prior to public exhibition work with the Department of Planning and Infrastructure to develop suitable wording for the definition of "Temporary Workers Accommodation" and locational criteria.

That Mid Western Regional Council be requested to provide information as to why the Planning Proposal does not apply to the Rylstone LEP 1996 and Merriwa LEP 1992.

Supporting Reasons : To meet statutory requirements and consult with relevant agencies.

Signature:



Printed Name:

W GARNSEY

Date:

17/1/2012

Endorsed :  17/1/2012
Ashley Alburn
Regional Director
Western Region