

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**

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 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

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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.

Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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:

"For the purposes of the clause "workers accommodation" is defined as:

A building or place that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purposes of mining or extractive industries.

The objectives of the clause are:

- To ensure that workers accommodation:
 - o Is located within 5km of a mine;
 - o Does not result in land use conflict with other existing or reasonably anticipated future use of land such as tourism and agriculture; and
 - o Minimises the impact on local roads and infrastructure.
- Before granting development consent to development for the purposes of workers accommodation, the consent authority must be satisfied that:
 - o There is a demonstrated link between a mine or extractive industry and the need for the accommodation for its workers;
 - o The development is located within 5km of the site of the main site office of a mine or extractive industry; and
 - o Arrangements have been made for the supply of water and sewerage infrastructure services."

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.

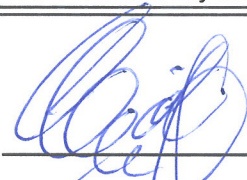
4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements 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 timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McEwen

Date:

2.2.12