

Clarence Valley LEP 2011 – Yamba Business Park Temporary Workforce Accommodation.

Proposal Title : **Clarence Valley LEP 2011 – Yamba Business Park Temporary Workforce Accommodation.**

Proposal Summary : **The planning proposal seeks to amend Clarence Valley LEP 2011 to enable Lots 3 to 9 DP 1139117, Fairtrader Drive, Yamba to be developed for the purpose of temporary workforce accommodation for a period of four (4) years from January 2017.**

PP Number : **PP_2016_CLARE_004_00** Dop File No : **16/10912**

Proposal Details

Date Planning Proposal Received :	11-Aug-2016	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Fairtrader Drive		
Suburb :	Yamba	City :	Postcode : 2464
Land Parcel :	Lots 3-9 DP 1139117		

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**
 Contact Number : **0266416607**
 Contact Email : **paul.garnett@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Dave Morrison**
 Contact Number : **0266430204**
 Contact Email : **david.morrison@clarence.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 :	Mid North Coast Regional Strategy	Consistent with Strategy :	No

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MDP Number :		Date of Release :	
Area of Release (Ha) : 1.15		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes : Council is currently progressing a separate planning proposal (PP_2016_CLARE_001_00) to amend the land use table of the Clarence Valley LEP 2011 to permit workforce accommodation, as a form of residential accommodation, with consent in the R1, R2 and R3 zones.

This planning proposal to enable the development of land at Fairtrader Drive for workforce accommodation is separate to the broader workforce accommodation proposal which would not permit the proposed development on Fairtrader Drive because the subject land is zoned IN1 General Industrial.

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : The Statement of objectives adequately describes the intention of the planning proposal. The proposal intends to amend Clarence Valley LEP 2011 to permit 'workforce accommodation' as an additional permitted use on Lots 3-9 DP 1139117, Fairtrader Drive, Yamba for a period of four (4) years from January 2017.

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

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

Comment : The explanation of provisions addresses the intended method of achieving the objective of the planning proposal. The proposal intends to include a new provision in Schedule 1 of the Clarence Valley LEP 2011 to enable development for the purpose of workforce accommodation for a maximum period of four years, commencing January 2017, to be permitted with consent for land at Fairtrader Drive, Yamba.

The explanation of provisions includes the specific clause intended to be included in

Schedule 1. Given that 'workforce accommodation' is not a land use defined by the Standard Instrument LEP the draft clause is likely to need to be altered to read:
"2. Development for the purpose of residential accommodation, being workforce accommodation, for a maximum period of four years"

And may require the inclusion of a definition of 'workforce accommodation'.

To enable flexibility in the final legal drafting the explanation of provisions should include a plain English explanation of how the proposed LEP amendment will achieve the intended outcome of the planning proposal.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
2.1 Environment Protection Zones
2.2 Coastal Protection
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Building Sustainability Index: BASIX) 2004

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposed amendments to the Clarence Valley LEP 2011 will not require any map amendments. The proposed additional permitted use provisions will apply to the entirety of the subject land and therefore it is considered that the property description is an adequate description of the land to which the provisions will apply. An amendment to the Additional Permitted Uses Map is not necessary in this instance.

The planning proposal includes maps of the locality, the site and the current zoning of the land. These maps are considered to be adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal nominates a community consultation period of 14 days.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is

considered that the planning proposal is a low impact planning proposal as the proposed outcomes of the proposal will not be inconsistent with the pattern of surrounding land uses in the area, and inconsistencies with the strategic planning framework are of minor significance. Furthermore the site is located in the centre of an industrial estate and is for a temporary period of 4 years. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore considered that a community consultation period of 14 days is adequate. However there is no impediment to Council conducting a longer community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in November 2016. To ensure the RPA has adequate time to complete the exhibition, reporting, and legal drafting, it is recommended that a time frame of nine (9) months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be of local planning significance since it applies to permissibility of 'workforce accommodation' on a single site in the Clarence Valley LGA. The proposal is considered to have a minor inconsistency with the Mid North Coast Regional Strategy. It is recommended that an Authorisation for the execution of delegation be issued to the RPA in this instance.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Clarence Valley LEP 2011 is in force. This planning proposal seeks an amendment to the Clarence Valley LEP 2011.

Assessment Criteria

Need for planning proposal :

The proposal is the indirect result of a strategic study and report. Pacific Complete, the delivery partner appointed by the NSW Roads and Maritime Services for the Woolgoolga to Ballina Pacific Highway upgrade project has produced a "Construction Workforce Accommodation Study" for the highway upgrade project. In summary the study concludes that the project will generate approximately 2500 direct jobs of which two thirds (1667) are likely to be filled by people who temporarily relocate from outside the area for periods of

between 1 and 3 years. Yamba was considered to be a desirable location for workers given its proximity to the highway and the Harwood Bridge site. While it was estimated that Yamba would have sufficient existing accommodation there may be a need to utilise some tourist accommodation for longer term rental. The use of tourist accommodation for longer term residential accommodation can have adverse impacts on the local economy for towns such as Yamba which rely on tourist income.

Council has identified that other large scale construction projects which will occur concurrently with the highway upgrade, such as the new Grafton Bridge, the proposed Grafton correctional centre, construction of the Sportsmans Creek Bridge and a new supermarket at Maclean are likely to increase the demand for temporary accommodation for these workforces. Council has resolved to allow the development of workforce accommodation in various locations in the LGA to prevent demand for traditional rental accommodation and tourist accommodation from having adverse social impacts on residents not working on these large infrastructure projects.

To this end, Council is progressing a planning proposal to enable workforce accommodation, as a form of residential accommodation, in residential zones throughout the LGA (PP_2016_CLARE_001_00). While that planning proposal seeks to allow workforce accommodation developments with consent in the R1, R2 and R3 zones, Council has not discounted the possibility of considering site specific proposals for workforce accommodation in other zones in the LGA.

This proposal seeks to enable workforce accommodation to be approved as an additional permitted use on existing vacant industrial land at Fairtrader Drive, Yamba. The proposal seeks to enable this land use for a period of four years commencing January 2017 and ending December 2020.

The planning proposal provides a justification for the development of temporary workforce accommodation over traditional rental accommodation and short term tourist accommodation. The planning proposal identifies that temporary workforce accommodation has the following benefits:

- It will ease pressure on the permanent rental market which already has low vacancy rates;
- The short term tourist accommodation is intermittently occupied and the use of this sector of the market for workers accommodation could have adverse impacts on tourist visitor numbers; and
- The conversion of tourist accommodation to permanent rental accommodation could harm the local tourist economy in the longer term.

The proposal also investigates other large residentially zoned development sites in the Yamba area and concludes that the development of these sites is likely to experience longer lead times to bring permanent residential development to the market before January 2017. There is also potential for land use conflict between traditional low density residential housing and workforce accommodation arising from noise, traffic movements, irregular working hours and the nature of workforce accommodation.

The potential adverse impact of the proposal relates to the temporary loss of industrial zoned land for industrial uses while the subject site is being used for temporary workforce accommodation. The proposal includes a brief industrial land demand analysis.

The Yamba Business Park, in which the subject site is located, is zoned predominantly IN1 General Residential with a small area of B1 Neighbourhood Centre and has a total area of 8.92ha. The subject site is 1.15ha in size and is zoned IN1 General Industrial. There is currently 5.97ha of vacant industrial lands in the Yamba Business Park. The business park was developed in 2007 and in this time approximately 1.44ha has been developed. This equates to a rate of development of 0.2ha per year. Based on historical rates of development, should the proposal for temporary workforce accommodation proceed, the

remaining 4.82ha of employment land would amount to more than 20 years supply. It is also relevant that the proposed workforce accommodation is for a period of only 4 years at which stage the land will again be available for industrial purposes. It is not envisaged that the use of the land for workforce accommodation will prevent the land being used for industrial or employment generating purposes in the future.

The MNCRS identifies the need for a minimum of 23 hectares of additional industrial land in the Clarence subregion over the 25 years of the life of the Strategy (2006 – 2031). The Draft North Coast Regional Plan identifies that the Clarence Valley LGA has adequate supplies of proposed industrial land for the life of the plan.

It is considered that the use of 1.15ha of industrial land for temporary residential purposes will not have a significant adverse impact on the supply of industrial land in Yamba. There is also vacant industrial land at Maclean which could accommodate industrial land uses should demand for industrial land increase significantly in the 4 year life of the proposed workforce accommodation development.

The proposed amendment to Schedule 1 of the LEP is the best means of achieving the objectives of the proposal. It is not appropriate to rezone the land to residential as this would result in the loss of the land for employment generating purposes. Additionally, given its location in the middle of an industrial estate, the rezoning of the land for residential purposes would likely lead to increased land use conflict. A proposal to rezone the land would require a more rigorous investigation of the demand for industrial land in the Clarence Valley.

It is not possible to use the temporary use of land provisions in clause 2.8 of the Clarence Valley LEP 2011 because the clause limits the temporary use of land to 28 days in any 12 month period.

The use of Schedule 1 and the proposed 4 year sunset period will retain the industrial zoning of the land enabling its use for such purposes in the future while enabling the temporary use of the land for workforce accommodation in the meantime.

The proposal concludes that there is likely to be a net community benefit arising from the flow-on economic benefits of having approximately 128 workers accommodated in the Yamba area. The site does not have a prominent visual position in the town and so the development of the site will not adversely affect the amenity of Yamba. The provision of targeted workforce accommodation will also reduce pressure on existing permanent rental market and short term tourist accommodation thereby having a long term positive benefit for the remainder of the community.

The location of the proposed workforce accommodation within an as yet undeveloped industrial estate may have the added benefit of encouraging the development of the remaining industrial land for complementary purposes which are already permissible in the industrial zone.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is generally consistent with the actions and outcomes in the MNCRS. The MNCRS does not contain specific actions or outcomes relating to 'workforce accommodation'. The proposal is considered to be consistent with the MNCRS as:

- the site of the proposed 'workforce accommodation' is located within the growth area boundary specified by the MNCRS; and
- the site is located within an established town where services and infrastructure are available and where social and economic benefits are more likely to occur from the increased population.

A minor inconsistency with the MNCRS arises from the fact that employment generating lands are proposed to be used for residential purposes. As previously discussed this will be for a temporary period of 4 years and will not have an adverse impact on the supply of industrial land in the locality. It is therefore considered that the inconsistency of the proposal with the MNCRS is considered to be of minor significance and generally consistent with the intent of the Strategy.

Draft North Coast Regional Plan

The proposal is not inconsistent with the Draft North Coast Regional Plan (the 'Draft RP'). The Draft RP does not contain specific directions or actions relating to 'workforce accommodation'. The Draft RP identifies that the Clarence Valley has sufficient supply of proposed employment land for the next 20 years. It is considered that the temporary use of 1.15ha of employment land for workforce accommodation will not have a significant impact on the supply of employment land in Yamba or the Clarence Valley.

Consistency with Council's Local Strategies.

The proposal is not inconsistent with Council's local strategies. Again, none of the local strategies specifically refer to 'workforce accommodation' however the expected outcomes from the proposal are not inconsistent with the intent of the local strategies.

Council's Industrial Lands Strategy 2007 identifies that there is adequate employment lands available in Yamba and as discussed previously the temporary use of 1.15ha of this land for the workforce accommodation is not expected to have an adverse impact on the supply of employment land for the four year period the land will be used for temporary workforce accommodation.

SEPPs

The proposal lists the State environmental planning policies (SEPPs) that may be applicable to the proposal. The proposal seeks to permit 'workforce accommodation' on a specific vacant site that is already developed and zoned for industrial purposes. While many SEPPs may apply to this land, the proposal is not inconsistent with these SEPPs.

SEPP 55. Council has identified that the site has been prepared for industrial purposes and therefore in accordance with SEPP 55, it is necessary to conduct a preliminary soil contamination assessment to ensure that the fill used on the site is suitable for residential land uses.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.1, 4.1, 4.3, 4.4 and 5.1.

Direction 1.1 Business and Industrial Zones is relevant to the planning proposal. The direction provides that a planning proposal must retain existing areas of industrial zones

and not reduce the total potential floor space area for industrial land uses. The proposal seeks to develop industrial zoned land for a type of residential purposes being workforce accommodation for a period of four years.

The direction provides that a proposal may be inconsistent with the direction if it is justified by a strategy or study or is of minor significance. As previously discussed the proposal to utilise the industrial zoned land for workforce accommodation will not have a significant impact on the supply of industrial land in Yamba or the Clarence Valley and in any case is only for a period of four years. It is therefore considered that the inconsistency is of minor significance and is justified in accordance with the terms of the direction.

Directions 4.1 Acid Sulfate Soils is relevant to the planning proposal. The direction provides that a proposal to enable the intensification of land uses must include an acid sulfate soils study for the land. The land is identified as class 2 acid sulfate soils under the Clarence Valley LEP 2011 and the proposal seeks to enable workforce accommodation on land zoned IN1 General Industrial. The site has already been filled and services provided to enable industrial development on the land. The class 2 designation is likely to have applied to the original state of the site prior to filling. The use of industrial land for a specific residential purpose does not necessarily constitute a significant increase in the development potential of the land though the impacts of acid sulfate soils on residential land uses can be different to those of industrial land uses. The Clarence Valley LEP 2011 already contains provisions to manage acid sulfate soils at development application stage. It is considered that the inconsistency of the proposal with the direction is of minor significance and is therefore justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is relevant to the proposal. The directions provide that a planning proposal should not permit significant increases in the development of flood prone land. The planning proposal indicates that a small area of the land is flood prone. The majority of the land has been filled and prepared for industrial development and is mostly flood free. The use of industrial land for a specific residential purposes does not necessarily constitute a significant increase in the development potential of the land. The small area of the land which is mapped as flood prone can be filled if required or the proposed workforce accommodation buildings could be located above the required flood level. It is considered that the inconsistency of the proposal with the direction is of minor significance and is therefore justified in accordance with the terms of the direction.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Some of the land to which the proposal applies is bushfire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Implementation of Regional Strategies is relevant to the proposal. The direction provides that a proposal must be consistent with the relevant regional strategy which in this case is the Mid North Coast Regional Strategy (MNCRS). As discussed previously, there is a minor inconsistency with the MNCRS as a result of using industrial land for residential purposes. The inconsistency is considered to be of minor significance and the proposal achieves the overall intent of the strategy. The inconsistency is therefore considered to be justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The proposal is not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. The land has been cleared and filled for industrial purposes and does not contain any significant native vegetation.

The planning proposal includes a traffic impact assessment which concludes that the peak times for traffic movements from the proposed development are outside of normal peak times and therefore no intersection or road upgrades will be necessary.

Issues with flooding, acid sulfate soils and bushfire are not considered to be significant impediments to the development of the site and can be addressed at development application stage. The development of the site is not expected to have an adverse impact on the visual amenity of the locality being screened from neighbouring residential and tourist developments.

The proposal is expected to have a generally positive economic and social impact by ensuring accommodation for workers associated with the highway upgrade is located in a location which will contribute to the viability of established local business and will not require significant extensions of services or infrastructure. The proposal is for 16, eight (8) bedroom buildings with a kitchen and living area. The proposed development could house a total workforce population of 128 people. It is expected that this population will use local businesses for food and recreation needs having a temporary flow on effect for the local community. The accommodation is not designed to accommodate families of workers thereby requiring families to use other accommodation in Yamba such as the short term tourist accommodation. This is also likely to have a positive economic impact for the town.

There is also the potential for the proposed development to encourage the development of the other vacant land in the industrial estate for industrial purposes that may complement the proposed development.

The provision of designated temporary workforce accommodation is likely to have a positive social impact by relieving pressure on the permanent rental market and keeping short term tourist accommodation free for the use by tourists.

Agency Consultation.

The planning proposal does not indicate which agencies Council intends to consult with. It is considered that consultation should occur with the following State agencies:

1. Roads and Maritime Services;
2. NSW Rural Fire Service which must be consulted in accordance with S117 Direction 4.4

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Preliminary site contamination assessment

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Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that the planning proposal should proceed subject to the following;

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to community consultation the following site investigations are to be conducted and included with the planning proposal for community consultation;
 - a. Preliminary site contamination assessment
3. Prior to community consultation the planning proposal is to be amended to include a plain English explanation in 'Part 2 Explanation of Provisions' detailing how the draft LEP will achieve the intended outcome of the planning proposal. This plain English explanation may need to include clarification that 'workforce accommodation' is a form of 'residential accommodation' and a definition for 'workforce accommodation'.
4. A community consultation period of 14 days is necessary.
5. The planning proposal is to be completed within 9 months.
6. The RPA is to consult with the following State agencies and organisations;
 - a. Roads and Maritime Services;
 - b. NSW Rural Fire Service
7. A written authorisation to exercise delegation be issued to Clarence Valley Council.
8. A delegate of the Secretary agree that the inconsistencies of the proposal with S117 Directions 1.1, 4.1, 4.3, and 5.1 are justified in accordance with the terms of the directions.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal will contribute to the provision of alternative housing choice for infrastructure project workforces which has been identified as necessary in the short term.
2. The subject site is considered to be generally appropriate for the proposed workforce

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accommodation.

3. The proposal is generally consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Signature:

T. Prentice

Printed Name:

Tamara Prentice

Date:

17/8/16

