

Clarence Valley LEP 2011 – Workforce Accommodation.

Proposal Title : **Clarence Valley LEP 2011 – Workforce Accommodation.**

Proposal Summary : **The planning proposal seeks to amend Clarence Valley LEP 2011 to make 'workforce accommodation' (as a form of residential accommodation) permissible with development consent in zones R1 General Residential, R2 Low Density Residential, and R3 Medium Density Residential, and introduce a local clause to clearly define 'workforce accommodation' and detail the matters Council will consider with applications for 'workforce accommodation'.**

PP Number : **PP_2016_CLARE_001_00** Dop File No : **16/06145**

Proposal Details

Date Planning Proposal Received :	27-Apr-2016	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **The proposal will apply to all land in the R1, R2, R3 and SP3 zones in Clarence Valley local government area.**

DoP Planning Officer Contact Details

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RPA Contact Details

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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 :	Yes

Clarence Valley LEP 2011 – Workforce Accommodation.

MDP Number :		Date of Release :	
Area of Release (Ha) : 0.00		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 :	The proposal seeks to: 1. Amend the land use table to make the group term 'residential accommodation' permissible with consent in the R1, R2 and R3 zones and prohibit the specific residential land uses that are not considered appropriate in these zones; and, 2. Introduce a local provision in Part 7 of the LEP to define 'workforce accommodation' and detail the matters Council will consider with applications for workforce accommodation.
External Supporting Notes :	The R1, R2 and R3 zones in the Clarence Valley LEP 2011 are currently closed zones and the land use table specifically nominates the types of residential accommodation that are permissible in these zones. This approach effectively makes other forms of 'residential accommodation' prohibited. Therefore by listing the group term 'residential accommodation' as permitted with consent the land use table will enable other forms of residential accommodation, such as 'workforce accommodation', to be considered by Council.

Adequacy Assessment

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

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

Comment :	The Statement of objectives describes the intention of the planning proposal. The proposal intends to amend Clarence Valley LEP 2011 to permit 'workforce accommodation' with consent in zones R1, R2 and R3, and introduce a local clause to deal with 'workforce accommodation'. This clause will also apply to the SP3 Zone where residential accommodation is already permissible with consent.
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Explanation of provisions provided - s55(2)(b)

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

Comment :	The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to: 1. Amend the land use table to make the group term 'residential accommodation' permissible with consent in the R1, R2 and R3 zones and prohibit the specific residential
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land uses that are not considered appropriate in these zones; and,
2. Introduce a local provision in Part 7 of the LEP to define 'workforce accommodation' and detail the matters Council will consider with applications for workforce accommodation. This clause will apply to the above zones and also the SP3 Zone where residential accommodation is already permissible with consent.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

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

6.3 Site Specific Provisions

3.6 Shooting Ranges

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

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

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

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 his report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposed amendments to the Clarence Valley LEP 2011 will not require any map amendments.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal nominates a community consultation period of 28 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 amendments will be generally consistent with the pattern of surrounding land uses in the affected zones, and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners however in this instance this would be overly onerous. 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 September 2016. To ensure the RPA has adequate time to complete the exhibition, reporting, and legal drafting, it is recommended that a time frame of 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, and a local provision for, 'workforce accommodation' in the Clarence Valley LGA only. The proposal is not considered to be inconsistent 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 not the result of a strategic study or report. Council has been approached by proponents seeking to develop accommodation for workers engaged with several large infrastructure projects occurring in the Clarence Valley. These projects include the Pacific Highway upgrade, the new Grafton Bridge, a new correctional facility near Grafton, replacement of the Sportsmans Creek Bridge and a new supermarket at Maclean.

In reviewing the planning framework while considering these proposals for workers accommodation Council has classified these developments as 'workforce accommodation'. Council has identified 'workforce accommodation' as being a type of residential accommodation. Council has concluded that the most appropriate location for 'workforce accommodation' is within the existing residential zones of the towns of the local government area (LGA).

The residential zones in the Clarence Valley LEP 2011 are closed zones. The group term 'residential accommodation' is not listed as permissible with consent in these residential

zones. Council has listed the individual types of 'residential accommodation' it considers appropriate for each zone. This approach, while consistent with the Standard Instrument LEP template, has had the unintended result of prohibiting other types of 'residential accommodation' which are not specifically listed as being permissible with development consent, such as 'workforce accommodation'.

The planning proposal seeks to:

- Amend the land use table of the Clarence Valley LEP 2011 for the R1, R2 and R3 zones to list 'residential accommodation' as permissible with consent, and list the types of residential accommodation it considers inappropriate in the relevant zones as prohibited;
- Introduce a local clause in Part 7 of the Clarence Valley LEP 2011 which will set heads of consideration for 'workforce accommodation' when Council assesses a development application for this type of development. This clause will apply to the above zones and also to the SP3 Zone where residential accommodation is already permissible with consent.

The effect of these changes will be to enable different types of 'residential accommodation', which are not listed in the definition of 'residential accommodation', such as 'workforce accommodation', to be permitted with development consent.

Council has recognised that by considering 'workforce accommodation' to be a type of residential accommodation it becomes permissible with consent in the SP3 Tourist zone. Residential accommodation is currently permissible with consent in the SP3 zone. The planning proposal will not change the permissibility of residential accommodation in the SP3 zone, however, in recognition of the potential for 'workforce accommodation' to occur in the SP3 zone, the proposed local clause that sets heads of consideration for workforce accommodation developments will apply to the SP3 zone and therefore will provide matters against which the appropriateness of workforce accommodation in this zone can be considered.

The changes to the land use table proposed by Council will maintain the current permissibility for other types of 'residential accommodation' in the respective zones.

Council also proposes to change the phrase 'Any development not specified in item 2 or 3' to 'Any other development not specified in item 2 or 3' in the residential zones of the land use table. Council have proposed this change to be consistent with other LEPs on the Far North Coast. The Standard Instrument LEP specifies the wording 'Any development not specified in item 2 or 3'. Council has advised it does not consider this change critical to the proposal and has only proposed this change for consistency with other LEPs. This matter can be resolved at legal drafting stage by Parliamentary Counsel's Office as it will not have a material impact on the intent of the planning proposal.

The proposal to amend the land use table in the LEP and introduce a local provision is the best means of achieving the intent of the proposal which is to enable workforce accommodation to be permitted with consent in residential zones.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

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

- limit 'workforce accommodation' to residential zones which are contained within the growth area boundaries specified by the MNCRS;
- encourage the establishment of workforce accommodation in centres where services and infrastructure are available and where social and economic benefits are more likely to occur from the increased population; and
- have the potential to provide alternative aged and affordable housing choice once the development is no longer needed to accommodate the project workforce.

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'. However the proposal is considered to be consistent with the Draft Plan as it will:

- focus development for 'workforce accommodation' in the existing residential zones which are located within the mapped urban growth areas which are least likely to be constrained and are more likely to be suited for residential accommodation due to the absence of sensitive natural assets;
- directs 'workforce accommodation' to land which is close to urban centres and supported by existing infrastructure and services, and provides for healthy living options by being located close to public transport, walking and cycling options;
- provide housing that has the ability to meet an immediate demand thereby preventing upward pressure on housing prices in the short term and maximising the use of existing infrastructure.
- provide a choice of housing which reflects an immediate, if temporary, need for workforce accommodation associated with large infrastructure projects in the LGA;
- have the potential to provide alternative aged and affordable housing choice once the development is no longer needed to accommodate the project workforce.

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.

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 wide range of residential land in the Clarence Valley LGA. Many of the SEPPs may apply to this land however may not be applicable to the proposal until a specific development is proposed eg SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land and SEPP 71 Coastal Protection. The proposal to enable 'workforce accommodation' in residential zones with consent is not inconsistent with the policy intentions of any SEPP.

S117 Directions.

The following S117 directions are applicable to the proposal, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licenced Aerodromes, 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 2.1, 2.3, 4.1, 4.3 and 4.4.

Direction 2.1 Environmental Protection Zones is relevant to the planning proposal. The direction provides that a planning proposal must include provisions which facilitate the protection and conservation of environmentally sensitive areas. The proposal does not

relate to a specific site but seeks to permit 'workforce accommodation' within existing residential zones. It is unlikely that existing residential zones will contain environmentally sensitive areas, however investigations for specific sites can be undertaken at development application stage. It is therefore considered that the inconsistency of the proposal with the direction is of minor significance.

Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal does not relate to a specific site but seeks to permit 'workforce accommodation' within existing residential zones. The Clarence Valley LEP 2011 already contains provisions for the protection of heritage items and cultural heritage. Investigations for specific sites can be undertaken at development assessment stage. It is therefore considered that given the Clarence Valley LEP 2011 already contains provisions that facilitate the conservation of heritage matters, the inconsistency of the proposal with the direction is of minor significance.

Direction 4.1 Acid Sulfate Soils is relevant to the planning proposal. The direction provides that a planning proposal must not rezone land that could result in an intensification of land uses that contain acid sulfate soils without an acid sulfate soils study. The proposal does not relate to a specific site but seeks to permit 'workforce accommodation' within existing residential zones that are likely in some instances to contain acid sulfate soils. The Clarence Valley LEP 2011 already contains provisions for the management of acid sulfate soils. Investigations for specific sites can be undertaken at development assessment stage. It is therefore considered that given the Clarence Valley LEP 2011 already contains provisions that facilitate the management of acid sulfate soils, the inconsistency of the proposal with the direction is of minor significance.

Direction 4.3 Flood Prone Land is relevant to the proposal. The direction provides that a planning proposal must not rezone land that could result in an intensification of land uses within a flood planning area. The proposal does not relate to a specific site but seeks to permit 'workforce accommodation' within existing residential zones that are likely in some instances to contain flood prone land. The Clarence Valley LEP 2011 already contains provisions for the management of flood prone land. Investigations for specific sites can be undertaken at development assessment stage. It is therefore considered that given the Clarence Valley LEP 2011 already contains provisions that facilitate the management of flood prone land, the inconsistency of the proposal with the direction is of minor significance.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Some of the land to which the residential zones apply are likely to be 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.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The planning proposal is not site specific and therefore it is not possible to determine the potential impacts on the natural environment at this stage. The proposal will only enable workforce accommodation in the residential zones which are unlikely to contain significant native vegetation. Furthermore the proposal only enables the consideration of workforce accommodation with a development application at which stage the potential impact of the development on the surrounding environment will be able to be assessed.

Similarly the impact of future workforce accommodation proposals in relation to flooding, acid sulfate soils, potential land contamination, traffic, noise, amenity and other site constraints and hazards will be addressed at development application stage.

The proposal is expected to have a generally positive economic and social impact by ensuring accommodation for workers in the LGA is located within the established urban

areas and therefore will contribute to the viability of established local business and will not require significant extensions of service or infrastructure.

There is also the potential for workforce accommodation to be used for affordable housing when the temporary workforce has moved on at the completion of the infrastructure projects. This will also produce a positive social outcome potentially reducing pressure on rental prices and improving affordability.

Agency Consultation.

The planning proposal indicates that Council will consult with the following State agencies:

1. Roads and Maritime Services;

This consultation is considered to be appropriate. Given that the proposal will not result in an intensification of development potential on the land and applies only to existing residential zoned land no other State agency consultation is considered to be necessary, with the exception of the 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. :

If Other, provide reasons :

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
Council cover letter - workforce accommodation planning proposal.pdf	Proposal Covering Letter	Yes

Planning Proposal Workforce Accom.pdf
Minutes ORDINARY COUNCIL MEETING 19 April 2016.pdf

Proposal
Determination Document

Yes
Yes

Planning Team Recommendation

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

S.117 directions:

- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 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
- 6.3 Site Specific Provisions
- 3.6 Shooting Ranges

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 planning proposal is to be amended to correct the minor errors identified in Council's letter of 27 April 2016 and any other minor errors that Council is satisfied does not change the intent of the planning proposal.
3. A community consultation period of 14 days is necessary.
4. The planning proposal is to be completed within 12 months.
5. The RPA is to consult with the following State agencies and organisations;
 - a. Roads and Maritime Services;
 - b. NSW Rural Fire Service
6. A written authorisation to exercise delegation be issued to Clarence Valley Council.
7. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 2.1, 2.3, 4.1 and 4.3 are justified in accordance with the terms of the directions.
8. The Secretary's delegate notes the unresolved potential inconsistency with s117 Direction 4.4.

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 existing residential zones are considered to be generally appropriate locations for workforce accommodation.
3. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Signature:



Printed Name:

Craig Diss

Date:

5 May 2016