

PLANNING PROPOSAL

WORKFORCE ACCOMMODATION



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Declaration

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Declaration: I, Terry Dwyer, declare that this Planning Proposal constitutes a planning proposal for the purposes of section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and further declare that the document complies with the relevant provisions of the Act and the Department of Planning and Environment's *A guide to preparing planning proposals* (October 2012).

Date: March 2016

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1. PRELIMINARY

1.1 Context

This planning proposal constitutes a document referred to in Section 55 of the Environmental Planning and Assessment Act 1979. It has been prepared and structured in accordance with the Department of Planning and Environment's "*A guide to preparing planning proposals*" (October 2012). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to land zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and SP3 Tourist under Clarence Valley Local Environmental Plan 2011 (the LEP).

1.3 Background

The Clarence Valley will be subject of a range of significant infrastructure projects for the period commencing in 2015 until 2019/2020. These include¹ :

- The Woolgoolga to Ballina (W2B) Pacific Highway upgrade, commenced in 2015 with a 26 kilometre section between Woolgoolga (Arararra) and Glenugie, expected to be completed by 2020. The total value of these works in the Clarence Valley is expected to be in the order of \$3.5B, with a peak direct workforce of about 2,600 during 2016-2018. A significant component of this is a new bridge at Harwood, which is estimated to cost over \$1.0B alone. The direct workforce requirements of this project will also result in a number of indirect jobs, possibly in the order of two or three times the direct employment.
- New Grafton Bridge – early works commenced in 2015 and estimated to be completed by 2019. Works are valued in the order of \$180M.
- New Grafton Correctional Facility, Lavadia – construction for a 1,000 bed facility announced for commencement in 2017, anticipated to be completed by 2109. Investigations are still underway for expansion to a 1,700 bed facility. Value of the project is unknown but likely to be in excess of \$100M, with direct construction jobs in the order of 300.
- A range of other public and private investments over this same period which cumulatively add to the quantum infrastructure projects "competing" for workers, including the Sportsmans Creek Bridge (Lawrence), \$13M, Maclean supermarket, \$13M,

It is expected that the cumulative impact of these projects, the Pacific Highway in particular, will have potential social and economic impacts commencing anytime from 2015 right through 2020. Impacts include housing and accommodating the workforce influx into the area on a

¹ Projects include W2B upgrade, Grafton Bridge, New Grafton Correctional Centre, Sportsmans Creek Bridge, Yamba Sewerage upgrade, Grafton Aged Housing, Maclean Supermarket, CVC Depot Rationalisation, Yamba Harbour, Grafton Airport Upgrade, Grafton Hospital upgrade

temporary/short term basis for the duration of the construction phase and the impact that this will have on the existing housing market.²

Whilst an unknown proportion of the workforce may be sourced locally, the existing Clarence Valley workforce will clearly not be of sufficient size nor have all the required skill base to meet all the workforce needs of these projects. Hence, the need for a significant proportion to be “imported” is anticipated.

This planning proposal seeks to provide another mechanism to assist in managing potential housing impacts of these workforce requirements by providing another form of housing to meet such demand not currently available through existing planning controls, given

- the potential size of these workforce requirements in comparison to the existing labour supply,
- the relatively low residential vacancy rates in the Clarence Valley’s main housing markets,
- the lead times required to increase housing supply
- the need to avoid an oversupply imbalance post 2020 when most of these projects are likely to have been completed

The planning proposal seeks to enable workforce accommodation to be permissible in appropriate zones and to provide some design and locational guidance for assessing any such developments.

Although the form of accommodation associated with large scale mining/resource projects and other large scale construction/infrastructure projects is often referred to as temporary workers accommodation the term used in this planning proposal will be workforce accommodation.

1.4 Key issues

There are a number of key issues which can be considered under the following headings:

- potential housing market imbalance
- planning context - characterisation of use and permissibility
- alternative interpretations and responses to workforce accommodation needs
- Appropriate locations

Potential Housing Market Imbalance

Simply, the workforce needs of the range of infrastructure are significant compared to the size of the Clarence Valley economy/workforce. Various estimates suggest in the order of 4,000 workers being directly employed on the Highway. Notwithstanding that some of this will be spread over

² The nett investment and direct employment impacts within the Clarence Valley is difficult to estimate as some of the works will be in adjoining areas especially for the W2B. Nevertheless, a reasonable estimate of the nett impact on the Clarence Valley is a combined investment of about \$4.8B over 5 years, with direct employment in the order of 3,500 at peak construction. Based on a Clarence Valley Gross Regional Product of about \$2.6B and a labour force of about 23,800 (Clarence Valley Economic Monitor December 2015, Lawrence Consulting) these impacts represent a potential increase in the order of 30% to the size of the local economy (i.e. annualised growth in GRP) and a 15%-20% increase in the labour force.

adjoining local government areas and some will be sourced from the existing local workforce, compared to an existing Clarence Valley workforce of about 23,000, this impact is significant. Given the traditionally low residential vacancy rates, it is reasonable to assume that without a corresponding increase in housing supply, there is potential for market imbalances to occur during and post construction with spikes and possibly post-construction drops in the cost of housing. Such imbalances are likely to result in a range of social issues. Whilst there is scope for the traditional housing sector to pick up some of this demand, lead times with development and the scale of the potential imbalance suggest that other forms of worker accommodation may desirably form part of the mix to help ameliorate any adverse impacts.

Planning Context – characterisation of use and permissibility

The Clarence Valley Local Environmental Plan 2011 (the CVLEP) is based on the over arching Standard Instrument Order. This Order mandates definitions and certain land use permissibility issues for all LEPs throughout the state. Unfortunately, the Order is silent on the matter of workforce accommodation (including temporary, itinerant workforces, mining camps etc), and hence how to categorise and determine proposals is uncertain. Some clarity has more recently been provided by the courts (*Graincorp Operations Ltd v Liverpool Plains Shire Council [2013] NSWCA 171*). In short, this decision confirms that workforce accommodation (temporary or otherwise) is a form of the over arching definition of “*residential accommodation*” (albeit an innominate, or undefined component of that definition). This effectively means that for the CVLEP, such uses are prohibited in virtually all land use zones, excepting the SP3 Tourist Zone. Other potential definitions, such as “*tourist and visitor accommodation*” and “*caravan parks*” are not considered to comply with the Court of Appeal’s decision as mentioned above.

Hence, it is considered that an amendment is required to the CVLEP to enable consent to such proposals to be considered, and to ensure that any approvals are safe from legal challenge from a point of law viewpoint.

More detail of the legal interpretation is included at Appendix 1.

Appropriate locations

Workers coming to an area work on larger scale infrastructure/construction and other projects (e.g. mines) for short, medium or longer term periods can be (and some most likely already are) accommodated in a wide range of:

- (i) accommodation types - rental houses/units, secondary dwellings, motels, pub rooms, caravan or holiday/tourist parks (in moveable dwellings, caravans, mobile homes/“RVs” and other forms of moveable dwellings), boarding/lodging arrangements in existing private dwellings, private land camping; and
- (i) locations from urban through to rural.

In May 2013 SGS Economics and Planning completed a social and economic assessment of a proposed temporary accommodation village (MAC group) to house up to 3000 FIFO mining industry related workers (in up to 1500 accommodation units) to be located about 2.5 kilometres outside of Singleton. Its overall findings/conclusions were that it was more desirable socially and economically for the local & regional economy and community to draw upon the local and regional labour force as opposed to the “importing” and the accommodation of up to 3000 FIFO workers. It found that having a dedicated self-contained workers village camp located “out of town” to be of

less benefit to the local & regional economy and community than if they were located “in town” or otherwise resident in other parts of the region. Local business would benefit more and existing infrastructure would be utilised more efficiently if a mining workforce was located in an “in town” context, be it Singleton or other towns or villages within the nearby region.

In the case of the Clarence Valley locating workforce accommodation in the rural and “out of town” context close to particular highway construction segments does not offer the benefits to the local economy that locating such facilities in an “in town” context would. Instead it is considered that there is opportunity for the major towns of the Clarence Valley (Grafton, Maclean, Yamba and even Iluka) to offer opportunities to host appropriately sized/scaled and designed workforce accommodation facilities in an “in town” context. The scale of individual proposals will, in relation to more specific locations, need careful planning and design e.g. smaller sites in established infill locations versus larger sites proximate to the urban edge. Larger scale MAC style workers villages would not be considered appropriate to help meet any workforce accommodation demand whether in an “in town” or “out of town” context.

Feedback to Council from the Clarence Roundtable indicated a community preference for:

- smaller rather than larger facilities,
- near to towns where the town may be best able to gain some economic benefit through the provision of services
- opportunities for workers to integrate with the local community as a means to encourage some to stay (i.e. facilitating a “soft landing” from the infrastructure boom)
- encouragement of a wide range of other more conventional housing types – i.e. the solution to avoiding adverse housing issues involves a range of measures of which dedicated worker accommodation is just one part of that mix.

In this context, and in keeping with the definition of workforce accommodation being a form of “residential accommodation”, the attached planning proposal seeks to make the use permissible in the conventional residential zones, being R1 General Residential, R2 Low Density Residential, and R3 Medium Density Residential. This would allow development applications to be considered on their merits.

Approaches have been made to Council staff about the use of industrial zones for this form of accommodation on a time limited basis aligned to the construction work. While the justification for this is that there is, in some locations, a reasonable supply of vacant, serviced industrial land available, and the use would be separated from impacts on other residential areas, such an approach would be difficult to justify on a broad basis with the zone objective “*to support and protect industrial land for industrial uses*”. If the local economy is to be able to maximise potential benefits of the infrastructure through spin-off industrial development, care needs to be taken not to reduce the opportunity for those developments to occur. There is also a potential inconsistency with Section 117 Direction 1.1 (4) (d) which effectively requires that a planning proposal not, inter alia, reduce the total potential floor space for industrial uses in industrial zones.

For these reasons, it is not proposed to include industrial or commercial zones in the Planning Proposal. Any requests on these lands would have to be considered as a separate site specific rezoning application that addresses the significance of the Section 117 Direction in that context. Further clarification of this is included in a proposed *Workforce Accommodation Policy Statement*.

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The objective of this planning proposal is to facilitate the provision of workforce accommodation (as a form of residential accommodation) associated with large infrastructure projects or other industries or enterprises often having a finite duration or seasonal nature in the Council area or wider region in residential zones under Council's LEP.

3. PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome is intended to be achieved in the following manner by:

Provision	Amendment
Land use table	Add " <i>Residential accommodation</i> " to the list of uses Permitted with consent in the R1 General Residential zone.
	Delete the following from the list of uses Permitted with consent in the R1 General Residential zone – " <i>Attached dwellings</i> ", " <i>Boarding houses</i> ", " <i>Dual occupancies</i> ", " <i>Dwelling houses</i> ", " <i>Group homes</i> ", " <i>Hostels</i> ", " <i>Multi dwelling housing</i> ", " <i>Residential flat buildings</i> ", " <i>Rural workers' dwellings</i> ", " <i>Secondary dwellings</i> ", " <i>Semi-detached dwellings</i> " and " <i>Seniors housing</i> ".
	Add " <i>Rural workers' dwellings</i> " to the list of Prohibited uses in the R1 General Residential zone.
	In the list of Prohibited uses in the R1 General Residential zone: (i) Delete the following words – " <i>Any development not specified in item 2 or 3</i> "; and (ii) insert instead the following words - " <i>Any other development not specified in item 2 or 3</i> ".
	Add " <i>Residential accommodation</i> " to the list of uses Permitted with consent in the R2 Low Density Residential zone.
	Delete the following from the list of uses Permitted with consent in the R2 Low Density Residential zone – " <i>Boarding houses</i> ", " <i>Dual occupancies</i> ", " <i>Dwelling houses</i> ", " <i>Group homes</i> ", " <i>Hostels</i> " and " <i>Semi-detached dwellings</i> ".
	Add the following to the list of prohibited uses in the R2 Low Density Residential zone – " <i>Attached dwellings</i> ", " <i>Multi dwelling housing</i> ", " <i>Residential flat buildings</i> ", " <i>Rural workers' dwellings</i> " and " <i>Serviced apartments</i> ".
	In the list of Prohibited uses in the R2 Low Density Residential zone: (i) Delete the following words – " <i>Any development not specified in item 2 or 3</i> "; and (ii) insert instead the following words - " <i>Any other development not specified in item 2 or 3</i> ".
	Add " <i>Residential accommodation</i> " to the list of uses Permitted with consent in the R3 Medium Density Residential zone.
	Delete the following from the list of uses Permitted with consent in the R3 Medium Density Residential zone – " <i>Attached dwellings</i> ", " <i>Boarding houses</i> ", " <i>Dual occupancies</i> ", " <i>Dwelling houses</i> ", " <i>Group homes</i> ", " <i>Hostels</i> ", " <i>Multi dwelling housing</i> ", " <i>Residential flat buildings</i> ", " <i>Semi-detached dwellings</i> ", " <i>Seniors housing</i> " and " <i>Serviced apartments</i> ".

Provision	Amendment
	Add the following to the list of prohibited uses in the R3 Medium Density Residential zone – <i>“Rural workers’ dwellings”</i> and <i>“Shop top housing”</i> .
	In the list of Prohibited uses in the R3 Medium Density Residential zone: (i) Delete the following words - <i>“Any development not specified in item 2 or 3”</i> ; and (ii) insert instead the following words - <i>“Any other development not specified in item 2 or 3”</i> .
Part 7 Additional local provisions	Add a new local provision after clause 7.10 Erection of rural workers' dwellings to complement the Land use table amendments and to more clearly define workforce accommodation and manage specific workforce accommodation proposals. A copy of a suggested local provision, clause 7.11 Workers accommodation is at Appendix 2.

4. PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

4.1 Is the Proposal a result of any strategic study or report?

No. Neither the Mid North Coast Regional Strategy (MNCRS, March 2009) or Draft North Coast Regional plan explicitly provide for or facilitate workforce accommodation; similarly there is no local strategy explicitly providing for or facilitating workforce accommodation.

The need to better facilitate the accommodation needs of a large workforce associated with large scale road and bridge infrastructure projects in the area has only emerged in recent times with the recent announcement of funding and/or intended construction of these large scale projects.

Although it is understood that the RMS is undertaking a survey and study into the need or otherwise of workforce style accommodation it has not as yet been released; time and resources do not permit an otherwise systematic strategic planning response to this issue.

4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes - a planning proposal is the best means of achieving the objectives or intended outcomes in a consistent and clearly defined manner; it is the only effective means to amend Council's LEP to better recognize workforce accommodation as a form of accommodation and to introduce provisions to facilitate it in appropriate areas.

Section B – Relationship to Strategic Planning Framework

4.3 Applicable Regional Strategy – Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS, March 2009) is the applicable regional strategy. It provides for outcomes and actions in relation to a number of strategy “sectors”, as follows:

- settlement and housing
- settlement character and design
- Economic development and employment growth
- Environment and natural resources
- Natural hazards
- Cultural heritage
- Water and energy resources
- Regional transport

However, it does not provide for any outcomes, actions or policies/strategies explicitly in relation to workforce accommodation. It is silent on this issue. The MNCRS is more oriented toward facilitating more conventional forms of residential housing catering for anticipated population growth in the region; and also facilitating accommodation associated conventional tourism and leisure sectors.

The fact that the MNCRS remains silent on a matter such as this does not make the planning proposal inconsistent with the strategy.

A more detailed “compliance” assessment of the planning proposal against the MNCRS is at Appendix 3.

Draft North Coast Regional plan (DNCREP)

On 2 March 2016 the NSW Government released the Draft North Coast Regional plan which is intended to be the Government’s blueprint for the North Coast region over the next 20 years focusing on generating jobs, providing homes and protecting the area’s natural environment.

The plan enunciates a broad vision to be achieved by 5 main goals, as follows:

Goal 1 – a natural environment, and aboriginal and historic heritage that is protected, and landscapes that are productive;

Goal 2 – Focus growth opportunities to create a great place to live and work;

Goal 3 – Housing choice, with homes that meet the needs of changing communities;

Goal 4 – a prosperous economy with services and infrastructure; and

Goal 5 – Improved transport connectivity and freight networks

Each draft plan goal has a number of Directions, each of which in turn has a number of actions.

The planning proposal is considered to be relevant the draft plans Goal 3 and the following Directions:

Direction 3.1 Provide sufficient housing supply to meet the demands of the North Coast

Direction 3.2 Deliver housing choice to suit changing needs

There are no specific actions within these directions that are specifically relevant to the planning proposal. Despite this the planning proposal complements these draft Plan Directions.

NSW 2021 (NSW State Plan)

The planning proposal is considered to be supportive of the following goals of the NSW 2021 although it does not provide for any specific targets or priority actions in relation to workforce accommodation:

Goal 3 - drive economic growth in regional NSW

Goal 5 - place downward pressure on the cost of living

Goal19 - invest in critical infrastructure

4.4 Consistency with Council's local strategies and other local strategic plans

Council does not have a local strategy that provides for any outcomes, actions or policies/strategies explicitly in relation to workforce accommodation. Therefore like the MNCRS, Council's strategies are silent on this issue.

The following is a list Council local strategies that are usually considered when preparing and assessing planning proposals:

- Our Community Plan 2015 - 2024
- Maclean Urban Catchment Local Growth Management Strategy 2011
- South Grafton Heights Precinct Strategy
- Clarence Valley Settlement Strategy
- Lower Clarence Retail Strategy (May 2007)
- Yamba Retail/Commercial Strategy (May 2002)
- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Clarence Valley Affordable Housing Strategy
- Clarence Valley Council Biodiversity Management Strategy 2010

An assessment of the planning proposal against these local strategies is at Appendix 4.

The planning proposal is considered to be generally consistent with the provisions of the Clarence Valley LEP 2011 despite the existing land use tables and other LEP provisions generally not explicitly facilitating the "workforce" form of residential accommodation.

Council's Community Strategic Plan is Our Community Plan 2014 - 2025. It does not contain specific objectives in relation to workforce accommodation. However, it is considered that the planning proposal is broadly consistent with the plan and is either relevant to or complements the following objectives:

Under the Society theme:

Objective 1.4 - To have access and equity of services to:

1.4.5 remove any impediments to, and encourage the supply of affordable housing

Under the Infrastructure theme:

Objective 2.1 - A safe and efficient network of arterial roads and supporting infrastructure that:

2.1.5 continues to lobby the State and Federal Governments for the upgrade of the Pacific Highway to be completed

2.1.6 continues to lobby the State Government for the construction of the new Grafton Bridge to be completed

Under the Economy theme:

Objective 3.1 - To have an attractive environment for business, tourism and industry that:

3.1.5 identifies tools to simplify development processes and encourage quality commercial and residential development

4.5 Consistency with applicable state environmental planning policies

There are no State Environmental Planning Policies (SEPPs) that are directly applicable. Refer to Appendix 5 for a SEPP assessment and compliance table. There is therefore no inconsistency with any SEPP.

4.6 Consistency with applicable Ministerial Directions (s.117 Directions)

The planning proposal is consistent with applicable section 117 Ministerial Directions. Refer to Appendix 6 for Section 117 Ministerial Directions assessment and compliance table.

Section C – Environmental, Social and Economic Impact

4.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. This planning proposal is not for a specific site. The matter the impact on critical habitat or threatened species, populations or ecological communities, or their habitats will be assessed at the development application (DA) stage for specific proposals. The safeguards for ensuring that this occurs include:

- Council's obligations under to consider the provisions of section 5A of the Environmental Planning and Assessment Act; and
- Council's relevant development control plan provisions.

4.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. This planning proposal is not for a specific site. Any potential environmental issues (e.g. stormwater management, noise, amenity etc) can be assessed and addressed as part of the DA process for specific proposals including the imposition of conditions to require management of potential on site and off site environmental impacts.

4.9 Relevant social and economic effects?

(Note: addressing this section of the planning proposal document include effects on items or places of European or Aboriginal cultural heritage not already addressed elsewhere and may also include impacts on existing social infrastructure such as schools and hospitals and impacts on existing retail centres which may result if the planning proposal proceeds).

This planning proposal is not for a specific site. Any potential environmental issues including potential impacts upon items or places of European or Aboriginal cultural heritage can be addressed and assessed as part of the DA process for specific proposals.

Section D – State and Commonwealth Interests

4.10 Is there adequate public infrastructure for the planning proposal?

Yes. However this planning proposal is not for a specific site. The adequacy of public infrastructure is a matter that can be assessed and addressed as part of the DA process for specific proposals.

4.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

(Note: The preliminary views of any state or Commonwealth agency could be included in this section).

The views of relevant public authorities have not been sought at this early stage as a Gateway determination has not yet been issued.

However it is considered that the Roads and Maritime Services (RMS) is the most relevant public authority and stakeholder to consult. This consultation can be undertaken following the issue of a gateway determination and prior to formal public exhibition.

Proposed agency/stakeholder consultation can further confirmed once a Gateway determination is issued.

Refer also to Section 6. COMMUNITY CONSULTATION, below.

5. MAPPING

As the planning proposal is not for a specific site there is no mapping proposed nor required to support the explanation of provisions.

6. COMMUNITY CONSULTATION

Council will undertake community consultation following the issue of a Gateway Determination that, in Council's opinion, contains reasonable and standard conditions. For the purposes of public notification, Council considers that the planning proposal is low impact in accordance with the Department of Planning and Environment's "*A guide to preparing local environmental plans*". However, notwithstanding that, a twenty eight (28) day public exhibition period is deemed appropriate to provide the broader public an adequate opportunity to comment on the proposal.

Notification of the exhibited planning proposal will include:

- Placement of an advertisement in a newspaper circulating within the area affected by the planning proposal
- Notification on Council's website

As mentioned in section 4.11 above it is proposed to consult the Roads and Maritime Services (RMS) following the issue of a gateway determination and prior to formal public exhibition.

A public hearing is not considered necessary in this instance.

7. PROJECT TIMELINE

An estimated timeline for this project is 6 months from the issue of a Gateway determination, providing such determination does not impose conditions that are onerous to satisfy. The table below provides some estimated timeframes or dates for specific milestones.

Specific milestone	Milestone timeframe or date
Anticipated commencement date (date of Gateway determination)	May 2016
Anticipated timeframe for the completion of required technical information	N/A (assumes that there are to be no further technical studies specified as part of the Gateway determination)
Timeframe for government agency consultation (post exhibition as required by Gateway determination)	21 days
Commencement and completion dates for public	Commence – 1 July 2016

exhibition period	Close – 1 August 2016 Intended duration - 28 days min.
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	14 days min.
Request for legal drafting/legal drafting phase	Commence - 1 July 2016 Conclude – 2 September 2016
Anticipated date RPA will make the plan (if delegated)	By 9 September
Anticipated date RPA will forward to the department for notification	By 12 September
<i>Note: this project timeline assumes that Council will be granted the Minister's plan-making delegations</i>	

APPENDIX 1: Workforce accommodation - planning context including characterisation of use and permissibility

Note - This appendix provides more detailed discussion on the characterisation of Workforce accommodation and permissibility.

The recent enquiries for sites or opportunities to locate and establish workforce accommodation has led Council staff to consider the permissibility of such development under the Clarence Valley LEP 2011 (CVLEP 2011) which must be preceded by enquiry as to how this form of development has been characterised in other quarters.

Recent case law, principally *GrainCorp Operations Ltd v Liverpool Plains Shire Council [2013] NSWCA 171* (i.e. NSW Court of Appeal) has determined that a development such as workforce accommodation or temporary workers accommodation facility was characterised as a "residential building" for the following reasons:

- (a) the purpose of the development, in a planning sense, is to accommodate the residential needs of the mine workers.....it being immaterial whether or not the workers occupy the same rooms each time they stay at the development;
- (b) the development is residential in character in that it will provide accommodation and living facilities for mine workers for considerable periods of time, in aggregate, over the working life of the mine (however long or short that may be); and
- (c) the development is a "residential building" as it is intended to fulfil the purpose of being a permanent and settled abode.

This characterisation of workforce accommodation as a "residential building" aligns closely with the standard LEP group term or definition of "*residential accommodation*". "*Residential accommodation*" means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

As it can be seen the group or parent term or definition of "*residential accommodation*" includes a number of "child" residential terms.

“Residential accommodation” is permissible with consent in the SP3 Tourist zone only and prohibited in all other zones under the LEP. This is due principally to the structure of the zones in the Land Use table including that:

- the residential zones permit a varying range of the individual “child” residential terms (a) to (m) within the *“Residential accommodation”* parent or group term; and
- the residential zones in LEPs’ Land Use table are closed zones (see note below).

Note - a closed zone is one where the diversity of land uses is more restrictive, meaning development types are chosen primarily from only one or two key ‘group’ terms. This involves:

- specifically listing any mandated or other uses that may be undertaken without consent under Item 2;
- specifically listing any mandated or other land uses as permitted with consent under Item 3 to achieve the zone objectives; and
- specifically listing any mandated land uses as prohibited in item 4 and add ‘Any development not specified in Item 2 or 3’.

If the notion of facilitating the permissibility of workforce accommodation as a form of *“Residential accommodation”* in appropriate residential zones and the SP3 Tourism zone is supported the most appropriate mechanism would be an amendment to the LEPs’ Land Use table in relation to the relevant zones to do the following:

- Add *“Residential accommodation”* to the list of uses Permitted with consent (Item 3);
- Delete specific “child” residential terms from the list of uses Permitted with consent (Item 3);
- Add specific “child” residential terms as prohibited (item 4); and,
- In item 4 prohibited change the wording *“Any development not specified in item 2 or 3”* to *“Any other development not specified in item 2 or 3”*.

Alternative interpretations and responses to workforce accommodation needs

Workers coming to an area work on larger scale infrastructure/construction and other projects (e.g. mines) for short, medium or longer term periods can be (and some most likely already are) accommodated in a wide range of:

- accommodation types - rental houses/units, secondary dwellings, motels, pub rooms, caravan or holiday/tourist parks (in moveable dwellings, caravans, mobile homes/“RVs” and other forms of moveable dwellings), boarding/lodging arrangements in existing private dwellings, private land camping; and
- locations from urban through to rural.

Caravan parks as workers accommodation

In particular there are emerging indicators of use of or interest in the use of caravan or holiday/tourist parks to accommodate workers associated with the Pacific Highway upgrade. For instance:

- a recent DMU meeting for such a proposal at an existing caravan park
- The Richmond Valley Council has recently approved a DA for a caravan park next to the existing Evans Head airfield – comprising:

- 86 x 4 bedroom movable dwellings (short term site);
- 2 x 2 bedroom accessible compliant movable dwellings (short term site)

This possible caravan park solution or option however must be carefully assessed and managed so that the mix of occupancy does not in effect constitute “*Residential accommodation*” and become de facto residential areas. The context in which this should be examined includes the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and *State Environmental Planning Policy 21 - Caravan Parks* (SEPP 21) as the definition of caravan Park alone is of little assistance when examining the temporal aspects of occupancy/accommodation. The former deals with the licencing aspects of caravan parks etc; whilst the latter provides the higher level development assessment framework for caravan parks.

Under the LG (MHECPCGMD) Reg 2005, clause 73, short-term is:

- No more than 150 days in any 12 month period – in relation to staying in a moveable dwelling that occupies a short-term site or camp site unless the moveable dwelling is a holiday van and the person is the owner of that holiday van (for a caravan park at least, not a primitive camping round).
- No more than 180 days in any 12 month period – in relation to an owner of a holiday van occupying a short-term or camp site.

Long-term is assumed to be any period exceeding what can be approved in relation to a short-term site.

SEPP 21 applies to land that is in a local government area that is licensed for moveable dwellings. Its aim is to control the design and management of caravan parks being used primarily for both long-term and short-term residents. Implied in the SEPP’s objectives (clause 3) and development consent considerations for Council’s is a shorter term element for the occupancy of a site – that is for not more than 3 months continuously, unless a development consent specifically authorises a longer continuous occupancy for a site or sites.

This means that whilst its possible to be licensed to stay on a site for up to 180 days in any 12 month period (for an owner of a holiday van occupying a short-term or camp site) any site cannot be occupied continuously for more than 3 months unless a development consent specifically authorises a longer continuous occupancy for a site or sites.

The approach that should be taken in relation to existing caravan parks is to ensure that, unless an existing caravan park licence authorises to the contrary, the majority of approved sites (not less than 51%) be licensed, retained and managed as short-term sites and that no more than 49% of approved sites be permitted as long-term sites capable of being occupied by workers/contractors who may require longer term accommodation during the construction periods of the current infrastructure projects in the Clarence Valley and wider area.

New development applications for caravan parks or to expand existing caravan parks should also be assessed and approved in this “short-term site majority” context.

Tourist and visitor accommodation as workers accommodation

In other areas there have been examples of proposed developments intended to serve exclusively as a temporary workers accommodation or workforce accommodation facility being presented as either an “innominate use” and in some cases as *Tourist and visitor accommodation*. The *GrainCorp Operations Ltd v Liverpool Plains Shire Council [2013] NSWCA 171* referred to above was a case where a consent for a workforce accommodation facility granted as an innominate use was over turned as it “...was characterised as a “residential building” and....therefore, a prohibited use under the Parry LEP”.

This would rule out such a proposal being presented to Council as a *Tourist and visitor accommodation* for Council’s approval.

APPENDIX 2: Proposed local provision, clause 7.11 Workforce accommodation

Proposed clause 7.11 Workers accommodation

- (1) The objectives of this clause are as follows:
- (a) to enable development for workforce accommodation if there is a demonstrated need to accommodate workers due to the nature of the work in which the workers are employed or the accommodation needs of the workforce,
 - (b) to ensure that workforce accommodation is designed and located such that it will not have an unreasonable adverse impact on adjoining uses or the amenity of the neighbourhood and maximises its potential for beneficial outcomes for the local economy,
 - (c) to ensure that workforce accommodation will not prejudice the future use of the land,
 - (d) to minimise the impact of workforce accommodation on local roads and infrastructure.
- (2) Development consent must not be granted to development for the purposes of workforce accommodation on land in Zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and SP3 Tourist unless the consent authority is satisfied of the following:
- (a) there is a demonstrated need to provide workforce accommodation due to the accommodation needs of the workforce and/or the nature of the development in which the workers are employed and which it is shown cannot be met by other forms of residential accommodation,
 - (b) water reticulation and effluent management systems will be provided to adequately meet the requirements of the workforce accommodation ,
 - (c) any infrastructure provided in connection with the workforce accommodation will, if practicable, continue to be used once the workforce accommodation is no longer required,
 - (d) the workforce accommodation will not have unreasonable adverse impacts on adjoining uses or the amenity of the neighbourhood,
 - (e) the workforce accommodation is designed and located so as to provide an appropriate standard of residential amenity to occupants,
 - (f) the workforce accommodation will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,
 - (g) that the workforce accommodation does not unnecessarily duplicate services and facilities that can be practicably and readily available within the local area
- (3) In this clause:
- workforce accommodation** means any habitable building(s) or place, and associated amenities erected or adapted for the purpose of providing accommodation for employees and/or contractor

APPENDIX 3: MID NORTH COAST REGIONAL STRATEGY COMPLIANCE

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Strategy sector - Settlement and housing		
Outcomes		
Actions – Urban settlement 1. <i>Local growth management strategies, local environmental plans and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the growth area maps) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.</i>	Complies	Complies – Councils Local growth management strategies do not specifically identify or provide for workforce accommodation as a form of residential accommodation or urban settlement. However a planning proposal to facilitate workforce accommodation in Council's existing residential zones and planned growth areas is considered to be consistent with this Action and the MNCRS generally.
Actions – Urban settlement 2. <i>Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the ageing of the population.</i>	Complies	Complies – Councils Local growth management strategies do not specifically identify or provide for workforce accommodation as a form of residential accommodation or urban settlement. However a planning proposal to facilitate workforce accommodation in Council's existing residential zones and planned growth areas is considered to be consistent with this Action and the MNCRS generally.
Actions – Urban settlement 3. <i>Councils will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing affordability and choice. These strategies must be consistent with relevant State policies.</i>	Complies	Complies – Councils Local growth management strategies and Clarence Valley Affordable Housing Strategy do not specifically identify or provide for workforce accommodation as a form of low cost housing. However a planning proposal to facilitate workforce accommodation in Council's existing residential zones and planned growth areas is considered to be consistent with this Action and the MNCRS generally.
Actions – Urban settlement 4. <i>Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of the infrastructure having regard to the State Infrastructure Strategy and</i>	Complies	Complies - though this strategy sector is not considered to be relevant or triggered in this case.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>equity considerations.</i>		
Actions – Urban settlement 5. <i>Local environmental plans cannot use the ‘Transition zone’ to identify land for future urban investigation.</i>	Complies	Complies – the planning proposal does not seek to do this.
Actions – Urban settlement 6. <i>Local environmental plans will maintain interurban breaks between existing and new settlements.</i>	Complies	Complies.
Actions – Urban settlement 7. <i>Greenfield sites outside the growth areas contained in local growth management strategies may be developed, subject to satisfying the Sustainability Criteria in Appendix 1. This provision does not apply in the Coastal Area as shown on the Strategy map.</i>	Complies	Complies – this action not relevant in this instance.
Actions – Rural residential development 1. <i>Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.</i>	Complies	Complies – this action not relevant in this instance.
Actions – Rural residential development 2. <i>No new rural residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy).</i>	Complies	Complies – this action not relevant in this instance.
Actions – Rural residential development 3. <i>Planning for rural residential land must be integrated with the supply of infrastructure and transport.</i>	Complies	Complies – this action not relevant in this instance.
Actions – Subdivision, houses and other uses in	Complies	Complies – this action not relevant in this instance.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
rural zones 1. Councils will maintain appropriate subdivision standards for rural zones consistent with the principles of the State Environmental Planning Policy (Rural Lands) 2008.		
Actions – Subdivision, houses and other uses in rural zones 2. Local environmental plans will include minimum subdivision standards for rural and environment protection zones.	Complies	Complies – this action not relevant in this instance.
Actions – Subdivision, houses and other uses in rural zones 3. Local environmental plans will include provisions to limit dwellings in rural and environmental zones.	Complies	Complies – this action not relevant in this instance.
Actions – Subdivision, houses and other uses in rural zones 4. New caravan parks and manufactured home estates where there is any potential for permanent accommodation to occur, generally should be located in urban areas.	Complies	Complies – this action not relevant in this instance.
Actions – Subdivision, houses and other uses in rural zones 5. Local environmental plans generally should locate major health and education facilities in urban areas.	Complies	Complies - this action not relevant in this instance.
Strategy sector - Settlement character and design		
Outcomes		
Actions 1. Councils will prepare desired character statements for their localities, having regard for the Department's North Coast urban design guidelines (2009). Provisions should be included in development control plans to ensure that new development enhances the	Complies	Complies. Council has not yet prepared desired character statements for its localities. This does not make the planning proposal inconsistent with this Action or the MNCRS.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>desired character and is based on the 'neighbourhood planning principles' listed below as well as the following:</i> <i>• New buildings will be designed to maximise adaptability for changing demographic trends and alternative future uses.</i> <i>• New development will be designed to respond to the subtropical and temperate climate of the Region through best practice energy efficient design, landscaping and materials.</i> <i>• Land use and transport planning will be integrated to minimise the need to travel, and to encourage energy and resource efficiency.</i> <i>• New development will be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.</i>		
2. <i>New and changing urban areas will provide access to natural features such as coastal foreshore and riparian lands, consistent with the maintenance of ecological values.</i>	Complies	Complies - this action not relevant in this instance.
3. <i>New and changing settlement areas will incorporate open space that is accessible to the public and which provides opportunities for recreation, nature conservation, social interaction, and visual enhancement and amenity.</i>	Complies	Complies - this action not relevant in this instance.
4. <i>Commercial centres in villages will be multifunctional, mixed-use areas (including residential) catering for diverse community needs.</i>	Complies	Complies - this action not relevant in this instance.
5. <i>Coffs Harbour, Port Macquarie-Hastings, Greater Taree and Clarence Valley councils</i>	Complies	Complies - this action not relevant in this instance.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>will be encouraged to review the building height limits in the central business areas of Coffs Harbour, Port Macquarie, Taree and Grafton respectively with a view to increasing heights (and therefore development densities) where consistent with heritage and other local considerations.</i>		
6. <i>Local environmental plans will set building heights in urban areas. Height limits should reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.</i>	Complies	Complies. The Clarence Valley LEP 2011 establishes building height in certain circumstances via the LEPs Height of Buildings map. Future developments facilitated by the planning proposal will be required to conform to relevant building heights.
7. <i>Local environmental plans for areas subject to the NSW Government Coastal Policy will incorporate provisions to achieve the outcomes of the Coastal Policy with respect to overshadowing. Generally, development on urban land in Coffs Harbour, Port Macquarie or Forster–Tuncurry will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will generally not result in overshadowing before 4.00 p.m. (midwinter) or 7.00 p.m. midsummer (daylight saving time).</i>	Complies	Complies - this action not specifically relevant in this instance.
8. <i>Local environmental plans, development control plans (and subsequent land release development) will be consistent with the Settlement planning guidelines: Mid and Far North Coast regional strategies (NSW Department of Planning 2007) North Coast urban design guidelines (NSW Department of Planning 2009) and the NSW</i>	Complies	Complies. Adequate development controls are already in place in Council's existing Development Control Plans.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>Government's Coastal design guidelines for NSW (Coastal Council of NSW 2003) as applicable.</i>		
9. <i>Local environmental plans, development control plans, bike plans and pedestrian access and mobility plans will provide for an accessible and integrated network of walking and cycling routes for safe and convenient travel to local destinations and between key land uses within urban places.</i>	Complies	Complies. An adequate development assessment framework is in place through Council's LEP, DCPs and other Council policies.
Strategy sector - Economic development and employment growth		
Outcomes		
Actions - Employment in centres 1. <i>Local environmental plans (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognise appropriate home-based employment opportunities.</i>	Complies	Complies - this action not specifically relevant in this instance.
Actions - Employment in centres 2. <i>In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water or electricity infrastructure corridors that may be required.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Employment in centres 3. <i>The opportunities and development potentials of commercial centres will be explored by councils and identified in local growth management strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in accessible locations in or near commercial</i>	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>centres and restrict this form of retailing in industrial zones as set out in the NSW Government policy The right place for business and services.</i>		
Actions - Employment in centres 4. <i>Planning for commercial uses is to be integrated with transport, public domain and infrastructure opportunities.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Employment in centres 5. <i>Highway service centres may be located beside the Pacific Highway at Maclean (at one of the Maclean interchanges), Woolgoolga (at one of the Woolgoolga interchanges), Kempsey (at the southern interchange), Port Macquarie (on the eastern side of the Pacific Highway at the interchange with the Oxley Highway) and Taree (at the Old Bar Road interchange). In the future, additional highway service centres could be located at Nambucca Heads (at the northern interchange) and Port Macquarie (on the western side of the Pacific Highway at the Oxley Highway interchange), subject to review of need by the Roads and Traffic Authority at a five year review of the Strategy. No other zonings to permit new out-of-town commercial development will occur along the Pacific Highway. This includes any industrial zones that could permit commercial uses such as bulky goods premises.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Employment lands 1. <i>Local environmental plans will ensure that sufficient lands which are zoned industrial and business and currently vacant are protected to accommodate the new jobs</i>	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>required for each local government area until 2031.</i>		
Actions - Employment lands 2. <i>The Department of Planning will work with councils to ensure that appropriate opportunities for employment lands, as identified in the Strategy's growth area maps, are brought on stream via local growth management strategies and local environmental plans.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Employment lands 3. <i>In the case of some marine-based industries that depend upon access to navigable waterways, additional opportunities for industry establishment may be provided outside the growth areas. The Department of Planning will work with the Department of Environment and Climate Change and other relevant State government agencies on suitable locational criteria to assist in guiding any future development opportunities.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Employment lands 4. <i>In consultation with councils, industry, business and other stakeholders, the Mid North Coast Regional Development Board will implement its Regional Economic Profile (2008) to encourage/facilitate industry and employment growth and investment opportunities. It will particularly focus on those innovative, high-skill and high-wage industries that have the greatest potential to develop in the Region. The Northern Rivers Regional Industry and Economic Plan will also be used to provide economic guidance to the Clarence Valley.</i>	Complies	Complies - though the specific action is not relevant.
Actions - Tourism development	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
1. Councils will plan strategically for tourism development in an agreed local growth management strategy. Planning for tourist facilities and tourism development will adopt the following principles: - Acknowledgement of and consistency with the North Coast Regional Tourism Plan 2004–2007 (or latest version) and Northern Rivers Regional Tourism Plan 2003–2006 (or latest version). - A range of tourism experiences and forms of tourist accommodation will be provided for in urban areas, including 'bed and breakfast'. - No tourism development should be located near the Pacific Highway, except within towns. - Local environmental plans will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved local growth management strategy. - Local environmental plans will prevent permanent residential accommodation in tourism development, except where it is ancillary to existing tourism development or part of an area otherwise identified for urban expansion in an approved local growth management strategy.		
Actions – Monitoring 1. The Department of Planning will incorporate an employment land component into the Mid North Coast Housing and Land Monitor to ensure an ongoing supply of industrial land.	Complies	Complies - though the specific action is not relevant.
Strategy sector - Environment and natural resources		

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Outcomes		
Actions – Preparation of local environmental plans 1. <i>Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.</i>	Complies	Complies - though the specific action is not relevant.
Actions – Preparation of local environmental plans 2. <i>Local environmental plans will zone regionally significant farmland to protect agricultural values.</i>	Complies	Complies - though the specific action is not relevant.
Actions – Preparation of local environmental plans 3. <i>Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.</i>	Complies	Complies - though the specific action is not relevant.
Actions – Preparation of local environmental plans 4. <i>Local environmental plans will protect land identified as having extractive resources of regional significance and their haulage routes (see Appendix 3 and Ministerial section 117 Direction No. 1.3).</i>	Complies	Complies - though the specific action is not relevant.
Actions – Preparation of local environmental plans 5. <i>Subdivision and dwelling standards in local environmental plans will reflect the Rural Lands SEPP, the Regional Strategy and the objectives of the relevant zones.</i>	Complies	Complies - though the specific action is not relevant.
Actions – Preparation of local environmental plans 6. <i>New development adjoining or adjacent to farmland, extractive resources, waterways,</i>	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
wetlands and areas with high value biodiversity will incorporate buffers to avoid land use conflict.		
Actions – Biodiversity 1. The Department of Environment and Climate Change will prepare a Regional Conservation Plan to guide local councils and State and Commonwealth governments in achieving conservation outcomes.	Complies	Complies - though the specific action is not relevant. It is understood that so such plan has been prepared.
Actions – Biodiversity 2. Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.	Complies	Complies - though the specific action is not relevant in this instance.
Actions – Farmland mapping 1. Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008).	Complies	Complies - the planning proposal does not seek to urbanise/develop regionally significant farmland.
Actions – Farmland mapping 2. Mapped farmland will be protected from the impacts of new neighbouring development through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.	Complies	Complies - the planning proposal does not seek to urbanise/develop regionally significant farmland.
Actions – Farmland mapping 3. The Department of Primary Industries and the Department of Planning will work with councils to complete a review of land suitable for predominantly frost-free coastal horticulture, to protect the identified land.	Complies	Complies - though the specific action is not relevant.
Actions – Natural resource management 1. Local environmental plans will include	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>provisions on land fronting watercourses to limit the creation of additional water rights.</i>		
Actions – Natural resource management 2. <i>Local environmental plans will include provisions to protect the water quality in town water supply catchments, other waterways and significant groundwater reserves.</i>	Complies	Complies - though the specific action is not relevant.
Actions – Natural resource management 3. <i>Councils will work with the Northern Rivers and Hunter-Central Rivers catchment management authorities to ensure that the aims and objectives of catchment action plans are considered in the future management and planning of local council areas.</i>	Complies	Complies - though the specific action is not relevant.
Strategy sector - Natural hazards		
Outcomes		
Actions 1. <i>In order to manage risk associated with climate change, councils will undertake flood investigations over lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.</i>	Complies	Complies - though the specific action is not relevant.
2. <i>Local environmental plans will make provision for adequate setbacks in areas of coastal erosion risk and ocean based inundation in accordance with coastal zone management plans.</i>	Complies	Complies - though the specific action is not relevant.
3. <i>Until the above plans and investigations are complete, councils will not zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.</i>	Complies	Complies - though the specific action is not relevant. The planning proposal does not seek to develop potential hazard areas.
4. <i>Zoning of land for future development within</i>	Complies	Complies - though the specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71 – Coastal Protection) must consider a coastal lake sustainability assessment if one has been prepared.</i>		
5. <i>Local environmental plans will zone areas subject to high hazard to reflect the limitations of the land.</i>	Complies	Complies - though the specific action is not relevant. The planning proposal does not seek to develop high hazard areas.
Strategy sector - Cultural heritage		
Outcomes		
Actions		
1. <i>Councils are to ensure that cultural and community values that are important to Aboriginal communities are considered and resolved in the future planning and management of the local government area.</i>	Complies	Complies. The planning proposal is not applying to a specific site. Aboriginal cultural heritage values for specific proposals will be considered and assessed as part of individual workforce accommodation DAs.
2. <i>The Department of Planning and councils will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.</i>	Complies	Complies - though the specific action is not relevant. The planning proposal is not applying to a specific site. Heritage values will be considered and assessed as part of individual workforce accommodation DAs, where they affect heritage items and conservation areas.
3. <i>The cultural heritage values of major regional centres and major towns that will be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.</i>	Complies	Complies - though the specific action is not relevant.
Strategy sector - Water and energy resources		
Outcomes		
Actions		
1. <i>Local environmental plans will recognise and protect regional water supply catchments and systems through appropriate planning provisions.</i>	Complies	Complies - though the specific action is not relevant in this instance.
2. <i>In preparing local environmental plans councils will liaise with water and energy</i>	Complies	Complies - though the specific action is not relevant in this instance.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>providers and make provision for any regional water, electricity and gas infrastructure corridors that may be required.</i>		
3. <i>Councils or water supply authorities will complete integrated water cycle management plans for their local areas.</i>	Complies	Complies - though the specific action is not relevant in this instance.
4. <i>The Department of Water and Energy and local water authorities will prepare a Regional Water Plan to ensure long term regional water efficiencies and improved drought security.</i>	Complies	Complies - though the specific action is not relevant in this instance.
5. <i>All future development is to apply water sensitive urban design principles and meet stormwater management targets that support environmental values of the catchments.</i>	Complies	Complies. This can be applied at the DA stage for individual workforce accommodation DAs.
6. <i>Suitable locally generated and/or renewable energy projects such as wind, solar, bio-waste and wave power will be supported.</i>	Complies	Complies - though the specific action is not relevant in this instance.
Strategy sector - Regional transport		
Outcomes		
Actions		Complies - though the specific action is not relevant in this instance.
1. <i>Local environmental plans will provide for a passenger interchange in the four major regional centres, the major towns and the towns that are well connected to pedestrian and cycle ways.</i>	Complies	
2. <i>Local environmental plans will recognise and protect the regional transport network through appropriate planning provisions.</i>	Complies	Complies - though the specific action is not relevant in this instance.
3. <i>New development will be located to ensure that ribbon/strip development along major roads does not occur and that it does not impact on the safety and efficiency of arterial roads.</i>	Complies	Complies - though the specific action is not relevant in this instance.
4. <i>Planning and construction of the Pacific Highway upgrades through the Region will</i>	Complies	Complies - though the specific action is not relevant in this instance. The planning proposal is intended to facilitate the accommodation needs for

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>continue to completion.</i>		workers associated with projects such as the Pacific Highway bypass/upgrade.

APPENDIX 4: COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN CHECKLIST

Strategy/Strategic Plan	Comment/relevant component
Clarence Valley Community Plan 2015 - 2024	The themes and objectives of the Community Plan most relevant to the planning proposal are: Theme – Society Objective 1.4 - To have access and equity of services to: 1.4.5 remove any impediments to and encourage the supply of affordable housing. The planning proposal can be seen to complement this objection and action by attempting to facilitate a form of albeit more temporary workforce style accommodation that has the potential to relieve the stress on the existing local rental housing market by the demand for rental housing accommodation exerted by additional workers to the Clarence Valley seeking accommodation. Theme – Our leadership Objective 5.1 – To have a strong, accountable and representative Government that: 5.1.6 - Makes prioritised decisions in the long-term interest of the broad community and have regard to financial and infrastructure sustainability The preparation of a planning proposal to amend the LEP an indication of Council responding to trends and demands that emerge that are not anticipated by longer term Council's broader strategic planning.
Council's 2014 - 2017 Delivery Program and 2015 - 2016 Operational Plan	The preparation of a planning proposal to amend the LEP is an indication of Council responding to trends and demands that emerge that are not anticipated by longer term Council's broader strategic planning. It is most relevant Community Plan objective 5.1 under the theme or Our Leadership, as noted above. It also assists in helping to achieve outcomes under Councils Affordable Housing Strategy as noted above in relation to the Community Plans Society theme 1 and it's Objective 1.4.
Maclean Urban Catchment Local Growth Management Strategy 2011 (MUCLGMS)	Like most local growth management strategies the MUCLGMS is more oriented toward facilitating more conventional forms of residential land and housing supply catering for anticipated population growth in the area; it does not provide for any policies/strategies explicitly in relation to workforce accommodation. Like the MNCRS it is silent on this issue. The fact that the MUCLGMS remains silent on a matter such as this does not make the planning proposal inconsistent with the strategy.
South Grafton Heights Precinct Strategy (SGHPS)	Much like the MUCLGMS the SGHPS is more oriented toward facilitating more conventional forms of residential land and housing supply catering for anticipated population growth in the area. It aims to do so within the existing 'footprint' of South Grafton. It does not provide for any policies/strategies explicitly in relation to workforce accommodation. Like the MNCRS it is silent on this issue.

	The fact that the SGHPS remains silent on a matter such as this does not make the planning proposal inconsistent with the strategy.
Clarence Valley Settlement Strategy (CVSS)	The CVSS is a rural land release strategy and an urban land release strategy within the meaning of clauses 20 and 38 respectively of the North Coast Regional Environmental Plan 1988. It does not provide for any policies/strategies explicitly in relation to workforce accommodation and is considered to be silent on this issue. This does not make the planning proposal inconsistent with the strategy.
Clarence Valley Economic Development Strategic Plan	This strategy features the following action based upon Strategy A5. Clarence lifestyle – <i>“Encourage development of a range of quality visitor accommodation based on the natural assets and values of the region (ocean, river, hinterland, rural)”</i>. There are otherwise no strategies or actions in relation to workforce accommodation. The planning proposal can otherwise be considered to be consistent with this strategy.
Clarence Valley Affordable Housing Strategy	This strategy developed an Affordable Housing Strategy Action Plan with a number of strategies each with a number of actions including: • Increase access to affordable housing in Clarence Valley by collaboratively expanding social housing • Develop planning mechanisms that provide opportunities for affordable housing • Change perceptions of landlords and investors • Promote the advantages of the relative cost of developments in Clarence Valley in comparison to other LGAs. The planning proposal can be seen to complement the strategies and actions of the Affordable Housing Strategy by attempting to facilitate a form of albeit more temporary workforce style accommodation that has the potential to relieve the stress on the existing local rental housing market by the demand for rental housing accommodation exerted by additional workers to the Clarence Valley seeking accommodation.

APPENDIX 5: STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

Name of SEPP	Relevant?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and are applicable to the Clarence Valley LGA and are required to be considered whether applicable or not in a particular circumstance.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011
State Environmental Planning Policy No 14 - Coastal Wetlands	No	N/A
State Environmental Planning Policy No 15 - Rural Landsharing Communities	No	N/A
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A - as this proposal is not for a caravan park; nor is development application (DA).
State Environmental Planning Policy No 26 - Littoral Rainforests	No	N/A
State Environmental Planning Policy No 29 - Western Sydney Recreation Area	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	No	N/A
State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)	No	N/A
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 39 - Spit Island Bird Habitat	No	N/A
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	This is not a development application (DA). SEPP No. 44 to be considered at the DA stage.
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	N/A – the proposal is not rezoning or applying to a specific parcel of land. It is acknowledged that SEPP 55 and the “Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land” guidelines will be considered for at the DA for specific developments.
State Environmental Planning Policy No 59 - Central Western Sydney Regional Open Space and Residential	No	N/A
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64	No	N/A

Name of SEPP	Relevant?	Comment/statement of consistency
- Advertising and Signage		
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy No 71 - Coastal Protection	No	N/A – the proposal is not rezoning or applying to a specific parcel of land. The clause 8 matters can be more fully considered at the DA stage for any development that is proposed in the coastal zone.
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	N/A - this is not a development application (DA).
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	N/A
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (Major Development) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy	No	N/A

Name of SEPP	Relevant?	Comment/statement of consistency
(Western Sydney Employment Area) 2009		
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A

APPENDIX 6: SECTION 117 DIRECTION CHECKLIST

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Not applicable	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive industries	Not applicable	This direction is not applicable in this instance as the planning proposal will not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
1.4 Oyster Aquaculture	Not applicable	This direction is not applicable in this instance as the planning proposal is not proposing a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.
1.5 Rural Lands	Not applicable	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed rural or environment protection zone; nor does the planning proposal seek to change the existing minimum lot size on land within a rural or environment protection zone.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Yes	This direction is not applicable in this instance as it is not applying to any specific parcel of land. More specifically it does not apply to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP.
2.2 Coastal protection	Yes?	This Direction applies but only in a broad sense in so far as the planning proposal will affect some land zoned residential that is within the coastal zone. As the planning proposal does not

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		support a specific proposal or project for a specific parcel of land it is deemed to be not inconsistent with this direction and therefore by default to be consistent.
2.3 Heritage Conservation	Yes	This direction is not applicable in this instance as it is not applying to any specific parcel of land and therefore is not applicable to any specific item, area, object and place of environmental heritage significance and indigenous heritage significance.
2.4 Recreation Vehicle Areas	Not applicable	This direction is not applicable in this instance as it is not intending to enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Yes. Applicable to Lot 2 (Item 2) only.	This direction is applicable in this instance as it applies to land that is zoned residential (R1, R2 & R3) under CVLEP 2011. The planning proposal is considered to be consistent with this direction as it intends to permit another form of residential accommodation (i.e. workforce accommodation) that Council's LEP does currently recognize nor adequately cater for. In further support of consistency with this direction paragraph (4) (a) to (d) it is considered that the planning proposal will: (a) broaden the choice of building types and locations available in the housing market – para 4(a). (b) make more efficient use of existing infrastructure and services. – para 4(b). Further it should also help to reduce the consumption of land for housing and associated urban development on the urban fringe - para 4(c). Finally the development assessment process can help ensure good design outcomes for individual developments - para 4(d).
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	This direction is not applicable in this instance as it not intending to introduce provisions in relation to caravan parks or manufactured home estates (MHEs).
3.3 Home Occupations	Not applicable	This direction does not intend to alter the status quo in relation to home occupations in dwelling houses.
3.4 Integrated Land Use and Transport	Yes	This direction is applicable in this instance as it applies to land that is zoned residential (R1, R2 & R3) under CVLEP 2011. The planning proposal is considered to be consistent with this

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		direction as it: (i) does not intend to either reduce or expand the area of land that is zoned Residential. (ii) intends to permit another form of residential accommodation (i.e. workforce accommodation) that Council's LEP does currently recognize nor adequately cater for. In the case of (ii) above it does not intend to change the status quo in relation to the guidelines and policies referred to in paragraphs 4(a) & (b) of the direction (i.e. <i>Improving Transport Choice – Guidelines for planning and development</i>, DUAP 2001 and <i>The Right Place for Business and Services – Planning Policy</i>, DUAP 2001.
3.5 Development Near Licensed Aerodromes	Yes	This direction is not applicable in this instance as it is not applying to any specific parcel of land. The requirements of the direction can be addressed and met at the DA stage for any individual development that may be proposed within close proximity to any licensed aerodromes in the Council area.
3.6 Shooting Ranges	Not applicable	This direction is not applicable in this instance as the planning proposal does not apply to any specific parcel of land; and it will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Yes	This direction is not applicable in this instance as the planning proposal does not apply to any specific parcel of land. The requirements of the direction in relation to acid sulfate soils can be addressed and met at the DA stage for any individual development that is proposed for land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.
4.2 Mine Subsidence and Unstable land	Not applicable	This direction is not applicable in this instance as the planning proposal does not apply to any specific parcel of land. There are no known Mine Subsidence Districts in the Council area. The requirements of the direction in relation to land that has been identified as unstable in a study, strategy or other assessment can be addressed and met at the DA stage for any individual development that is proposed for such land.
4.3 Flood Prone Land	Yes	This direction is not applicable in this instance

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		as the planning proposal does not apply to any specific parcel of land. The requirements of the direction in relation to land that is flood prone land can be addressed and met at the DA stage for any individual development that is proposed for such land having to the floodplain management controls in Council's development control plans.
4.4 Planning for Bushfire Protection	Yes	This direction is not applicable in this instance as the planning proposal does not apply to any specific parcel of land. The requirements of the direction in relation to land that is mapped as bushfire prone land can be addressed and met at the DA stage for any individual development that is proposed for such land having to <i>Planning for Bushfire Protection 2006</i>.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Yes	The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy (MNCRS) in a broader sense. Refer also to section 4.3 above. Further a more detailed "compliance" assessment of the planning proposal against the MNCRS is at Appendix 1.
5.2 Sydney Drinking Water Catchments	Not applicable.	This Direction not applicable in this instance; the planning proposal does apply to land within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	This Direction not applicable in this instance as it does not apply to the Clarence Valley Council area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	This direction is not applicable in this instance as the planning proposal does not apply to any specific parcel of land. Where a future workforce accommodation development affects land with frontage to the Pacific Highway, the requirements of Direction paragraph 4(b) can be met via consultation with the Roads & Maritime Services at the DA stage.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	<i>Revoked 18 June 2010</i>
5.6 Sydney to Canberra Corridor	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.7 Central Coast	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction</i>

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		5.1
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	This Direction not applicable in this instance; the planning proposal does apply to land in the vicinity of any future second Sydney Airport at Badgerys Creek.
5.9 North West Rail Link Corridor Strategy	Not applicable.	This Direction not applicable in this instance as it does not apply to the Clarence Valley Council area.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Yes	The planning proposal is not intending to introduce concurrence, consultation or referral requirements nor identify development as designated development.
6.2 Reserving Land for Public Purposes	Not applicable.	The planning proposal is not intending to create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Not applicable.	This Direction not applicable in this instance as it is not intending to permit a particular development on a particular site.
7. METROPOLITAN PLANNING		
7.1 Implementation of a Plan for Growing Sydney	Not applicable.	This Direction not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	This Direction not applicable in this instance as it does not apply to the Clarence Valley Council area.