

# PLANNING PROPOSAL



## Proposed BLEP 2011 Amendments

45 Mallee Road, Wyalong NSW 2671

Lot 177, DP750615



Prepared for WWLALC  
Rev 2.0 - May 2020

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# Proposed BLEP 2011 Amendments

## 45 Mallee Street, Wyalong

### TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>3</b>
<b>2</b>	<b>OBJECTIVES</b> .....	<b>4</b>
<b>3</b>	<b>EXPLANATION OF PROVISIONS</b> .....	<b>4</b>
<b>4</b>	<b>JUSTIFICATION</b> .....	<b>6</b>
4.1	Need for the planning proposal.....	6
4.1.1	Is the planning proposal a result of any strategic study or report? .....	6
4.1.2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? .....	6
4.2	Relationship to strategic planning framework .....	7
4.2.1	Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?.....	7
4.2.2	Is the planning proposal consistent with a council’s local strategy or other local strategic plan?.....	8
4.2.3	Is the planning proposal consistent with the applicable State Environmental Planning Policies? .....	10
4.2.4	Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?.....	10
4.3	Environmental, Social and Economic Impact .....	11
4.3.1	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?.....	11
4.3.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	11
4.3.3	Has the planning proposal adequately addressed any social and economic effects? .....	11
4.4	State and Commonwealth Interests.....	11
4.4.1	Is there adequate public infrastructure for the planning proposal? .....	11
4.4.2	What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?.....	11
<b>5</b>	<b>MAPPING</b> .....	<b>11</b>
<b>5</b>	<b>COMMUNITY CONSULTATION DETAILS</b> .....	<b>11</b>
<b>6</b>	<b>PROJECT TIMELINE</b> .....	<b>12</b>

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**TABLE OF TABLES**

**Table 1: Applicable SEPPs.....10**  
**Table 2: s9.1 Directions .....10**

**TABLE OF FIGURES**

**Figure 1: Subject Land (Source: Six Maps 2020).....3**  
**Figure 2: Additional Permitted Uses Map – Sheet APU\_007F (Source: BLEP2011) .....6**

# Proposed BLEP 2011 Amendments

## 45 Mallee Street, Wyalong

### 1 INTRODUCTION

The following planning proposal seeks to amend the existing Bland Local Environmental Plan 2011 (LEP 2011) to identify Lot 177 DP750615, 45 Mallee Street, Wyalong NSW as land upon which workforce accommodation is permitted with development consent. The proposal has evolved due demand created by the local mining industry and opportunities afforded to the Local Aboriginal Land Council who are the current landowners. The proposal is to be read in conjunction with the attached supporting Local Environmental Study.

The Cowal Gold Mine commenced construction in 2004 and is currently operated by Evolution Mining. This industry makes a significant positive impact to the Shire's local economy, social framework and population growth. The influx of FIFO (Fly-In-Fly-Out) workers associated with the mining industry has created opportunities to partner with local landholders to provide necessary accommodation to satisfy current needs.

The subject land comprised a total area of approximately 5200m<sup>2</sup> with access from Mallee Street and is zoned RU1 Primary Production, with a minimum lot size of 200 hectares (ha).

It is located within a semi-rural environment, being typically characterised by hobby farming and animal keeping activities. The site is opposite an existing zoned small holdings area and the subdivision pattern of the locality favours hobby farming rather than broad acre agricultural activities. General residential zoned land is located immediately to the south west of the intersection of Mallee and North Streets. Other rural zoned land separates the site from other residential areas to the south.

The subject land has good connection to the urban area via sealed public roads which also accommodates pedestrian movement. Business, commercial and community activities within Wyalong are located 800 metres south of the site.

The proposal would enable workforce accommodation to service the local mining industry as an additional permitted use.



Figure 1: Subject Land (Source: Six Maps 2020)

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## 2 OBJECTIVES

The objectives of this planning proposal are:

- To permit workforce accommodation on the subject land with development consent;
- To create opportunities to accommodate workers for the nearby mines that will sustain natural attributes of the local area, avoids or minimises impacts on environmental values and protects environmentally sensitive area; and
- To enable the development of land that is adequately serviced by public infrastructure and connected to essential community resources and support networks.

The above objectives are consistent with the current landuse strategies and directions of the local area and will continue to achieve applicable objectives of the existing RU1 Primary Production zoning.

The proposal objectives are also consistent with the objectives of the Environmental Planning and Assessment Act 1979 including those that encourage:

- The proper management, development and conservation of natural and artificial resources;
- The promotion of social and economic welfare of the community and a better environment;
- The coordination of orderly and economic use and development of land;
- The provision and coordination of communication and utility services; and
- The protection of the environment.

## 3 EXPLANATION OF PROVISIONS

The proposed outcome of this planning proposal will be achieved by amending the Bland Local Environmental Plan 2011 in the following manner:

### 3.1 Additional local provision

The introduction of an additional local provision under Part 6 of the LEP to outline objectives and development criteria for workforce accommodation to be located on certain land, as detailed below.

#### **6.10 Workforce 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 due to 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 local area 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) This clause applies to land as identified under Schedule 1 of this Plan.
- (3) Development consent must not be granted for workforce accommodation on land to which this clause applies unless the consent authority is satisfied that—
  - (a) there is a need to provide workforce accommodation because of large-scale development being carried out or because of the remote or isolated location of the land on which any development is being carried out, and

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- (b) the accommodation needs of the workforce cannot reasonably be met using other types of residential accommodation (whether existing or otherwise), and
  - (c) water reticulation systems and sewerage systems will be provided to adequately meet the requirements of the workforce accommodation, and
  - (d) any infrastructure provided in connection with the workforce accommodation will, if practicable, continue to be used once the workforce accommodation is no longer required, and
  - (e) the workforce accommodation is not likely to have significant adverse impacts on the use of any adjoining land or the amenity of the local area, and
  - (f) the workforce accommodation will be appropriately designed and located to maximise local amenity, and
  - (g) 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, and
  - (h) the workforce accommodation will not provide services or facilities that are, or can otherwise practicably be, provided within the locality.

(4) In this clause—

***workforce accommodation** means any habitable buildings and associated amenities erected or altered for the purpose of providing accommodation for persons working in the rural, agricultural, major infrastructure or mining sector.*

### 3.2 Schedule 1 Additional permitted uses

Schedule 1 of the LEP is amended by inserting an additional clause after clause 2, in the manner shown below, that will permit the development of workforce accommodation on the subject land at Mallee Street, Wyalong.

#### **3 Use of certain land at Mallee Street, Wyalong**

- (1) This clause applies to certain land at 45 Mallee Street, Wyalong, being Lot 177, DP 750615 and identified as "3" on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of workforce accommodation (within the meaning of clause 6.10) is permitted with development consent.

### 3.3 Amendment to Additional Permitted Uses Map

The proposal will also involve the creation of an additional map, as shown below, as an inclusion to the Bland Local Environment Plan 2011 Additional Permitted Uses Map – APU\_007F.



**Figure 2:** Additional Permitted Uses Map – Sheet APU\_007F (Source: BLEP2011)

There are no other amendments required to the Bland LEP2011 to progress this Planning Proposal. The existing RU1 zoning will remain unaltered.

## 4 JUSTIFICATION

Justification for the proposal, including its strategic relevance, is outlined in the sections below and within the accompanying Local Environmental Study (LES). The planning proposal seeks to amend Schedule 1 to include the subject land in order to permit workforce accommodation in association with the local mining industry.

The land opposite is an existing zoned small holdings area with land located immediately to the south west zoned for general residential. The subject land also has good connection to the urban area, located within 800m to business, commercial and community activities.

The LES has concluded that the proposal is strategically justified and environmentally sustainable.

### 4.1 Need for the planning proposal

#### 4.1.1 *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not the result of a specific strategic study or report. A supporting LES accompanies this planning proposal that addresses site specific attributes and constraints. The mining industry is an important economic driver for the local area and the proposal aligns with the strategic relevance of this employment generating activity.

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

The planning proposal is considered to be the best means of achieving the objectives and intended outcomes. Alternative methods were considered, including rezoning the site, but it was considered that the rezoning would then be out of character with the immediate area, not secure the proposed use of the land and making it open to other potentially incompatible land uses.

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## 4.2 Relationship to strategic planning framework

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### 4.2.1 *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The proposal is consistent with the directions of relevant plans, including the NSW State Plan, Premiers Priorities and Riverina Murray Regional Plan 2036. The relevant directions and specific actions outlined in the Riverina Murray Regional Plan 2036 that the proposal addresses include:

- *Direction 8: Enhance the economic self-determination of Aboriginal communities.*

The land is owned and managed by the West Wyalong Local Aboriginal Land Council. The proposal creates an opportunity for the LALC to make better use of the land and to assist in empowering the LALC to further their responsibility in sustaining their future resources and community well-being.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

- *Action 8.1 – identifying landholdings with economic development potential.*
- *Action 8.2 – identifying priority sites for potential projects.*

- *Direction 12: Sustainably manage mineral resources.*

Lake Cowal mine generates significant economic and employment benefits for the local area. The proposal will assist in the sustainable operation of the mining activity by providing necessary accommodation for workers.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

- *Action 12.1 – assessment of applications for land use change*
- *Action 12.4 – management of changes to local communities and service delivery. Exploring new economic development opportunities.*

- *Direction 22: Promote the growth of regional cities and local centres.*

The proposal will assist in making land use decisions that reflect local aspirations for increasing housing opportunities, growth in population and development activity.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

*Action 22.1 – provision of coordinated infrastructure delivery*

*Action 22.6 – improved connections throughout the local area and region*

- *Direction 23: Build resilience in towns and villages.*

The proposal will help contribute to growth and prosperity of the local area, facilitate drivers of population change and assist in ensuring it remains robust and dynamic.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

- *Action 23.2 – assisting to better understand the drivers of population change and the implications for the local community*



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- *Action 23.4 – building drought resilience in rural communities*
  - *Direction 25: Build housing capacity to meet demand.*

The proposal will assist in providing an alternative form of accommodation to address the current needs of the local mining industry.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

- *Action 25.2 – facilitate increased housing choice*
- *Action 25.3 – adequate infrastructure for housing needs*
- *Action 25.4 – locating development close to town centres to capitalise on existing infrastructure*
- *Direction 26: Provide greater housing choice.*

The proposal will provide an alternative housing choice to meet the needs of the local mining industry that attracts a significant number of FIFO workers.

In respect of this direction, the proposal will assist in delivering the following specific actions of the RMRP.

- *Action 26.6 – planning and managing worker accommodation*

In relation to Bland Shire in general, the plan identifies the following as key priorities:

- *Support agriculture, including broadacre cropping and grazing, and agribusiness diversification.*
- *Support the mining and resources sector and associated businesses.*
- *Leverage opportunities from the Shire's location to support diverse industries, including freight and logistics industries.*
- *Support tourism opportunities in the shire.*

The proposal is consistent by supporting the mining sector as the proposal will assist in providing greater diversity and increased housing options. The proposal will provide a flow on effect that will stimulate local economic growth.

#### **4.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

##### BLAND LOCAL ENVIRONMENTAL PLAN 2011

The Bland LEP2011 reflects the current strategic land use planning direction for the Shire. Its particular aims are:

- (a) to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources,*
- (b) to encourage a range of housing, employment, recreation and facilities to meet the needs of existing and future residents of Bland,*
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (d) to conserve, protect and enhance the environmental and cultural heritage of Bland,*
- (e) to promote the twin townships of West Wyalong and Wyalong as the major commercial and community service centres for Bland,*

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*(f) to encourage the sustainable growth of the villages of Bland.*

The proposal has potential to support the intent of the particular aims by:

- Allowing the use of the land for a purpose that would otherwise be not permissible within the zone whilst offering an alternative choice of lifestyle living in close proximity to existing town services and facilities.
- Utilising land for more efficient development in a location that does not detrimentally impact on existing natural and agricultural resources.

#### COMMUNITY PLAN FOR BLAND SHIRE 2011-2016

The current Community Plan has been prepared by Council in consultation with the local community and is aimed at delivering common goals to achieve community aspirations. In implementing the Community Plan, the initial priorities and objectives are identified as:

- *Strengthening and building community capacity*
- *Planning and Leadership*
- *Partnerships and Advocacy*
- *Providing community services and events*
- *Facilitating engagement with the community*
- *Ensuring we are a sustainable community*

The five key strategies and initiatives that are directing the Shire include:

1. *Growing our population and jobs*
2. *Pride in our shire*
3. *Telling our stories*
4. *Connected and accessible*
5. *Giving life to the plan*

In relation to the subject of Environmental Wellbeing, the proposal best aligns with achieving the recommendation of:

*"Develop and implement environmental management plans. Promote sustainable living to all residents"*

Relevant existing program: *"Local Environmental Plan"*

Proposed Program/Initiative: *"Make changes to LEP"*

#### DRAFT LOCAL STRATEGIC PLANNING STATEMENT (LSPS)

The Bland Draft LSPS is undergoing finalisation and set to be adopted at its May 2020 Council Meeting.

*"The Local Strategic Planning Statement (LSPS) sets the framework for Bland Shire's economic, social and environmental land use needs over the next 20-years. The LSPS outlines clear planning priorities describing what will be needed, where these are located and when they will be delivered. The LSPS sets short, medium and long-term actions to deliver the priorities for the community's vision."*

Priority 2 is relevant as it outlines “operations at the mine are expected to expand and Council are investigating additional temporary accommodation options to help facilitate this expansion.”

The relevant action:

- Action 2.1 – investigate options for the development of temporary accommodation to provide options for working ... visitors.

#### **4.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?**

The proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as identified in the table below.

**Table 1: Applicable SEPPs**

<b>SEPPs Relevant to the Planning Proposal</b>	
<b>SEPP Title</b>	<b>Consistency</b>
SEPP55 – Remediation of Land	Current Council records do not identify the subject land as potentially contaminated land. However, the majority of the land is identified as having agricultural uses conducted post European settlement as well as current stock grazing. SEPP55 matters have been taken into consideration with this proposal.

#### **4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?**

The following table outlines the relevant s9.1 directions and the level of consistency of this planning proposal to them.

**Table 2: s9.1 Directions**

<b>Ministerial Directions applicable to the development</b>	
<b>Direction title</b>	<b>Consistency</b>
1.2 Rural Zones	The proposal is consistent with this direction as it does not propose a change from the existing rural zone. The proposed Schedule 1 amendment will enable proposed development only on the identified land.
1.5 Rural Lands	The proposal is consistent with this direction as it has considered the potential impacts and whether development in accordance with the amendment will be compatible with the predominant land uses in the locality. Consideration has been made of the rural planning principles contained in clause 5.16 of the Bland LEP.
2.6 Remediation of Contaminated Land	Consistent, the proposal has taken into account SEPP55 matters and considers the proposal to be of low risk.
3.2 Caravan parks and Manufactured Home Estates	The proposal is consistent by providing a variety of housing for nearby mine workers.
5.10 Implementation of Regional Plans	The proposal is consistent with this direction by ensuring the proposal achieves relevant Goals/Directions of the Riverina Murray Regional Plan 2036, including those referring to promoting regional growth, building resilient communities and facilitating drivers of population change, providing housing choice and managing rural landuse conflicts.
6.1 Approval and Referral Requirements	The proposal is consistent with this direction as it does not introduce any unnecessary provisions to the development assessment process.
6.3 Site Specific Provisions	Not consistent. It is considered the proposed Schedule 1 Amendment is the best means in achieving the sought after outcome. The inconsistency is minor and acceptable under the circumstances.

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## **4.3 Environmental, Social and Economic Impact**

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### **4.3.1 *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?***

There is little likelihood that any critical habitat or threatened species, populations or ecological communities or their habitats to be adversely affected by the proposal. The site is significantly cleared of major vegetation and has been used for grazing and cropping activities since post European settlement. The surrounding area is a mix of established and ongoing development, with no significant flora or fauna identified in the immediate vicinity.

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

There are no other significant environmental impacts envisaged as a result of this planning proposal. The proposal is consistent with development to the south east and minimal change would be experienced to the local amenity and general rural character.

### **4.3.3 *Has the planning proposal adequately addressed any social and economic effects?***

The proposal will contribute to housing workers the local area, building stronger connections with established infrastructure including community facilities, neighbourhood centres and transportation networks.

West Wyalong is continuing to attract population growth, primarily as a result of the ongoing expansion and development of the local gold fields. Development of this land will help contribute positively to the local economy and construction industry through employment and supply of materials. Additionally, further providing housing in the area will make more economic use of valuable resources and services, further contributing to ongoing income generation for local businesses and public agencies.

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## **4.4 State and Commonwealth Interests**

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### **4.4.1 *Is there adequate public infrastructure for the planning proposal?***

The development construction on the subject land will have direct access to existing electricity and communication networks. The provision of water supply and sewer is feasible due to the close proximity of existing service mains in the laneway between North and Conway Streets.

The land is also within close proximity to existing public community infrastructure located in the immediate Wyalong and West Wyalong urban areas.

### **4.4.2 *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

The views of State and Commonwealth public authorities will be sought following the issue of a Gateway determination on this matter.

## **5 MAPPING**

The planning proposal seeks to have a relevant map created under the map type:

- Additional Permitted Uses Map

## **5 COMMUNITY CONSULTATION DETAILS**

Community consultation will be undertaken in accordance with relevant sections of the Act and Regulations. In addition, the Gateway determination will confirm the extent and nature of community consultation to be undertaken for the purpose of this proposal.

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## **6 PROJECT TIMELINE**

Following lodgement of the planning proposal, Council will develop a project timeline including Council acceptance, Gateway determination, public exhibition, reporting, Ministerial (or delegated) approval and implementation.

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## **19057: Document History**

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		Name/Position	Signature	Notes
Rev 1.0 – Draft	30/04/20	Rhiana Reardon Assistant Planner	RR	For internal review
Rev 1.1 – Draft	12/5/20	Garry Salvestro Director	GS	Internal review
Rev 1.2 – Draft	13/5/20	Rhiana Reardon Assistant Planner	RR	For client review
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