

Mr Brad Cam
General Manager
Mid-Western Regional Council
86 Market Street
MUDGEES NSW 2850

Our ref: PP-2022-3461 | IRF22/3424

Attention: Sarah Armstrong, Manager, Strategic Planning

Dear Mr Cam,

Planning proposal (PP-2022-3461) to amend Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) - clause 6.11- temporary workers' accommodation

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 December 2022 in respect of the planning proposal to amend clause 6.11 to enable public authorities to develop temporary worker's accommodation beyond a 5-kilometre radius of a major project or mine.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with Direction 9.1 Rural Zones of the Minister under section 9.1 of the Act, is justified in accordance with the terms of the Direction and no further work is required.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within six (6) months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should also be forwarded to the Department of Planning and Environment – Western Region office.

The Department does not support part of Council's proposal to insert '*temporary workers' accommodation*' in the Dictionary and prohibit such development in certain zones as it is contrary to the Land Use Table requirements of the *Standard Instrument (Local Environmental Plans) Order 2006*. As agreed by Council, a condition of the Gateway determination is imposed requiring the planning proposal to be amended to remove these components from the proposal prior to community consultation.

Due to the need for these amendments, Council may now consider the planning proposal does not fully address Council's objectives. The recently released *Central West and Orana Regional Plan 2041* recognises the need for the Department and other agencies to work with councils to respond to worker accommodation needs. To this end, the Department's Housing Supply Policy team is currently considering the implementation of '*temporary workers' accommodation*' as a use in the Standard Instrument through the Seasonal and Temporary Workers Accommodation Toolkit. The toolkit is intended to be publicly exhibited in the first half

of 2023 and may provide alternative options for Council. In addition, my team welcomes further discussion with Council on the best means of facilitating planning changes to be ready for impending worker accommodation needs.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for John Martinez to assist you. Mr Martinez can be contacted on 02 5852 6828.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Hopkins', with a stylized, cursive script.

2 February 2023

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination