



*Looking After
our Community*

PLANNING PROPOSAL
TEMPORARY
WORKERS'
ACCOMMODATION
AMENDMENT 2022

9 AUGUST 2022

MID-WESTERN REGIONAL COUNCIL
STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



Version	Date	Notes
V001	September 2022	PP reported to Sept Council

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Overview

Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan temporary workers' accommodation (the Planning Proposal) explains the intent of, and justification for, the proposed amendment to the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012).

The Planning Proposal is to implement the following change to the MWRLEP 2012:

The current Clause 6.11 Temporary workers' accommodation requires the development to be located within 5 kilometres (if related to a mine) of the relevant mining lease or in any other case, within 5 kilometres of the large scale infrastructure in which persons are to be employed.

The proposed amendment to the existing clause will allow public authorities to establish temporary workers' accommodation on appropriate sites and not be subject to the current 5 kilometre locational requirement.

The proposed amendment also includes inserting the land use temporary workers' accommodation into the land use tables and into the Dictionary.

The proposal has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment, Local Environmental Plan Making Guideline, December 2021.

Background

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

Council supported and made an amendment to the MWRLEP 2012 to insert Clause 6.11 Temporary workers' accommodation. The Clause was in response to the unprecedented growth in the resources industry through an increase in mining activity throughout the Region. The clause was drafted to ensure that temporary workers' accommodation was suitably located. At the time, the environmental planning instruments made provision for urban growth, however, growing pressure was being felt to provide alternative accommodation options to provide for immediate and short term solutions.

In order to provide a strategic framework in which to consider future application for temporary workers' accommodation, Council prepared and adopted specific DCP controls to provide Council, developers and the community guidance. Over 300 submissions were received from the community during the exhibition period, concerns focused on the social and economic impacts and the suitability of the location of temporary workers' accommodation adjacent to towns and villages rather than on the site of the mine or major project.

Current permissibility

Temporary workers' accommodation is not currently listed in the zoning land use tables or the dictionary in the MWRLEP 2012, accordingly, Temporary workers' accommodation is considered an innominate land use. The permissibility of innominate land uses are determined by the structure of the land use table. Below is the current permissibility of temporary workers' accommodation:

Permitted with consent in the following zones:

RU1 Primary Production

RU4 Primary Production Small Lots zone

RU5 Village

R5 Large Lot Residential

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business development

IN1 General Industrial

IN2 Light Industrial

IN3 Heavy Industrial

Prohibited in the following zones:

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

RE1 Public Recreation

RE2 Private Recreation

C1 National Parks and Nature Reserves

C3 Environmental Management

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to implement the following:

	PROPOSED AMENDMENT	LAND TO WHICH IT APPLIES	OBJECTIVE/OUTCOME
1.	Include temporary workers accommodation in the Dictionary	The Mid-Western Regional local government area.	Ensure Temporary workers' accommodation is characterised accurately.
2.	<p>Include temporary workers' accommodation as permitted with consent in the following zones:</p> <p>RU1 Primary Production</p> <p>RU5 Village</p> <p>Include temporary workers' accommodation as prohibited in the following zones:</p> <p>B1 Neighbourhood Centre</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p> <p>B4 Mixed Use</p> <p>B5 Business development</p> <p>IN1 General Industrial</p> <p>IN2 Light Industrial</p> <p>IN3 Heavy Industrial</p> <p>RU4 Primary Production Small Lots zone</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R5 Large Lot Residential</p> <p>SP1 Special Activities</p> <p>SP2 Infrastructure</p> <p>SP3 Tourist</p> <p>RE1 Public Recreation</p> <p>RE2 Private Recreation</p> <p>C1 National Parks and Nature Reserves</p> <p>C3 Environmental Management</p>	Zones listed in column 1.	Ensure Temporary workers' accommodation is developed on suitable sites.
3.	Update to Clause 6.11 Temporary workers' accommodation.	Zones RU1 Primary Production and RU5 Village.	<p>Facilitate the development by public authorities of temporary workers' accommodation on suitable sites within the local government area beyond the 5 kilometre radius of the major project or mine.</p> <p>The development of temporary workers' accommodation and associated infrastructure and amenities is to provide a place of accommodation for persons employed or contracted for employment with and for the term of the project.</p>

Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved by the following:

PROPOSED AMENDMENT	EXPLANATION OF PROVISIONS
1. Include the definition of temporary workers' accommodation in the Dictionary	<p>Below is the current definition included in Clause 6.11:</p> <p><i>temporary workers' accommodation means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.</i></p> <p>It is proposed to include this definition or similar in the Dictionary of the MWRLEP 2012.</p>
2. Temporary workers' accommodation permissibility	<p>Include temporary workers' accommodation as '3 Permitted with consent' in the following zones: RU1 Primary Production RU5 Village</p> <p>Include temporary workers' accommodation as '4 Prohibited' in the following zones: B1 Neighbourhood Centre B2 Local Centre B3 Commercial Core B4 Mixed Use B5 Business development IN1 General Industrial IN2 Light Industrial IN3 Heavy Industrial RU4 Primary Production Small Lots zone R1 General Residential R2 Low Density Residential R3 Medium Density Residential R5 Large Lot Residential SP1 Special Activities SP2 Infrastructure SP3 Tourist RE1 Public Recreation RE2 Private Recreation C1 National Parks and Nature Reserves C3 Environmental Management</p>
3. Update to Clause 6.11 Temporary workers' accommodation.	<p>Amend Clause 6.11 Temporary Workers' to allow the development by public authorities of temporary workers' accommodation on suitable sites within the local government area beyond the 5 kilometre radius of the major project or mine.</p>

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1: Is the planning proposal the result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not a direct result of any specific strategic study or report. The provision of Temporary Workers' Accommodation is currently facilitated under the MWRLEP 2012. The Planning Proposal will provide greater certainty for those delivering the projects and the community as to the location and permissibility of temporary workers' accommodation with the local government area, whilst minimising impacts on existing housing supply.

The NSW Government's Electricity Strategy and Electricity Infrastructure Roadmap sets out the delivery of the Central-West Orana Renewable Energy Zone (REZ). The Energy Corporation of NSW (EnergyCo) is the NSW Government-controlled statutory authority that will lead the delivery of the REZ. EnergyCo will coordinate REZ transmission, generation, and storage projects. It is the construction of these projects that has generated the need for temporary workers' accommodation. To date, the workforce estimates indicate that at the construction peak 6,500 beds will be required.

In addition to these current and future major projects associated with REZ, the local government area is experiencing a large number of renewable energy projects that will feed into the existing transmission network. Each of these with a construction workforce requiring appropriate accommodation.

This amendment will assist in the strategic location of temporary workers' accommodation to accommodate the cumulative construction workforce mobilising to the area. Ideally a Temporary Workers' Accommodation project will be located to be utilised by multiple major projects whilst minimising impacts to infrastructure and commute times for employees.

Q2: Is the planning proposal the best means of achieving the objectives or outcomes, or is there a better way?

The amendments outlined in this Planning Proposal are the best means of achieving the Objectives and Intended Outcomes outlined above. The Central-West Orana REZ is the first for NSW, accordingly, this issue of appropriately characterising and determining permissibility of temporary workers' accommodation will be emerging across the state. To respond to this emergence and to protect existing housing and tourism supply, inclusion of a land use definition and insertion into land use tables is necessary, it is not a local issue for the Mid-Western region.

The amendments outlined in this Planning Proposal will provide the most certain approval pathway for a temporary workers' accommodation development (that is not associated with and approved under a State Significant Project).

It should be noted; Mid-Western Regional Council did not have a complete understanding of the scale of the workforce in the initial stages of the state significant planning process. It is not until the employment and workforce strategies are submitted that the numbers of beds are detailed. Hence, as the other REZs are not as progressed the scale of the construction workforce mobilising would not yet be known.

The proposed amendment could be further supported by a review and update to Clause 6.2 temporary workers' accommodation of the Mid-Western Regional Development Control Plan 2013.

Section B - Relationship to Strategic Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

The Central West and Orana Regional Plan 2036 local government area. The Planning Proposal is consistent with Goal 4 - Dynamic vibrant and healthy communities Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces.

The Draft Central West and Orana Regional Plan 2041, Part 2 People, Housing and communities; Objective 10 Provide accommodation for temporary workers, includes: *"Councils need to ensure a variety of housing types, particularly in areas accessible to construction projects and areas which will be the focus of ongoing employment, including Parkes SAP, the Central-West Orana REZ and mining projects"*. This is of particular relevance, as the Planning Proposal will support the implementation of Action 6 of this Plan.

Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is generally consistent with Council's Towards 2040 and Our Place 2040, Local Strategic Planning Statement.

Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal will support the delivery of the REZ as detailed in the NSW Government's Electricity Strategy and Electricity Infrastructure Roadmap.

Q6: Is the planning proposal consistent with applicable SEPPs?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table.

SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
SEPP (Biodiversity and Conservation) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP Building Sustainability Index (BASIX) 2004	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP. Temporary workers' accommodation proposals would be required to determine at development application whether the BASIX is applicable.
SEPP (Exempt & Complying Development Codes) 2008	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Housing) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP. The SEPP does not specifically address temporary workers' accommodation.
SEPP (Industry and Employment) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP No 65 – Design and Quality of	Not applicable.

Residential Apartment Development	
SEPP (Planning Systems) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
	Contamination and remediation to be considered at the development application stage with the consideration of specific sites.
SEPP (Resources and Energy) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.

Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced.

Detailed in the table below are the directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
Focus area: Planning Systems	
1.1 – Implementation of Regional Plan	Consistent with Regional Plan as detail above.
1.2 - Development of Aboriginal Land Council land	No known land mapped.
1.3 - Approval and Referral Requirements	The proposed amendments do not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the proposed amendments are not site specific.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.

1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.
Focus area 2: Design and Place	
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Focus area 3: Biodiversity and Conservation	
3.1 - Conservation Zones	Consistent.
3.2 - Heritage Conservation	Consistent.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Consistent.
3.6 - Strategic Conservation Planning	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 - Flooding	Consistent, the Planning Proposal is not site specific.
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	Consistent, the Planning Proposal is not site specific.
4.4 - Remediation of Contaminated Land	Consistent, the Planning Proposal is not site specific.
4.5 - Acid Sulfate Soils	Consistent, the Planning Proposal is not site specific.
4.6 - Mine Subsidence and Unstable Land	Consistent, the Planning Proposal is not site specific.
Focus area 5: Transport and Infrastructure	
5.1 - Integrating Land Use and Transport	Not applicable.
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Consistent, the Planning Proposal is not site specific.
5.4 - Shooting Ranges	Consistent, the Planning Proposal is not site specific.
Focus area 6: Housing	
6.1 - Residential Zones	Consistent, the Planning Proposal will facilitate a form of accommodation that will minimise the impact on housing tourism accommodation supply.
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable, temporary workers accommodation is not characterised as a manufactured home estate
Focus area 7: Industry and Employment	
7.1 - Business and Industrial Zones	Not applicable.
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable.
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent, the Planning Proposal is not site specific.
Focus area 9: Primary Production	
9.1 - Rural Zones	Justified inconsistency – no rezoning proposed. Agricultural viability is addressed by ensuring that temporary workers' accommodation is a temporary land use.
9.2 - Rural Lands	Consistent – no change to minimum lot size is proposed. The Proposal is consistent with Regional and Strategic plans as detailed.
9.3 - Oyster Aquaculture	Not applicable.
9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

Section C - Environmental, Social and Economic Impact

Q8: 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?

The provisions proposed are not site-specific. The amendments seek to make temporary workers' accommodation permissible in the RU1 and RU5 zones. It is considered likely that temporary workers' accommodation will be sought in rural areas, the specific constraints of the site will be considered at development application stage.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in Local Environmental Plan Making Guideline, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is intended to support the development of the REZ and encourage the positive social outcome for the region of minimising the impact on housing and tourist accommodation supply.

Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure.

Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Any consultation will be undertaken in accordance with any future Gateway Determination condition.

Part 4 – Mapping

Not applicable.

Part 5 – Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Local Environmental Plan Making Guideline and requires a public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination.

Part 6 – Project Timeline

The Planning Proposal is a housekeeping amendment to the *Mid-Western Local Environmental Plan 2012* and should be able to be achieved within 3 - 6 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	October 2022
Completion of Technical Information	N/A
Agency Consultation	N/A
Public Exhibition	November 2022
Consideration of Submissions	December 2022
Legal Drafting & Opinion	December 2022 / January 2023
Finalisation	January 2023