

LOCAL PLANNING POLICY NO.11

WORKFORCE ACCOMMODATION



Responsible Officer	Chief Executive Officer
Council Resolution Number	07/1223
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Relevant Local Government Documents	<ul style="list-style-type: none">• Shire of Kulin Local Planning Scheme No.2• Shire of Kulin Policy Manual
Relevant Legislation	<ul style="list-style-type: none">• <i>Planning and Development Act 2005</i>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This policy may be cited as 'Local Planning Policy No.11 – Workforce Accommodation'.

2. INTRODUCTION

Under the terms of the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Kulin Local Planning Scheme No.2 development approval is required from the local government to develop and/or use any land for workforce accommodation purposes unless an exemption to the need for approval is applicable under the *Planning and Development Act 2005*, the *Mining Act 1978* or any State Agreement Acts.

The *Planning and Development (Local Planning Schemes) Regulations 2015* define 'Workforce Accommodation' as premises, which may include modular or relocatable buildings, used:

- primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Workforce accommodation is common throughout regional Western Australia and is becoming more prevalent in the Wheatbelt Region, particularly for seasonal and part time employment associated with the agricultural sector and other current and emerging industrial, tourism and commercial enterprises.

The local government acknowledges workforce accommodation is economically critical infrastructure that may be required in a short timeframe, and therefore flexibility will be required in certain instances. It recognises however that workforce accommodation is by definition only temporary in nature, typically developed at minimal cost, has lower levels of amenity than sites containing permanent accommodation, and can give rise to land use conflict and environmental harm if poorly located and/or managed.

This policy has therefore been formulated to guide the preparation, processing and determination of development applications and statutory referrals for workforce accommodation on all land in the Shire of Kulin and control its location, design, servicing, management, duration, decommissioning and rehabilitation or re-use in accordance with the aims and objectives of the local government's local planning framework.

3. INTENT

The intent of this policy is to:

- a) guide the preparation, processing and determination of development applications and statutory referrals for workforce accommodation on all land in the Shire of Kulin municipal district; and
- b) control the location, design, servicing, management, duration, decommissioning and rehabilitation or re-use of workforce accommodation in accordance with the aims and objectives of the local government's local planning framework.

4. OBJECTIVES

The objectives of this policy are to:

- i) Provide a clear and practical planning framework for the consideration and determination of development applications for workforce accommodation;
- ii) Specify the information required to be provided by proponents when preparing development applications and the key matters required to be addressed;
- iii) Require proponents to clearly demonstrate the need for workforce accommodation and the lack of availability or impracticality of alternative accommodation options;
- iv) Encourage the accommodation of workers in more integrated forms of town-based accommodation wherever possible, preferably using new or established dwellings, or other properties approved for short-term accommodation purposes (i.e. hotel, motel, bed and breakfast accommodation etc.);
- v) Support the development of workforce accommodation on 'Rural' zoned land for major short-term construction projects or agricultural and other approved land uses where it can be demonstrated it will not lead to the loss or fragmentation of productive agricultural land and will not adversely, detrimentally or prejudicially affect the use, or continued use, of the land for agricultural or other approved uses;
- vi) Protect productive agricultural land or environmentally sensitive areas by preventing the development of workforce accommodation where it may compromise these areas and their attributes;
- vii) Ensure workforce accommodation avoids the potential for land use conflict and achieves a high standard of amenity as well as appropriate functionality commensurate with the development's lifespan and location;
- viii) Ensure workforce accommodation is appropriately located and integrated into the surrounding local environment through physical design and management measures which encourage and promote social cohesion and inclusivity and do not negatively impact the amenity of the area;
- ix) Ensure workforce accommodation is served by all key essential service infrastructure;
- x) Specify the period of approval for workforce accommodation based on its nature and purpose and the local government's requirements to extend the term of approval;
- xi) Specify the circumstances under which temporary workforce accommodation for a period not exceeding 12 months may be supported by the local government without the need for development approval; and
- xii) Provide details of the local government's expectations and requirements for the decommissioning and rehabilitation or adaptive re-use of work force accommodation developments.

5. DEFINITIONS

Amenity – All those factors which combine to form the character of an area and include the present and likely future amenity. Amenity includes the livability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is essential in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution (i.e. noise, dust, odour, light).

Complex Application —

- a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for the Scheme in respect of the zone in which the development is located; or
- b) an application of a kind identified elsewhere in the Scheme, or in a local planning policy, as a complex application for development approval.

Construction Workforce – Workers that may be required to be brought into a locality for undertaking the construction phase of a project or during maintenance shut-downs, outside of what would otherwise be

considered the operational phase of the project.

Development – The development or use of any land, including:

- a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b) the carrying out on the land of any excavation or other works;
- c) in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that:
 - i) is likely to change the character of that place or the external appearance of any building; or
 - ii) would constitute an irreversible alteration of the fabric of any building.

Development Application – An application under a planning scheme, or under an interim development order, for approval of development.

Dwelling – A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Grouped Dwelling – A **dwelling** that is one of a group of two or more **dwelling**s on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

Local Government – Shire of Kulin.

Operational Workforce – Workers required to operate a facility or project on a full or part-time basis inclusive of support staff such as cooks, cleaners, maintenance personnel and the like.

Scheme – Shire of Kulin Local Planning Scheme No.2.

Short-Term Accommodation – Temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

Single House – A **dwelling** standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Workers – Employees, contractors and sub-contractors engaged with a worksite or project.

Workforce Accommodation – Premises, which may include modular or relocatable buildings, used:

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a **temporary basis**; and
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

6. GENERAL APPLICATION OF THE POLICY

- 6.1 This Policy applies to all development applications for 'Workforce Accommodation', as defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), within the local government's municipal district.
- 6.2 This Policy also provides guidance for the consideration of workforce accommodation proposals under other legislation referred to the local government for comment.
- 6.3 This policy is effective from the date of publication by the local government in accordance with clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and may be amended or revoked at the discretion of the local government.
- 6.4 If a provision of this policy is inconsistent with the Shire of Kulin Local Planning Scheme No.2, the Scheme prevails. This policy is not part of the Scheme and does not bind the local government in respect of any determination made pursuant to the Scheme. The local government shall however have due regard for the provisions of this policy and its objectives before making any determination.

7. LIMITATIONS

- 7.1 The local government recognises the provisions within this Policy cannot be unilaterally imposed on any development approved pursuant to State Agreements ratified by Acts of Parliament or the *Mining Act 1978*. It is acknowledged that such proposals are exempt to the extent that the provisions

of those Acts override the *Planning and Development Act 2005* and the Shire of Kulin Local Planning Scheme No.2. However, the local government may be informed by and seek to influence any recommendation or decision, based on this Policy.

- 7.2 It is not intended for this Policy to be applied retrospectively to any existing approved development, except where a development application is required by the local government to amend an existing approval.
- 7.3 This policy does not apply to existing or proposed new single houses or grouped dwellings used to accommodate up to six (6) workers.
- 7.4 This policy does not negate or override the need to obtain approvals and comply with the standards and requirements of the *Caravan Parks and Camping Grounds Act 1997* and associated regulations and/or the *Construction Camp Regulations* prepared pursuant to the *Health (Miscellaneous Provisions) Act 1911* where applicable.

8. DEVELOPMENT APPLICATION REQUIREMENTS

- 8.1 In addition to the information requirements prescribed in clause 63 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the local government's Development Application Checklist, all development applications for workforce accommodation must be accompanied by the following information:
- i) Details of the underlying need for and purpose of the proposed development (i.e. whose workforce is intended to be housed and why the workforce cannot be housed in existing town-based accommodation);
 - ii) Details confirming the maximum number of workers proposed to be accommodated on the land and for what period of time;
 - iii) Details of the location of the work site(s) the occupants of the workforce accommodation will be employed;
 - iv) Details confirming if and how the development will be staged and the likely date of commencement of works, completion and occupancy;
 - v) Details confirming what essential services are available and will be provided to the site;
 - vi) Details confirming the period of time the workforce accommodation is anticipated to be in place or will be operational for;
 - vii) Details of any prior consultation with the local community, local government, other government agencies and key essential service providers;
 - viii) Details of any immediate and ongoing community benefit the development will provide;
 - ix) A detailed Management Plan demonstrating how the development will be effectively and appropriately managed and by whom. The Management Plan should address:
 - how noise, dust, odour, light spill and litter will be managed;
 - how any conflicts with owners and/or occupiers of land within the vicinity of the site will be addressed and within what timeframe;
 - how all vehicle parking will be managed and controlled;
 - how the consumption of alcohol and any associated anti-social behaviour will be managed and controlled (if applicable);
 - ongoing maintenance of and repairs to the facility;
 - bushfire management;
 - emergency evacuation measures/procedures; and
 - who will be directly responsible for implementing the strategies contained in the Management Plan including their contact details.
 - x) Details confirming:
 - when the workforce accommodation will be decommissioned;
 - any improvements that shall remain in place following decommissioning;
 - arrangements for the decommissioning and rehabilitation of the site including likely timeframes; and
 - what assets may be transferred to public or private ownership where this has been agreed / committed to.

- 8.2 If the proposed workforce accommodation will be developed on land designated by the Fire and Emergency Services Commissioner as being bushfire prone, the application must be accompanied by suitable information demonstrating compliance with the specific requirements of State Planning Policy 3.7 entitled 'Planning in Bushfire Prone Areas' and the associated guidelines.

9. POLICY PROVISIONS

9.1 General

- 9.1.1 The use class 'workforce accommodation' is not expressly listed in the Zoning Table of Local Planning Scheme No.2. As such, any application for development approval will be assessed and processed as a 'complex application' in accordance with the specific requirements of clause 18(4) of the Scheme.
- 9.1.2 All development applications for 'workforce accommodation' will be advertised for public comment for 28 days in accordance with the requirements of clause 64 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it applies specifically to complex applications.
- 9.1.3 Workforce accommodation should not be construed as a long-term solution for workers or as a permanent housing alternative. The use is by definition only temporary in nature unless otherwise approved by the local government.
- 9.1.4 Workforce accommodation should not be seen as an alternative accommodation option to generate lease or rental income.

9.2 Need

- 9.2.1 Proposals for new workforce accommodation facilities, requests to extend approval periods for existing workforce accommodation facilities or proposals to increase the number of beds associated with existing facilities must be accompanied by information that demonstrates need and the lack of availability or impracticality of alternative town-based accommodation options.
- 9.2.2 Assertions that there is adequate demand for workforce accommodation to support business investment which are not substantiated with demonstrable demand will not be accepted as the basis for demonstrating need for workforce accommodation.

9.3 Location

- 9.3.1 Due to the potential for land use conflict, the local government will have due regard for the type and scale of surrounding land uses and associated impacts and the local community's views before determining a development application for workforce accommodation or proposals under other legislation referred to the local government for comment.
- 9.3.2 The local government does not support the development of workforce accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace. The preference is for workers to be accommodated in more integrated forms of town-based accommodation wherever possible, preferably new or established dwellings or other properties approved for short-term accommodation purposes (i.e. hotel, motel, bed and breakfast accommodation and the like).
- 9.3.3 Notwithstanding clause 9.3.2 above, the local government may approve the development of workforce accommodation on 'Rural' zoned land to support major short-term construction projects, or the continuation of agricultural or other approved rural or industrial land uses, where it can be demonstrated it will be consistent with and not compromise the aims and objectives of the local government's local planning framework.
- 9.3.4 Workforce accommodation on 'Rural' zoned land shall:
- have a minimum setback of 20 metres from front, side and rear boundaries unless otherwise required and approved by the local government;
 - be clustered in close proximity to existing dwellings and/or other buildings where possible;
 - be appropriately setback from existing productive agricultural land and buildings thereon to avoid land use conflicts such as spray drift, dust, odour and noise;
 - located to avoid the loss or fragmentation of productive agricultural land; and
 - not adversely, detrimentally or prejudicially affect the use, or continued use, of the land or any

adjoining land for agricultural or other approved purposes.

9.3.5 Workforce accommodation on land classified 'Commercial' or 'General Industry' zone shall be incidental to the predominant approved use of the land and located at the rear of the lot, behind the primary land use to allow for appropriate screening from view from adjoining and other nearby properties, including public places.

9.3.6 Development approval will not be granted where the local government considers there may be potential for significant land use conflict between the workforce accommodation and any existing use on the land or any adjoining land.

9.4 Design

9.4.1 All buildings and structures proposed to be used for workforce accommodation purposes are required to be of scale, form and appearance (including materials and colours) that do not detract from the amenity and desired character of the immediate locality. The standard of development must be commensurate to its location and existing development in the immediate locality.

9.4.2 The development of workforce accommodation on any land classified 'Residential', 'Urban Development' or 'Rural Townsite' zone using typical transportable camp buildings and layouts, including dongas and sea containers, will generally not be supported by the local government due to inconsistencies with the aims and objectives of this policy. Any approval granted by the local government will be in exceptional circumstances only and should not be construed as being a precedent for development of this type/form in these zones.

9.4.3 The use of second-hand transportable structures for workforce accommodation purposes will only be supported by the local government where the proponent clearly demonstrates the structures are in good condition, fit for purpose and will not have a detrimental impact on the visual amenity of the immediate locality.

9.4.4 As a minimum, workforce accommodation developments shall be provided with the following essential facilities:

- a) ablutions, including showers, toilets, laundry and associated facilities;
- b) a clearly designated covered and/or sheltered main entry area;
- c) an outdoor activity area, of which all or part may be covered or shaded;
- d) kitchen/cooking facilities or a commercial kitchen and eating area/s;
- e) suitably located, sized and screened clothes drying area/s;
- f) suitably located, sized, screened and secure storage areas for the belongings of workers residing in the accommodation and equipment and other materials required for the management, maintenance and upkeep of the development; and
- g) at least one easily accessible, appropriately located and screened area for the collection and storage of rubbish, including bin washdown facilities.

9.4.5 Workforce accommodation should be appropriately screened by vegetation or other means, to the satisfaction of the local government when deemed necessary. If a proposed workforce accommodation development will be highly visible from a major road or have an adverse effect on any adjoining and other nearby properties, including public places, the local government may require a Landscaping Plan detailing hard and vegetated landscaping and ongoing maintenance regimes. Wherever possible, natural vegetation should be retained in any development scenario unless its removal is required for safety and/or bushfire management purposes.

9.4.6 Internal pedestrian access is to be provided to and between all workforce accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the local government.

9.4.7 Where workers have or are provided with access to private vehicles, one (1) car parking space shall be provided on-site for every two (2) workers (or part thereof) proposed to be accommodated within the development. The car parking spaces required are to be maintained at all times for the exclusive use of workers accommodated on the land to the satisfaction of the local government.

9.4.8 All internal roads and accessways are to be designed and constructed to the satisfaction of the local government to ensure the safe and convenient movement of all vehicles. The local government will have due regard for *Australian Standard AS/NZS 2890.1:2004* entitled 'Parking Facilities – Part 1: Off-Street Car Parking' (as amended) and any advice and recommendations provided by Main Roads WA when required.

9.4.9 The layout and arrangement of workforce accommodation developments should minimise the impacts of noise and headlight glare of vehicles to bedrooms and major habitable rooms of existing dwellings on adjoining and other nearby properties.

9.4.10 Adequate external lighting shall be provided to allow for pedestrian and vehicular safety and security throughout the development. All external lighting shall be designed and installed so as not to adversely impact adjoining and other nearby properties.

9.5 Essential Services

9.5.1 Arrangements shall be made with the relevant service provider to ensure a reticulated water supply is provided to service the needs of a workforce accommodation development, including infrastructure required for firefighting purposes.

9.5.2 Where a reticulated water supply service is not available, suitable arrangements shall be made to the specifications and satisfaction of the local government to provide an adequate supply of water for human consumption and firefighting purposes.

9.5.3 All tanks and vessels used for the storage of water for human consumption shall have sufficient capacity to ensure a minimum of 80 litres of water per person per day is available at all times.

9.5.4 All tanks and vessels used for the storage of water for human consumption shall be constructed and covered to prevent water stored from becoming polluted or contaminated.

9.5.5 All water stored for human consumption shall be maintained at all times to the satisfaction of the local government and in accordance with the *Australian Drinking Water Guidelines* published by the National Health and Medical Research Council.

9.5.6 Arrangements shall be made with the relevant service provider to ensure workforce accommodation development is served by reticulated sewerage disposal infrastructure where this service is immediately available. Where reticulated sewerage disposal infrastructure is not immediately available, suitable arrangements shall be made to the specifications and satisfaction of the local government or the Department of Health to provide an adequate on-site effluent disposal system.

9.5.7 All stormwater runoff from a workforce accommodation development shall be contained and disposed on-site and not directed towards, or have scope to negatively impact upon, any immediately adjoining property or any environmentally sensitive areas on or off-site. The preparation and implementation of a detailed Stormwater Drainage Management Plan prepared by a suitably qualified person may be required as a condition of development approval.

9.6 Management

9.6.1 The local government will only grant development approval for workforce accommodation where it is satisfied the proposed development will be effectively and appropriately managed at all times in accordance with an approved Management Plan.

9.6.2 The local government may require the proponent of any workforce accommodation development to enter into a deed of agreement with the local government to ensure full compliance with an approved Management Plan.

9.6.3 Workforce accommodation may only be occupied by workers who are employed as part of the employment generating business enterprise or industry for which the accommodation is required.

9.6.4 Workforce accommodation may not be rented, leased or used by any other person / entity or for any other purpose unless otherwise approved by the local government.

9.7 Duration of Development Approval

9.7.1 Development approvals for workforce accommodation will generally be subject to a temporary approval of up to 5 years. The specific time limit set in each case will however have regard to the purpose of the workforce accommodation (i.e. construction or operational staff). It should not be assumed that a 5 year approval period will be granted in all cases.

- 9.7.2 In considering the period of time for which development approval is granted for workforce accommodation, the local government will consider the timeframe requested by the proponent and the tenure arrangements for the land.
- 9.7.3 At the conclusion of the approved timeframe for any given workforce accommodation development, the development approval will expire and the use shall immediately cease.
- 9.7.4 Any proposal to extend the term of approval for workforce accommodation development will require the preparation and lodgement of a new development application with the local government prior to expiry of any development approval current at the time. All applications will be assessed and determined in accordance with the standards and requirements of the local government's local planning framework applicable at the time.
- 9.7.5 The local government may consider a written request for temporary workforce accommodation for a period not exceeding 12 months without the need for development approval pursuant to the exemptions afforded by clauses 61(1) and (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the proponent demonstrating compliance with the standards and requirements of the Scheme and this policy.
- 9.8 Decommissioning and Rehabilitation or Adaptive Re-Use
- 9.8.1 Workforce accommodation that is only required and approved for a certain period of time will be required to be decommissioned at the end of the project, unless the buildings can be re-used for another land use and have been designed to be adaptive. Approval for the re-use of the accommodation and associated facilities will need to be sought from the local government through the development application or statutory referral process.
- 9.8.2 In the case where the owner/operator of workforce accommodation intends to sell or reuse the land and workforce accommodation buildings thereon for another use post completion of a project, the development shall be decommissioned within 6 months if the land is not sold and/or remains idle and unused for a period of 12 months.
- 9.8.3 The local government will require all improvements associated with a workforce accommodation development to be decommissioned and removed from the land at the end of the approval term and the land reinstated to its natural condition insofar as practicable prior to the commencement of development. A condition may be imposed on any development approval granted requiring the preparation and submission of a Decommissioning and Rehabilitation Plan at an appropriate time for consideration and endorsement by the local government.
- 9.8.4 The local government may require the proponent of any workforce accommodation development to enter into a deed of agreement with the local government to ensure full compliance with an approved Decommissioning and Rehabilitation Plan.