

# SHIRE OF KULIN DRAFT LOCAL PLANNING POLICIES AVAILABLE FOR INSPECTION

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## **DRAFT POLICY NO.10 - EXEMPTION TO REQUIREMENT FOR DEVELOPMENT APPROVAL FOR NON-HABITABLE FARM BUILDINGS AND INCIDENTAL FARM STRUCTURES**

## **DRAFT POLICY NO.11 – WORKFORCE ACCOMMODATION**

Notice is hereby given that the Shire of Kulin has prepared the abovementioned local planning policies pursuant to the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of the proposed policies are to:

- i) provide an express exemption to the need for development approval for the construction and use of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land in the Shire's municipal district used for extensive agricultural purposes (i.e. broadacre cropping and grazing); and
- ii) 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.

Details of the proposed policies are available for inspection on the Shire's website ([Documents for Public Comment » Shire Of Kulin](#)) and at the Shire's Administration Centre, Johnston Street, Kulin, during office hours.

Comments on the proposed policies are now invited and can be emailed to [admin@kulin.wa.gov.au](mailto:admin@kulin.wa.gov.au) or posted to the Shire's Chief Executive Officer at PO Box 125 KULIN WA 6365. The closing date for submissions is **Friday 24 November 2023**.

All submissions must include the following information:

- Your name, address and contact telephone number;
- How your interests are affected; whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property;
- Address of property affected (if applicable); and
- Whether your submission is in support of, or objecting to the proposal and provide any arguments supporting your comments.

All submissions received may be made public at a Council meeting and included in a Council Agenda, which will be available on the Shire's website, unless a submission specifically requests otherwise.

**Alan Leeson**  
**Chief Executive Officer**  
**Shire of Kulin**

26 October 2023

## 9.7 Proposed New Local Planning Policies - Farm Buildings and Incidental Farm Structures & Workforce Accommodation

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 18.05  
**AUTHOR:** Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

### SUMMARY:

This report recommends that Council resolve to initiate the process required to formally adopt the following proposed new local planning policies in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- i) 'Local Planning Policy No.10 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings and Incidental Farm Structures'; and
- ii) 'Local Planning Policy No.11 – Workforce Accommodation'.

### BACKGROUND AND COMMENT:

Further to directives from the Shire's Chief Executive Officer, the reporting officer has prepared two (2) new draft local planning policies for formal consideration and adoption by Council under the Shire of Kulin Local Planning Scheme No.2 (see Attachments 1 and 2).

The purpose of each new policy is to:

- i) provide an express exemption to the need for development approval for the construction and use of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land in the Shire's municipal district used for extensive agricultural purposes (i.e. broadacre cropping and grazing); and
- ii) 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.

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* the local government's development approval is currently required to construct and use non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land in the Shire's municipal district used for extensive agricultural purposes (i.e. broadacre cropping and grazing).

There is a strong case for preparing and adopting a local planning policy to provide an exemption to the need for development approval for these types of buildings and structures given the significant size of most rural landholdings in the Shire's municipal district and the relatively limited impact such development typically has on the rural environment.

An exemption to the need for development approval is also likely to prove highly beneficial as it will:

- a) assist local growers develop their properties more easily by reducing the regulatory burden and associated cost of having to seek and obtain the local government's development approval in each and every instance as is currently the case; and
- b) allow the local government's administration to focus its attention on other more important regulatory requirements and reduce the time and costs associated with processing development applications.

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* the local government's development approval is required 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:

- 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.

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.

It is acknowledged workforce accommodation is economically critical infrastructure that may be required in a short timeframe, and therefore flexibility will be required in certain instances. It must however be recognised 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 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.

Council should note the proposed new local planning policies:

- i) are generally consistent with all State Planning Policies and Position Statements prepared and adopted by the Western Australian Planning Commission;
- ii) are consistent with all relevant standards and requirements of Local Planning Scheme No.2;
- iii) will not form part of Local Planning Scheme No.2 and do not therefore bind Council in respect of any determination made pursuant to them;
- iv) may be amended or revoked at any time at the discretion of Council; and
- v) will not negate or override the need for any approvals required under other legislation.

Should Council resolve to proceed with the proposed new policies as recommended below, they will be advertised for public comment for a minimum period of twenty-one (21) days in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* before being presented to Council again for final adoption.

**STATUTORY ENVIRONMENT:**

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Kulin Local Planning Scheme No.2

**POLICY IMPLICATIONS:**

There are no immediate policy implications aside from introducing two (2) new local planning policies as proposed which, if finally adopted by Council in due course, will help guide future decision making by the Shire and create greater certainty for local landowners and developers.

**COMMUNITY CONSULTATION:**

To be undertaken in accordance with the specific requirements of clause 4(4), Part 2 and clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of twenty-one (21) days.

Any future possible amendments to the policies, or any decision by Council to revoke them, will also be advertised for public comment in accordance with the procedural requirements of the Regulations.

**FINANCIAL IMPLICATIONS:**

Nil immediate financial implications for the Shire aside from the administrative costs associated with preparing, adopting and advertising the proposed policies which are provided for in Council's annual budget for town planning related matters.

In relation to the proposed exemption to the need for development approval for the construction and use of non-habitable farm buildings and incidental farm structures, Council should note the Shire will no longer receive application fees to process development applications for these structures which in some cases can be substantial and helps to offset the overall annual cost of dealing with town planning related matters.

**STRATEGIC IMPLICATIONS:**

The proposed local planning policy is consistent with the following elements of the Shire of Kulin Strategic Community Plan 2021-2025 and Corporate Business Plan 2021-2025:

- Corporate  
*Governance - Kulin Shire Council provides good strategic decision making, governance, leadership and professional management.*
- Infrastructure  
*Environmental - Kulin is an environmentally aware community that endeavours to protect and value the natural environment and investigate sustainable alternative energy solutions.*
- Regulatory  
*Planning - Kulin will continue to deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.*

**RECOMMENDATION:**

That Council:

1. **INITIATE** the process required to formally adopt the following proposed new local planning policies in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - i) 'Local Planning Policy No.10 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings and Incidental Farm Structures'; and
  - ii) 'Local Planning Policy No.11 – Workforce Accommodation'.
2. **AUTHORISE** the Shire's Chief Executive Officer to advertise the proposed new policies in accordance with the specific requirements of clause 4(4), Part 2 and clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the minimum required period of twenty-one (21) days.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 5 – Proposed Local Planning Policy No.10

Attachment 6 – Proposed Local Planning Policy No.11

# DRAFT LOCAL PLANNING POLICY

## EXEMPTION TO REQUIREMENT FOR DEVELOPMENT APPROVAL NON-HABITABLE FARM BUILDINGS & INCIDENTAL FARM STRUCTURES



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

### 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 'Policy No.10 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings and Incidental Farm Structures'.

### 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 construct non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land used for extensive agricultural purposes (i.e. broadacre cropping and grazing).

Clauses 61(1)b and 61(2)g in Part 7 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* expressly state that an exemption to the need for development approval can be provided by a local government for any works and/or uses specified in a local planning policy adopted under a local planning scheme.

There is a strong case for preparing and adopting a local planning policy to provide an exemption to the need for development approval for non-habitable farm buildings and incidental farm structures on any land classified 'Rural' zone in the Shire of Kulin used for extensive agricultural purposes given the significant size of most rural landholdings and the limited impact such development typically has on the rural environment.

The proposed exemption to the need for development approval is likely to prove highly beneficial as it will:

- a) assist local growers develop their properties more easily by reducing the regulatory burden and associated cost of having to seek and obtain the local government's development approval in each and every instance as is currently the case; and
- b) allow the local government's administration to focus its attention on other more important regulatory requirements and reduce the time and costs associated with processing development applications.

### 3. INTENT

The intent of this policy is to provide an exemption to the need for development approval for the construction and use of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land in the Shire of Kulin municipal district used for extensive agricultural purposes (i.e. broadacre cropping and grazing) subject to compliance with a number of acceptable development criteria.

It should be noted this policy does not negate or override the need for a building permit approval under the *Building Act 2011* and associated regulations as may be required depending upon the type and class of any structure proposed to be constructed.

### 4. OBJECTIVES

The objectives of this policy are to:

- 4.1 Facilitate the development of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land used for extensive agricultural purposes (i.e. broadacre cropping and grazing) without the need for development approval subject to compliance with a number of acceptable development criteria;
- 4.2 Provide details of all criteria that must be satisfied to ensure an acceptable standard of development is achieved that does not detrimentally affect the amenity of the locality or the natural environment; and
- 4.3 Assist local growers develop their properties more easily by reducing the regulatory burden and associated cost of having to seek and obtain the local government's development approval in each and every instance as is currently the case.

### 5. DEFINITIONS

**Abattoir** - Premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

**Animal Establishment** - Premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include intensive animal husbandry or veterinary centre.

**Biodiversity Conservation** – The conservation and protection of biodiversity and biodiversity components (i.e. native species, habitats, ecological communities, genes, ecosystems and ecological processes).

**Basic Raw Materials** - Sand (including silica sand), clay, hard rock, limestone (including metallurgical limestone), agricultural lime, gravel, gypsum and other construction and road building materials.

**Extensive Agriculture** - Premises used for the raising of stock or crops but does not include intensive agriculture or intensive animal husbandry.

**Farm Buildings** – Non-habitable buildings and structures or parts of non-habitable buildings and structures that are used for the storage of agricultural machinery and equipment, fertiliser, agricultural produce grown on the land and the keeping and/or rearing of animals and livestock.

**Habitable Building** – A permanent or temporary structure on land that is fully or partially enclosed, has at least one wall of solid material and a roof of solid material and is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained.

**Heritage-Protected Place** – As defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*, typically a place on the State or Local Heritage List or in a heritage area defined by the Scheme maps.

**Incidental Farm Structures** – A non-habitable structure that is associated with but incidental to any agricultural use or rural pursuit and includes, but is not limited to, external fixtures, fences and gates, dams, soaks and associated infrastructure, water storage tanks, lean-to's, silos, vehicle access and loading ramps, animal holding pens, water and feed troughs.

**Intensive Agriculture** – Premises used for trade or commercial production purposes, including outbuildings and earthworks, associated with any of the following:

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

**Intensive Animal Husbandry** - Premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.

**Non-Habitable Building** - A permanent or temporary structure on land that is not used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained.

**Outbuilding** – An enclosed non-habitable structure that is detached from any dwelling.

**Rural Land Use** – Land uses that are rural in nature and that support and are associated with primary production, basic raw material extraction, biodiversity conservation, natural resource management, public purposes (e.g. prisons, cemeteries, public utilities and waste management facilities) and the protection of landscapes and views.

**Rural Pursuit** – Premises, other than premises used for extensive agriculture or intensive agriculture that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household:

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises.

**Trade Supplies** – Premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises:

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

**Tree Farm** – Land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

**Winery** – Premises used for the production of viticultural produce and associated sale of the produce.

## 6. GENERAL APPLICATION OF THE POLICY

- 6.1 This policy applies to all land in the local government's municipal district classified 'Rural' zone in the Shire of Kulin Local Planning Scheme No.2 that has or is proposed to be developed and used for extensive agricultural purposes (i.e. broadacre cropping and grazing).
- 6.2 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.
- 6.3 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

This Local Planning Policy does not apply to the following:

- a) non-habitable buildings and incidental structures on all 'Rural' zoned land used for rural purposes including but not limited to abattoirs, animal establishments, basic raw material extraction, biodiversity conservation, intensive agriculture, intensive animal husbandry, natural resource management, public purposes including prisons, cemeteries, public utilities and waste management facilities, rural pursuits/hobby farms, trade supplies, tree farms or wineries;
- b) non-habitable buildings and incidental structures on all 'Rural' zoned land used for non-rural purposes; and
- c) non-habitable buildings or structures associated with any residential development on 'Rural' zoned land including outbuildings (i.e. sheds), external fixtures, boundary walls or fences, decks, patios, pergolas, verandas, shade sails, garages, carports or swimming pools for which an exemption to the need for development approval is already provided in Schedule A of the Shire of Kulin Local Planning Scheme No.2 subject to compliance with a number of acceptable development criteria.

## 8. POLICY PROVISIONS

### 8.1 Exemption

Development approval is not required for the development of non-habitable farm buildings and/or incidental farm structures on any land classified 'Rural' zone lawfully used for extensive agricultural purposes subject to compliance with all of the following acceptable development criteria:

- a) The relevant lot comprises a total area greater than 20 hectares.
- b) Are sited on any lot in accordance with the following minimum lot boundary setbacks:
  - Front - 20.0 metres
  - Rear - 15.0 metres
  - Side - 5.0 metres
- c) Do not alter or affect existing waterways or water table/s or involve the removal of any existing native vegetation, including vehicle access arrangements, unless otherwise approved by the Department of Water and Environmental Regulation or an express exemption is applicable under other legislation.
- d) Are not located on any portion of any land designated by the Department of Water and Environmental Regulation as being flood prone.
- e) Are not located in a heritage-protected place or any special control area listed in Part 5 of Local Planning Scheme No.2.
- f) Are sited and oriented in order to minimise their visual impact on the local landscape with ridgelines or hilltops to be avoided.
- g) All external materials, finishes and colours complement and harmonise with the surrounding environment and the existing development on the land.
- h) All stormwater runoff is contained and disposed on-site and not directed towards, or has scope to negatively impact upon, any immediately adjoining property or any environmentally sensitive areas on or off-site. In the case of fertiliser storage sheds, these shall be located at least 50 metres from the edge of any waterway, wetland or creek line.
- i) Any proposed new dam wall is not more than three (3) metres in height.
- j) No new vehicle access is required or proposed to a State road under the care, control and management of Main Roads WA.

### 8.2 Non-Compliance and Requirement for Development Approval

Where any proposed new non-habitable farm building and/or incidental farm structure does not comply with the acceptable development criteria listed in clause 8.1 above, an application



for development approval shall be prepared and submitted to the local government pursuant to the specific requirements of Part 7 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for formal consideration and determination prior to the commencement of development.

# DRAFT LOCAL PLANNING POLICY

## WORKFORCE ACCOMMODATION



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

### 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:

- (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.

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 **dwellings** 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:

- a) have a minimum setback of 20 metres from front, side and rear boundaries unless otherwise required and approved by the local government;
- b) be clustered in close proximity to existing dwellings and/or other buildings where possible;
- c) be appropriately setback from existing productive agricultural land and buildings thereon to avoid land use conflicts such as spray drift, dust, odour and noise;
- d) located to avoid the loss or fragmentation of productive agricultural land; and
- e) 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.