

SHIRE OF WYNDHAM EAST KIMBERLEY



POLICY NO	LPP 11
POLICY	Workforce Accommodation

CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy 11 (LPP 11) – Workforce Accommodation.

INTRODUCTION

Workforce accommodation is common within the Shire of Wyndham East Kimberley, particularly for seasonal and part time employment associated with the agricultural sector and at a lesser scale, industrial, tourism and commercial enterprises.

This policy is to provide additional clarity around the nature of workforce accommodation and to identify permissibility and application requirements within the local government.

Workforce accommodation does not generally apply to the mining and construction sectors where temporary workforce accommodation camps are required for a fixed period applicable to a defined term of a project or activity.

OBJECTIVES

- To establish clear definitions for terms used in this policy.
- To provide a clear and practical planning framework for consideration of proposals for workforce accommodation.
- To specify information required to be provided by Applicants in the preparation of applications for workforce accommodation.
- To ensure a reasonable level of amenity can be provided and ensure the health and safety of workers residing in workforce accommodation.
- To ensure that workforce accommodation is incidental to the predominate land use and that occupancy is limited to seasonal or temporary workers.

APPLICATIONS SUBJECT OF THIS POLICY

This policy relates to proposals for:

- Workforce accommodation for seasonal and/or part time employment associated with the agricultural sector, industrial, tourism and commercial enterprises, where workforce accommodation is permitted by the Local Planning Scheme.

For the purposes of this policy, workforce accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate the workforce.



APPLICATION REQUIREMENTS

Development approval is required to be obtained for any proposal to develop workforce accommodation.

1. **Application Requirements:**

1.1. An application for development approval needs to be accompanied by the following information:

- (a) Completed development application form;
- (b) Payment of relevant application fee;
- (c) Dimensioned Site Plan: showing location of all existing and proposed development and distances to boundaries;
- (d) Dimensioned Floor Plan: showing length and width of all buildings and structures;
- (e) Dimensioned Elevation Plan: showing total height of buildings/structures, and details of windows, colours and cladding materials; and
- (f) Detail in writing how the proposal meets the relevant specific policy provisions outlined in the Policy Statements section of this Policy.

POLICY STATEMENTS

1. **Introduction:**

The local government considers workforce accommodation as a 'semi-permanent' facility for seasonal and part time workers as opposed to providing permanent accommodation for full-time employees or other persons, and therefore should not be construed as a long-term solution for seasonal/transient workers or as a permanent housing alternative.

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.

Workforce accommodation should be located on a property where an employment generating business enterprise or industry is operating and should not be seen as an alternative accommodation option to generate lease or rental income.

2. **Policy Statements:**

The following policy statements will be considered in the assessment of applications for Workforce Accommodation:

2.1. **Requirement/Need**

An application for workforce accommodation should, as a minimum:

- 2.1.1. Detail the requirement/need for workforce accommodation and justify the location of the proposed development.
- 2.1.2. Detail the number of workers proposed to be accommodated, in accordance with the relevant definition listed below in this policy.



2.2. Amenity

The local government accepts that workforce accommodation sites may have lower levels of amenity than those which could be typically expected with permanent accommodation.

An application for workforce accommodation should, as a minimum:

- 2.2.1. Ensure a reasonable level of amenity is maintained for occupants; and
- 2.2.2. Accord with the standards prescribed in this Policy, the Building Code of Australia and relevant Environmental and Health legislation,

2.3. Location

Due to the potential for land use conflict and amenity concerns and where sensitive land uses may compromise the ability of an industry or permitted land use to develop, operate effectively or expand, the local government will give due regard to the type and scale of surrounding land uses and associated impacts before determining a development application.

An application for workforce accommodation should, as a minimum ensure:

- 2.3.1. Workforce accommodation is located on a property where there is an employment generating business enterprise or industry being undertaken. An application seeking to vary this requirement must adequately detail and demonstrate, to the local government's satisfaction, the need and requirement for accommodation on the site and why it cannot be located elsewhere.
- 2.3.2. Workforce accommodation buildings are not located in proximity to land containing, or with the potential to contain agriculture, industry, mining and other land uses to the extent that:
 - these land uses may adversely affect the amenity, health and safety of the occupants;
 - the accommodation may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.
- 2.3.3. Adequate separation is provided between workforce accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.
- 2.3.4. In the case of Rural Workforce Accommodation all buildings should:
 - be setback from front, side and rear boundaries in accordance with the requirements for the relevant zone in the Local Planning Scheme, and where possible should be clustered in close proximity to existing residential dwellings and/or other buildings;
 - not be sited on existing productive rural land. Where there are concerns regarding the impact of the proposed development on the use of land for agriculture, the local government may refer an application to the Department of Primary Industries and Regional Development and other agencies for comment prior to making a determination;



- be appropriately setback from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

2.3.5. In the case of Townsite Workforce Accommodation all buildings should:

- be located to the rear of the lot, behind the primary land use to allow for appropriate screening from view from public places. In addition, or alternatively, the local government may consider the provision of appropriate screening, through vegetation or other means, where the workforce accommodation is visible from the street.
- be setback from front, side and rear boundaries in accordance with the requirements for the relevant zone in the Local Planning Scheme.

Development approval **will not** be granted where the local government considers:

- there may be a significant land use conflict between the workforce accommodation and any existing use on the site or adjoining and nearby sites; and/or
- the justification provided is not sufficient to support the location of workforce accommodation on a particular property

2.4. Building and General Requirements

2.4.1. Transportable buildings are to be permanently affixed to the site by footings.

2.4.2. All buildings and structures are to have a form and appearance, including materials and colours, which do not detract from the amenity and desired character of the area.

2.4.3. As a minimum, workforce accommodation development is to be provided with the following essential facilities:

- ablution facilities, including: showers, toilets, laundry and associated facilities;
- a covered and/or sheltered entry area and desirably a covered outdoor activity area;
- an uncovered outdoor activity area, of which part may be shaded; and
- kitchen/cooking facilities or a commercial kitchen and eating area/s.

These facilities may be provided conjoining sleeping areas, provided they are for the exclusive use of occupants. These facilities may alternatively be provided within close proximity to sleeping areas, provided they are readily accessible by foot.

2.5. Fencing and Screening

2.5.1. Workforce Accommodation should be appropriately screened by vegetation or other means, to the satisfaction of the local government.

2.5.2. In the case of Townsite Workforce Accommodation, solid fencing should be erected along rear and side boundaries surrounding the accommodation buildings and permeable fencing to the front boundary of the lot.





2.5.3. In the case of Rural Workforce Accommodation, buildings should be appropriately screened from adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent.

2.6. Storage

2.6.1. Adequate and secure storage space is to be provided for:

- the belongings of workers residing in the accommodation; and
- the storage of equipment and other materials required for the management, maintenance and upkeep of the workforce accommodation development.

2.7. Lighting

2.7.1. Adequate lighting is to be provided to allow for pedestrian and vehicular safety and security throughout the development.

2.7.2. For townsite workforce accommodation, lighting is to be designed so as not to adversely impact neighbours.

2.8. Access and Transport

2.8.1. 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.

2.8.2. One car parking space is to be provided for every two (2) workers (or part thereof) which can be accommodated within the development, where workers have or are provided with access to private vehicles. The car parking spaces are to be maintained for the exclusive use of workers.

2.8.3. Internal roads and access ways are to be designed and constructed to the satisfaction of the local government.

2.8.4. An application for workforce accommodation should detail:

- Car parking arrangements for workers;
- Means of transport provided for workers to access employment;
- The ability for larger vehicles to access and leave the site in forward gear.

2.9. Occupants

2.9.1. The workforce accommodation may only be occupied by seasonal or temporary workers who are employed as part of the employment generating business enterprise or industry being undertaken on the property.

2.9.2. The workforce accommodation may not be rented, leased or used by any other person or for any other purpose.

2.10. Landscaping and Open Space

2.10.1. Should the workforce accommodation development be highly visible from a major road or have an adverse effect on a neighbouring residence, the local government may require a landscaping plan detailing hard and vegetated landscaping.



2.10.2. Wherever possible, natural vegetation should be retained in any development scenario.

CONSULTATION

Applications may require advertising for public comment and may be referred to relevant stakeholders and/or government agencies in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended).

CONSIDERATION OF APPLICATIONS

3. Consideration of Applications:

3.1. Dependent on the nature and complexity of the application, some applications may require determination by Council, rather than under delegated authority.

3.2. All applications for workforce accommodation will be considered on individual merit, having regard to:

- State Planning Policies;
- the Local Planning Scheme;
- this Policy;
- other relevant Policies; and
- any other relevant requirements.

4. Approval and Conditions:

4.1. To ensure compliance with the Local Planning Scheme and this Policy, the local government may, as a condition of planning approval, require a statutory declaration from the applicant acknowledging that the workforce accommodation will only be occupied in accordance with this Policy.

4.2. The local government may impose any condition of approval as it deems necessary to ensure compliance with the objectives and policy statements of this policy, compliance with the Local Planning Scheme, and compliance with any other relevant requirement.

DEFINITIONS

For the purpose of this policy the following terms are defined as:

Workforce Accommodation is a 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.



For the purpose of this policy **Workforce Accommodation** is further interpreted into the following definitions as follows:

Rural Workforce Accommodation 1 – applies to respective rural and agricultural zones where Workforce Accommodation is permissible under the Local Planning Scheme and where the land parcel is equal to or less than 12 hectares in area and the total number of persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural or agricultural use on the subject property or a property leased by the land owner.

Rural Workforce Accommodation 2 – applies to respective rural and agricultural zones where Workforce Accommodation is permissible under the Local Planning Scheme and where the land parcel is greater than 12 hectares on area and the total number of persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in the related rural use on the subject property.

Townsite Workforce Accommodation – applies within townsites where Workforce Accommodation development is permissible under the Local Planning Scheme and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot.

Rural or Agricultural zones include:

- Agriculture – State or Regional Significance Zone;
- Local Horticulture Zone; and
- Rural Zone

DOCUMENT CONTROL

Responsible Directorate	Planning and Community Development	
Responsible Officer	Manager Planning and Regulatory Services	
Council Adoption	Date:	Resolution No:
Reviewed/Modified	Date:	Resolution No:
	Date:	Resolution No:
Review Due	Date:	
Compliance Requirements		
Legislation	Planning and Development (Local Planning Schemes) Regulations 2015	
Organisational	Local Planning Scheme No. 9	