



Department of Planning,
Lands and Heritage



Position Statement:

Workforce accommodation

January 2018

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Published January 2018

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1. Purpose

This Position Statement has been prepared by the Western Australian Planning Commission (WAPC) to assist users of the planning system in understanding the land use planning considerations for workforce accommodation.

The purpose of this Position Statement is to:

- outline the development requirements for workforce accommodation under the *Planning and Development Act 2005* and associated regulation
- provide guidance to local governments on the role of the local planning framework in the planning and development of workforce accommodation.

2. Position statement

Where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability. Planning and development of workforce accommodation should be consistent with local planning strategies and schemes, except where the *Mining Act 1978* and State Agreement Acts prevail.

3. Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted in 2015. The Regulations define Workforce Accommodation as a:

- premise, 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 particularly evident in the Pilbara and Goldfields.

4. Development requirements

The development arrangements for workforce accommodation in Western Australia are covered by three key legislative instruments.

The *Planning and Development Act 2005* establishes a general requirement for all development to obtain approval through a development application made under a planning scheme. However, the jurisdictions of the *Mining Act 1978* and State Agreement Acts can vary the application of the *Planning and Development Act 2005*, and this needs to be reflected in local planning instruments.

The decisions of when, how and where to accommodate workers are complex, and may be influenced by factors such as the global economy and Commonwealth taxation arrangements. Similarly, arrangements for workforce accommodation may be made between the State Government and companies directly and through the issuing of 'general purpose' mining tenements.

These factors can impact the regional development aspirations of local communities, who seek other ways to influence the arrangements governing workforce accommodation, including the land use planning system. The table below summarises the parameters:

Under the *Planning and Development Act 2005* planning decision-makers can:

Control	Not control
1. Where a planning application is required, the terms of an approval related to: (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location and appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. (2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	1. Any matters specified by a State Agreement Act. 2. The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite). 3. That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’. 4. That workforce accommodation be located in a town rather than a mine-site. 5. Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6. Requirements for ‘community contributions’ by workforce accommodation proponents. 7. Requirements for workforce accommodation to achieve ‘legacy benefits’.

5. **Planning and Development Act 2005**

Section 15 of the *Planning and Development Act 2005* provides that the WAPC: “...may do all things necessary or convenient to be done for or in connection with the performance of its functions”.

The functions of the WAPC are prescribed in the *Planning and Development Act*, and include the following:

- To advise the Minister on the coordination and promotion of land use, transport planning and land development in the State in a sustainable manner. [s.14(a)(i)]
- To prepare and keep under review planning policies. [s.14(b)(ii)]
- To provide advice and assistance to anybody or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions. [s.14(d)]

Where the development of workforce accommodation is outside the jurisdiction of the *Mining Act* or *State Agreement Acts*, the requirement to obtain development approval under the *Planning and Development Act* applies.

The *Planning and Development Act* gives power to the WAPC and local governments to prepare a variety of planning instruments that establish a regime of development control. The main planning instruments used to control development are region planning schemes and local planning schemes. Planning schemes have the status of subsidiary legislation and therefore have legislative effect.

Where the requirement for development approval under the *Planning and Development Act* applies, a local government has the ability to control the location, permissibility, terms of operation and development standards of workforce accommodation through its local planning scheme and other local planning instruments. Generally, proposals for workforce accommodation for operational workforces that are outside the jurisdiction of the *Mining Act* or *State Agreement Acts* should be located in a town and integrated with town services, in so far as practicable. These matters are discussed in further detail in the following section.

6. Local planning framework

The local planning framework refers to the planning instruments used by a local government to guide land use planning and establish a system of development control within its domain. These planning instruments include the local planning strategy, the local planning scheme and local planning policies. The following sections set out an approach for local governments to guide the planning for workforce accommodation.

6.1 Local planning strategy

A local planning strategy sets out a local government's objectives for the future planning and development of its local government area, and includes a broad strategic framework by which to pursue those objectives. Local planning strategies are required to apply WAPC policy.

The local planning strategy could acknowledge that workforce accommodation is economically critical infrastructure that may be required in a very short timeframe, and therefore flexibility will be required.

The local planning strategy can be used to identify preferred locations for future workforce accommodation developments. Additionally, the

local planning strategy may provide direction on the circumstances in which it is appropriate for workforce accommodation to be located in existing towns, and provide the background and rationale for this approach.

Where a local government has not adopted a local planning strategy, consideration of the issues discussed above may be considered on a case-by-case basis.

6.2 Local planning scheme

A local planning scheme can be used in a variety of ways to provide direction on a range of matters, including: location, permissibility, development standards, and terms of operation.

A scheme's 'Use Class Table' table guides the permissibility of workforce accommodation in zones of the scheme. If workforce accommodation is proposed to be located within a mining tenement, a local scheme cannot act to prohibit the land use. Where a State Agreement Act limits the application of the Planning and Development Act, the scheme may not be relevant.

If workforce accommodation is not associated with a mining tenement or State Agreement Act, it is open to the local government to set permissibility in the zones of the scheme in accordance

with the intent of its local planning strategy. The zoning table should recognise the case-by-case nature of workforce accommodation proposals, and incorporate flexibility within zoning table.

If workforce accommodation is associated with a mining tenement, it is outside of the jurisdiction of the Planning and Development Act, and therefore not subject to the local planning scheme. Where a local government seeks to influence the form and location of workforce accommodation associated with a mining tenement the scheme may be of such a nature as to activate the consultation between the Ministers for Mining and Planning.

Permissibility in the 'Use Class Table' must be supported by provisions in Part 5 of the Scheme. Inclusion of the following provision may trigger possible consultation between the Ministers for Mining and Planning:

"In considering proposals for workforce accommodation on mining tenements, Council may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme."

Schemes may include provisions that deal with development requirements for workforce accommodation including factors such as:

- (a) The suitability of the site to be developed for the proposed use
- (b) The siting of the land use in the context of surrounding existing and proposed land uses
- (c) Access and egress to the site by vehicles and pedestrians
- (d) Facility design and use including provision and/or access to recreation, entertainment and community services.

6.3 Local planning policies

Where scheme provisions are not required, local planning policies can also provide guidance on workforce accommodation and be consistent with this Position Statement. Local planning policies are made pursuant to a scheme and assist local governments in the guidance of discretion. For example, where the zoning table lists workforce accommodation as a 'discretionary' use in a particular zone, a local planning policy can outline the circumstances where that use could be approved, with similar guidance as detailed in the local planning strategy and schemes sections, above.

7. Further information

Enquiries concerning this statement should be directed to:

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Information relevant to this
Position Statement is published at:

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