



# **Planning Assessment & Determination Report**

Development Application:  
2019/LD-00023

12769 Barrier Highway,  
Cobar

Submitted to Cobar Shire Council

May 2020

## REPORT REVISION HISTORY

Revision	Date Issued	Revision Description				
01	2/4/2020	First revision presented for Council staff review.				
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02	22/05/20	Second revision presented for Council endorsement.				
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## 1. EXECUTIVE SUMMARY

Rovest Holdings PTY LTD (the applicant) submitted a development application for the proposed expansion of the mine workers village 12769 Barrier Highway, Cobar NSW. The development application was submitted to Council 9 August 2019.

The application seeks development consent to increase the total accommodation capacity of the mining workers village from 119 occupants within 30 self-contained accommodation units, to 199 occupants within 50 accommodation units. The application includes linkages between the units with pathways and each proposed unit will include a veranda.

After consideration of the proposed development against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and the relevant planning framework, the proposal is considered not suitable for the site and not in the public interest.

After a thorough assessment of the application, this report recommends Cobar Shire Council refuse the application as it is not consistent with the objects of the *Environmental Planning and Assessment Act 1979* as listed under Section 9 of this report.

## 2. SITE AND LOCALITY

The site of this development application is 130m from the eastern edge of Cobar township on Lot 991 DP1029946. The site is located at 12769 Barrier Highway with the property being setback 40 metres from the constructed roadway. The closest dwelling to the subject site is 200m to the north and the land adjoining the site is predominantly vacant. The locality of the site to Cobar township is identified in Figure 1 below.



Figure 1: Site locality (source: Google maps)

The site is approximately 28 hectares in size and is predominantly cleared with some scatter non-significant vegetation. A mining workers village operates on the eastern portion of the subject site under consent 2012-LD-0029 issued by Cobar Shire Council 18 July 2012. The mining workers village currently accommodates a maximum of 119 occupants within 30 self-contained accommodation units. The subject site and existing mining workers village is shown in Figure 2 below.



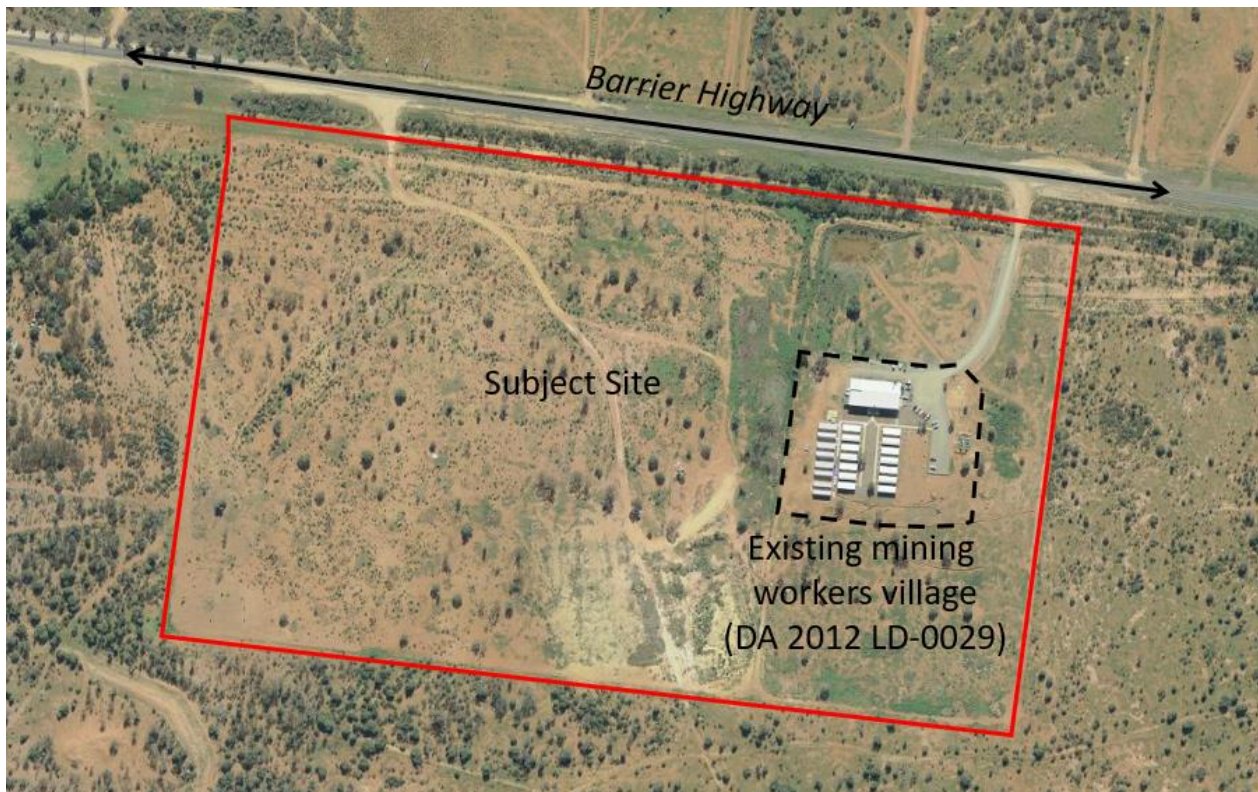


Figure 2: subject site (Source: Google maps)

As seen in Figure 3, the site is zoned RU1 - Primary Production under the Cobar Local Environmental Plan 2012.

The site is serviced from existing town water supply and the electricity is connected through an existing connection to the local power grip. Solid waste is managed through on-site effluent management systems.

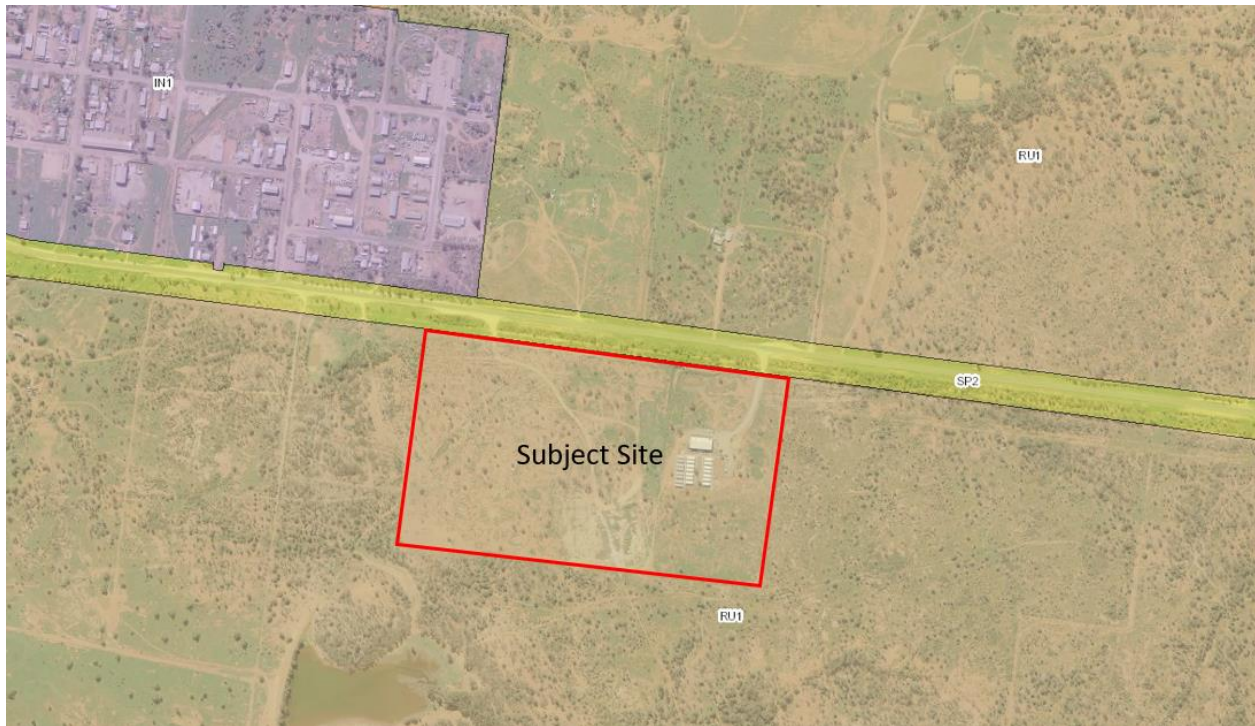


Figure 3: Land Zoning Map - Cobar Local Environmental Plan 2012 (Source: Planning Portal)

### 3. APPLICATION

#### 3.1. 2012 Development Application

This application is for the expansion to the existing mine workers village DA 2012/LD-0029. DA 2012/LD-0029 sought development consent for the use of the site for accommodation for mine workers, ancillary to mining. The 2012 application included associated infrastructure and permanent placement of accommodation units. The 2012 application proposed the delivery of the accommodation units in three stage:

<p>Stage 1</p>	<ul style="list-style-type: none"> <li>▪ Up to 16 accommodation units including renovation of the existing buildings on site to provide mess hall facilities;</li> <li>▪ Installation of car parking and access arrangements for stage 1, including bus and staff parking;</li> <li>▪ Installation of an appropriate effluent disposal system to service stage 1;</li> <li>▪ Formation of the central open space area including landscaping; and</li> <li>▪ Installation of necessary landscaping treatments around the site.</li> </ul>
<p>Stage 2</p>	<ul style="list-style-type: none"> <li>▪ Up to 9 further accommodation units resulting in a total of 25 accommodation units;</li> <li>▪ Installation of an appropriate effluent disposal system to service stage 2; and</li> <li>▪ Expansion of the car parking area to provide an additional 9 spaces.</li> </ul>
<p>Stage 3</p>	<ul style="list-style-type: none"> <li>▪ Up to 5 further accommodation units resulting in a total of 30 accommodation units;</li> <li>▪ Installation of an appropriate effluent disposal system to service stage 3; and</li> </ul>

- |  |   |
|--|---|
|  | ▪ Expansion of car parking to provide an additional 5 spaces. |
|--|---|

Cobar Shire Council granted approval for mine workers village via DA 2012/LD-0029 on the 18 July 2012.

### 3.2. 2019 Development Application

This application seeks development consent to increase the total accommodation capacity for the mining workers village (which provides accommodation workers, ancillary to mining) from 119 occupants within 30 self-contained accommodation units, to 199 occupants within 50 accommodation units. The application includes linkages between the units with pathways and each proposed unit will include a veranda.

The additional 20 self-contained units will be added south of the existing mining workers village as shown in figure 4.

The site has a number of existing communal facilities including a kitchen and mess hall facilities, coolroom, freezer and storage, first aid station and recreation room. Minor internal alterations to the communal amenities building is proposed as part of the application to accommodate the additional residents.



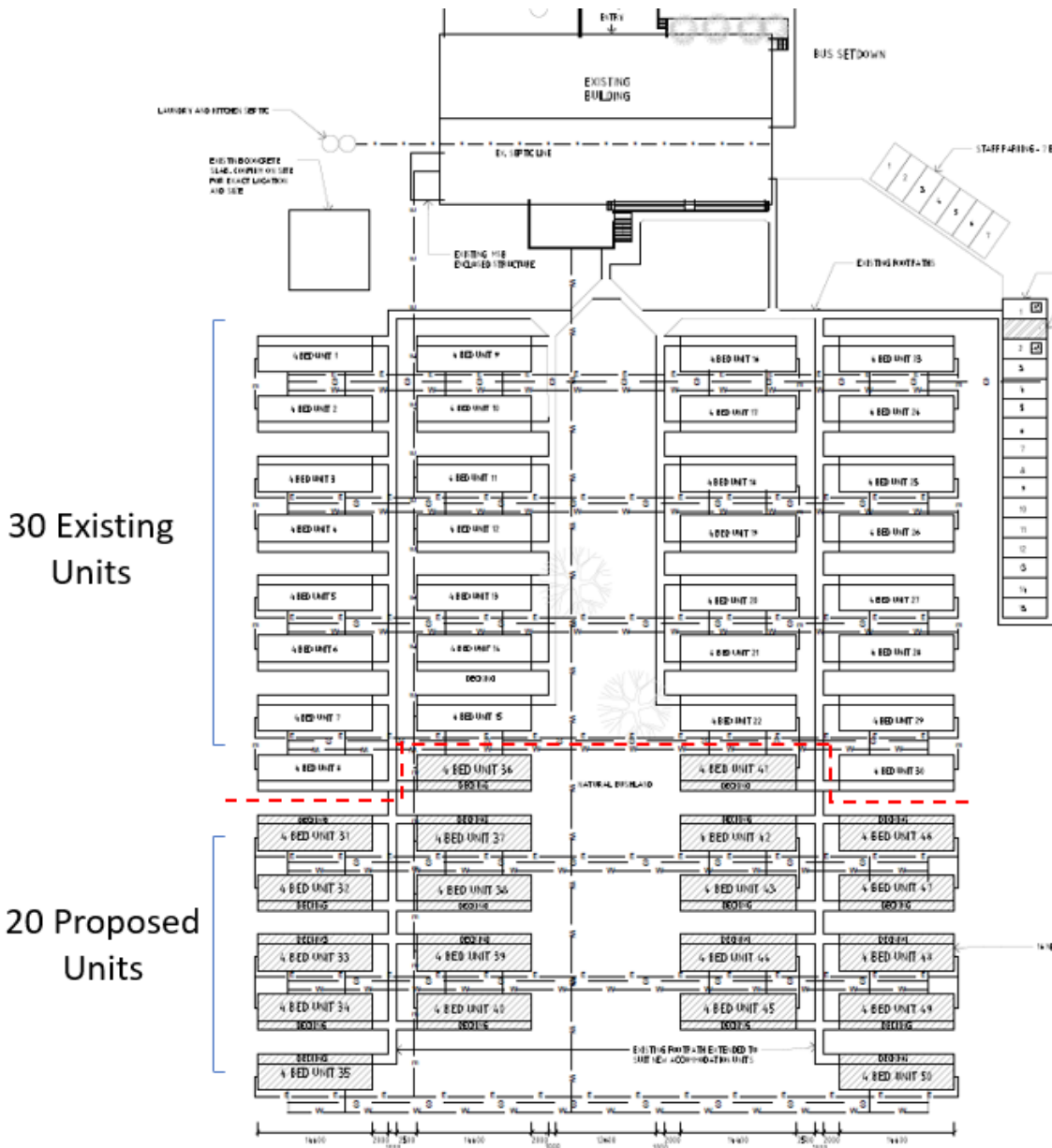


Figure 4: Proposed self-contained unit composition (Source: Applicant's SEE)

The application includes upgrades to the existing effluent management system to accommodate additional wastewater flows that will be undertaken as part of the proposed development. The additional accommodation units will require an increase in wastewater flows from 16,000L/day to 20,000L/day.

No additional car parking is proposed as part of the application.

The application was submitted to Council in August 2019. The application to Council was accompanied by a SEE assessing the impacts of the proposed development. The SEE contained several supplementary reports, including:

- On-Site Effluent management study;

- Updated AHIMS Search Result;
- Contamination Assessment;
- Flora and Fauna Assessment;
- BCA Assessment; and
- Fire Engineering Brief.

Following correspondence from Council's, additional information was provided by the applicant:

- Traffic impacts;
- A BASIX Certificate;
- Biodiversity Assessment Report;
- A response to public submissions; and
- Bushfire Assessment.

### 3.3. Infrastructure Contributions

Cobar has a long history of applying contributions with the first plan adopted on 26 May 1993. Prior to the 1993 contributions plan, Council relied on the Subdivision Code 1989.

When the existing mine workers village was approved in 2012 it was not subject to the then contribution plan and no contributions were paid in respect to the development.

The Cobar Local Infrastructure Contributions Plan 2012 and Cobar Shire Council Development Servicing Plans for Water Supply and Sewerage 2013 were both introduced following approval of the existing mine workers village.

Therefore, any future development on the site would need to consider infrastructure requirements and contributions under Council's updated plans or a Voluntary Planning Agreement.

## 4. COMMUNITY CONSULTATION

The application was exhibited by Council from the 14 August 2019 to 4 September 2019. Public notices were placed in the Cobar Weekly 14 August 2019, 21 August 2019 and 28 August 2019. The application was made available on Council's website to view and download. A physical copy of the application was also available within Council Administrative Office to view. Five (5) neighbour notification letters were sent 12 August 2019.

During exhibition of the application, Council received:

- 67 written submissions against the application;
- 2 written submissions for the application; and
- In excess of 1950 petition signatures objected to the application. Many included comments against the application.

The primary issues raised within submissions include:

- The social impacts resulting from the expansion of the mine workers village;
- Mine workers village residents not integrating with the local community;
- Existing dwelling vacancies within Cobar not being utilised;
- Criticisms of the applicant's wastewater report and water storage tanks;
- Support for community/residential based mining;
- Opposition to current mine rosters and the Drive In Drive Out or Fly In Fly Out mining models;

- Application does not contribute to community facilities and infrastructure;
- Single room boarding accommodation not family friendly or changeable;
- Shift from initial purpose to accommodate contract workers (mine development) to accommodation for all mine workers.

## 5. COUNCIL REFERRALS

### 5.1. Council External Referrals

Council requested additional information from the applicant on the 2 September 2019 regarding traffic generation from the application, biodiversity impacts and a BASIX certificate. The applicant responded on the 6 November 2019 to Council's information request. The applicant's response:

- Summarised the expected vehicle movements impacts of the application concluding that the total vehicle movements across an average day would increase from 54 to 88. The applicant also identified a number of management measures to manage traffic generating impacts.
- Included an assessment of biodiversity impacts within a Biodiversity Development Assessment Report (BDAR). The BDAR concluded that the site had been previously cleared and been the site of industrial operations. The proposal would result in the loss of some remnant vegetation, however the BDAR proposed measures to further avoid and mitigate potential impacts to biodiversity. It was not anticipated that any vegetation removal would trigger offsetting for ecosystem credits.
- Indicated that a BASIX certificate was being prepared and would be through the relative assessment channels upon its completion. The applicant followed up this correspondence with an email on the 16 December 2019 containing a completed BASIX certificate.

Council requested additional information from the applicant on the 17 and 18 September 2019 seeking a response to the submissions receiving during the exhibition period, the permissibility of the application and the assessment of bushfire impacts. The applicant responded on the 6 November to Council's information request. The applicant's response:

- Assessed the submissions and responded to each of the issues, outlining that there was considerable social benefit arising from the application;
- Clarified that DA 2012/LD-0029 approved the mine worker village as ancillary to mining. Furthermore, the mine worker village is permissible as it is an expansion of an existing use subject to an appropriate impact assessment.
- Included as Bushfire assessment report identifying that the site is not mapped as bushfire prone but did include several recommendations to minimise any bushfire risk. These measures included management of fuel loads, property access driveways to be constructed to Planning for Bushfire Protection standards and a 250,000 litre dedicated fire-fighting tank to be supplied.

Council referred the applicant's BDAR to the Department of Planning, Industry and Environment for review. After clarifying a few issues within the report with the applicant, on 17 February 2020 the Department indicated that it was satisfied with the applicant's approach.

Council referred the application to Transport for New South Wales (TfNSW) on the 19 November 2019 for consideration of the traffic generating impacts. TfNSW responded to Council 3 March 2020 and did not object to the application on the condition that a number of road safety measures were completed prior to occupation of the new accommodation units.

## 5.2. Council Internal Referrals

Council internally referred the project to the building and engineering teams. These comments were further considered within section 6.3.2 and section 6.5.

## 6. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application was submitted to Council under section s4.15 of the EP&A Act. Relevant matters for consideration specified in section s4.15 of the EP&A Act include:

- Relevant environmental planning instruments;
- Any proposed instrument;
- Any development control plan;
- Any planning agreement been entered into under s7.4 the EP&A Act;
- The Environmental Planning and Assessment Regulation 2000;
- The likely impacts of the development on both the natural and built environments;
- Social and economic impacts in the locality;
- The suitability of the site for the development;
- Any submissions; and
- The public interest.

### 6.1. Relevant Environmental Planning Instruments

#### 6.1.1. State Environmental Planning Policy (Infrastructure) 2008

The subject site fronts the Barrier Highway, which is defined as a classified road. Under the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the consent authority must not grant consent on land fronting a classified road unless it is satisfied:

- (a) *Where practicable, vehicular access to the land is provided by the road other than the classified road, and*
- (b) *The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - i) *The design of the vehicular access to the land, or*
  - ii) *The emission of smoke or dust from the development, or*
  - iii) *The nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The applicant's SEE states that access to the site from the classified road occurs from an existing approved access driveway that is currently used by occupants and works of the existing approved mine workers accommodation facility. The applicant identifies that the closest element of the existing mine workers accommodation is 200m from the classified road and that this application would not result in any built form closer to the classified road.



Given the remoteness of the site, vehicular access is unable to be delivered by roads other than the classified road. The applicant identified that the additional vehicle movements generated from the development is unlikely to adversely affect the safety, efficiency and ongoing operations of the classified road.

The assessment concluded that the application has addressed the requirements of the ISEPP and that the proposed development is consistent with the ISEPP requires to preserve the safety, efficiency and ongoing operation of the classified road.

The proximity of the proposed development triggered, under s104 of the ISEPP, the need to consult with TfNSW. TfNSW reviewed the applicant's formal traffic study concluding that it does not object to the proposed development, subject to additional conditions being imposed to manage road safety (including a limit on the volume of vehicle movements to and from the site). Should the proposed development proceed, any instrument of consent will need to incorporate TfNSW's recommended conditions.

### **6.1.2. State Environmental Planning Policy (Primary Production and Rural Development) 2019**

The *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (SEPP PPRD) applies to the application as the subject site is zoned RU1 Primary Production under the Cobar Local Environmental Plan 2012. The aim of the SEPP PPRD is to:

- a) *to facilitate the orderly economic use and development of lands for primary production,*
- b) *to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- c) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- d) *to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- e) *to encourage sustainable agriculture, including sustainable aquaculture,*
- f) *to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- g) *to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The applicant's SEE identified that the proposed expansion of the mine workers accommodation is not adverse to any of the aims of the SEPP PPRD.

The assessment concluded that the application satisfied that although the land is zoned RU1, the existing mine workers accommodation has already limited the capability of the site to facilitate development of the lands for primary production purposes. The proposed development is not inconsistent with the SEPP PPRD as it will not significantly restrict agricultural pursuits beyond the current setting.

### **6.1.3. State Environmental Planning Policy No. 55 - Remediation of Land**

Clause 7 of the State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires the consent authority must not grant consent to the carrying out of development unless it has considered whether the land is contaminated.

The applicant identified that the original DA relating to the land carried out a contamination assessment which confirmed no known instances of contamination at the site. The applicant identified that there has been no other land use of the land other than the approved use since the contamination assessment was completed, therefore the existing contamination assessment is site is still consistent with the existing contamination assessment findings.

The assessment concluded that the application satisfied that the applicant has adequately met the requirements of SEPP 55 and that, as demonstrated through the contamination assessment, the site is not subject to contamination.

The draft Remediation SEPP also applies to the development. The following are the aims of the draft SEPP:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent; and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

A contamination report under the draft Remediation SEPP was not required as given the site's history, there is no known contamination issues likely to exist.

#### **6.1.4. Cobar Local Environmental Plan 2012**

The Cobar Local Environmental Plan 2012 (Cobar LEP 2012) is the environmental planning instrument applying to the subject site. The Cobar LEP 2012 outlines the permissibility of land uses across the Cobar local government area.

The site is zoned RU1 Primary Production under the Cobar LEP 2012, with mine workers accommodation a prohibited land use within the zone.

The applicant noted that this application is an expansion to an existing mine worker accommodation. The existing mine worker accommodation was approved under the former Local Environmental Plan planning instrument applicable to Cobar, the Cobar LEP 2001.

The applicant contends that despite mine worker accommodation now being a prohibited use under the current LEP, the mine worker accommodation was approved prior to the commence of the Cobar LEP 2012 and remains an existing use under Clause 4.66 of the EP&A Act. Furthermore, the applicant argued that the proposed development can be undertaken pursuant to Clause 41 and 42 of the EP&A Regulations, as it allows for the enlargement, expansion, intensification, alteration or extension of an existing use.

The assessment concurs with the applicant's summations that the development was legally approved under the Cobar LEP 2001 as a stand alone mine worker accommodation and that this application could be assessed under Clause 41 and 42 of the EP&A Regulations as an extension to an existing use.

The assessment concluded that the application satisfied that the applicant can be assessed as an expansion to an existing use under Clause 41 and 42 of the EP&A Regulations.

The assessment concluded that there are no other relevant provisions within the Cobar LEP 2012 that need to be considered as part of this application.

### 6.1.5. Cobar Development Control Plan

There are no current development control plans applicable to the Cobar Shire Local Government Area.

## 6.2. Strategic Planning

### 6.2.1. Far West Regional Plan 2036

The application falls within the remit of the *Far West Regional Plan 2036* (the Plan). The Plan sets regional planning priorities and provides a framework for regional and local planning decisions. The Plan outlines three goals for the region:

1. A diverse economy with efficient transport and infrastructure networks;
2. Exceptional semi-arid rangelands traversed by the Barwon-Darling River;
3. Strong and connected communities.

The first two goals of the Plan are less relevant to the application. The Strong and connected communities goal is particularly relevant to this applicant. This goal is relevant as it acknowledges that *"the region's success is linked to the strength of its communities"*. Direction 27 of the Plan discusses the need to provide additional housing choice improve affordability, help meet the needs of an ageing population and support the trend for smaller household size.

The applicant's SEE has not considered or assessed the application's consistency with the Plan.

The application is considered to be consistent with the first two goals of the Plan as the proposed development encourages investment within the region and the location of the development is not of significant environmental value and it will not lead to additional land fragmentation.

However the application is only partially consistent with the intent of goal 3 to encourage strong and connected communities. It is acknowledged that the application could have a positive impact on the local community by resulting in increased expenditure within Cobar shire through the construction phase and also operationally. However, its placement outside the town centre and with the proposal to expand may put at risk some of these economic and social benefits.

The Plan also identifies that the size and scale of any mining accommodation should be decided *"with local communities and consider social integration, land use conflicts and impacts on community facilities"*.

The intent of the development is to create a self-sufficient community to remove the need for workers to interact with the Cobar township. The self-sufficient community has been created through the already existing services on-site such as entertainment, food and beverage facilities and a gym. This application will encourage another 80 mine workers to live within 3km of the Cobar town centre and having no need to leave the mine worker village.

Many of the submissions received during the exhibition period were concerned that this application would not encourage social integration. The submissions identified that Cobar township already has a high housing vacancy rate and accommodation for mine workers should be provided within the township. Many of the submissions objected to the application as mine worker accommodation encourages social isolation by removing mine workers from the community.

The assessment concluded that although the application is largely consistent with the Plan, as it promotes economic development within the region, the application is not consistent with goal 3 of the Plan as it does not encourage social integration with the Cobar community. In addition, the village expansion is to support fly in/fly out workers, which by the nature of their work shifts tends to result in little intergradation with the existing community.

### 6.2.2. Draft Cobar Local Strategic Planning Statement

Following lodgement of the development application, the Draft Cobar Local Strategic Planning Statement (draft LSPS) was placed on exhibition from the 26 February 2020 until 1 April 2020. The LSPS sets the framework for the economic, social and environmental land use needs for the whole Cobar LGA over the next 20 years.

Chapter 9 of the draft LSPS outlines that the ways in which Cobar intends to retain a healthy and cohesive community. The draft LSPS emphasises that "*utilising current housing stock before any future application for temporary accommodation outside of town will be favoured*". This is further outlined within action 4 of the draft LSPS stating "*ensure any future residential development is located on land that is currently zoned and serviced*". The draft LSPS is reflective of Council's long standing position on temporary accommodation and the prohibition of mine worker accommodation upon preparation of the Cobar Local Environmental Plan in 2012.

The applicant has not commented on the draft LSPS.

## 6.3. Environmental, Economic and Social Impacts

### 6.3.1. Access, Transport and Parking

The application would result in a additional vehicle movements to and from the site on a daily basis. For the approved development, it was estimated that the trips per day would equate to 20 light vehicle movements, 16 bus movements and less than 1 heavy vehicle movement per day. The parking requirements of these vehicle movements were satisfied by the 41 existing parking spaces and 2 bus parking bays in the approved SEE.

The applicant's SEE identifies that although this application will increase the number of the mine worker village occupants by 80 mine workers, the majority of these workers will be fly in/fly out and not have personal light vehicles. The applicant states that the transport needs of the additional 80 mine workers can be accommodated through one to two bus trips per shift in and out of the village. As there is no anticipated light vehicle movements and the transport needs of the mine works can be satisfied through one to two bus trips a day, no additional parking is proposed beyond the 41 currently provided spaces and the applicant does not envisage access impacts beyond the current arrangements. To accommodate the site reliance on bus movements, the application proposes to increase the number of bus parking from 2 spaces to 6.

On 2 September 2019, Council sought additional information from the applicant to further understanding of the traffic and parking implications of the application. In particular, Council sought to understand how 80 additional workers on site could result in an insignificant traffic increase.

The applicant responded to Councils request for additional information on 6 November 2019. The applicant identified that since operation of the site in 2012, the majority of users of the facility have arrived and departed by bus, exceeding expectations of the 2012 application. The applicant identified that the 80 additional workers can be accommodated in the one to two bus trips per shift and the four additional bus parking spaces. The applicant identified that only two additional staff would be required to accommodate the 80 additional workers. The applicant's additional information showed the proposed vehicle movements to and from the site over the course of the day:



Table 2 – Vehicle trip summary – daily - current

Vehicle type	Incoming 3:30 AM (from west)	Outgoing 5:30 AM (to east)	Incoming 6:30 am (from east)	Outgoing 9 AM (to west)	Incoming 10 am - 1:30 pm (from west)	Outgoing 10 am – 1:30 pm (to west)	Incoming 3:30 pm (from west)	Outgoing 5:30 PM (to east)	Incoming 6:30 PM (from east)	Outgoing 7 pm – 9 pm (to west)	Incoming 9 pm – 11 pm (to west)	TOTAL
Light	2 (staff)	11 (workers)	0	2 (staff)	0	2	2 (staff)	0	11 (workers)	5 (2 x staff and 3 x workers)	3 (workers)	36
Heavy	0	0	0	0	<1 (deliveries in)	<1 (deliveries out)	0	0	0	0	0	2
Bus	0	4	4	0	0	0	0	4	4	0	0	16
TOTAL	2	15	4	2	1	3	2	4	15	3	3	54

Table 3 – Vehicle trip summary – daily - proposed

Vehicle type	Incoming 3:30 AM (from west)	Outgoing 5:30 AM (to east)	Incoming 6:30 am (from east)	Outgoing 9 AM (to west)	Incoming 10 am - 1:30 pm (from west)	Outgoing 10 am – 1:30 pm (to west)	Incoming 3:30 pm (from west)	Outgoing 5:30 PM (to east)	Incoming 6:30 PM (from east)	Outgoing 7 pm – 9 pm (to west)	Incoming 9 pm – 11 pm (to west)	TOTAL
Light	4 (staff)	18 (workers)	0	4 (staff)	0	0	4 (staff)	0	18 (workers)	9 (4 x staff and 5 x workers)	5 (workers)	62
Heavy	0	0	0	0	<1 (deliveries in)	<1 (deliveries out)	0	0	0	0	0	2
Bus	0	6	6	0	0	0	0	6	6	0	0	24
TOTAL	4	24	6	4	1	1	4	6	24	14	5	88

The applicant's modelling shows that the largest increases in vehicle movements would occur at 5:30am heading east (15 to 24) and 6:30pm coming from the east (15 to 24). The overall vehicle movements to and from the site would increase from 54 to 88 for the entire day. The applicant notes that the minor increase in traffic numbers is unlikely to result in any significant impacts to local traffic nor require any upgrades or improvements to the existing access.

The application was referred by Council to agencies for comment. TfNSW reviewed the applicant's formal traffic study concluding that it does not object to the proposed development, subject to additional conditions being imposed to manage road safety (including a limit on the volume of vehicle movements to and from the site). Should the proposed development proceed, any instrument of consent will need to incorporate TfNSW's recommended conditions.

In considering the application, the assessment noted that this application will significantly increase traffic generated (by 62.5%) to the existing mine worker village. However, as demonstrated by the applicant, over the course of the day, at its peak, increase traffic movements by 9 at 5:30am and 6:30pm. Although the traffic will substantially increase from the mine worker village, it is unlikely to have a significant impact on the operation of the barrier highway.

The assessment considered that the site can accommodate the parking requirements of the additional 80 mine workers through the provision of four additional bus parking spaces due to future occupants on the site's fly in/fly out workforce reliance on bus transport rather than light vehicle movements.

The assessment concluded that the proposed development will not lead to unreasonable access, transport and parking impacts.

### 6.3.2. Utilities and Servicing

The applicant's SEE states that water will be supplied from the existing town water supply. The applicant also states that the mine worker village's electricity is connected through an existing connection to the local

power grid. The existing water and electrical servicing arrangements are not expected to change under the application. It is also anticipated that any additional solid waste generated will be collected in accordance with existing waste collection methods already implemented at the site.

It is considered that the applicant has adequately considered water, power and solid waste servicing and given that the application is an expansion to an existing facility and services are already established, the application is not likely to have a notable impact on the delivery of these services.

The applicant's SEE investigated the suitability of the site's existing effluent system through a On-Site Effluent Management Study. The On-Site Effluent Management Study identified that the propose application's wastewater streams would namely be from communal recreation facilities, laundry facilities and accommodation units. The On-Site Effluent Management Study concluded that with the upgrades to the system as part of this application, wastewater can continue to be disposed of on-site without detrimental impact to the local environment.

The assessment considers that whilst the On-Site Effluent Management Study provided demonstrates that it is possible to manage an on-site effluent system, Council's internal referral identified that it is not the best outcome when compared to a sewage scheme connected to town. In addition, if the application was to proceed, any on-site effluent management systems will need to be thoroughly assessed against the environment and health protection matters identified within the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The assessment also considers that with the appropriate upgrades, the applicant's effluent management system can be sufficiently designed to accommodate the additional wastewater resulting from the proposed development.

Whilst Council's preference is to connect residential accommodation developments to the town sewerage system, the assessment found that adequate servicing could be managed through on-site measures.

### **6.3.3. Biodiversity impacts**

As part of the SEE, the applicant prepared an ecological assessment to determine potential biodiversity impacts across the site. The assessment confirmed that the application will not significantly affect any listed species, populations, or communities with potential to use habitat across the site.

Council's request for additional information 2 September 2019 sought additional information on biodiversity impacts. Responding to the BCD's referral, the applicant prepared a Biodiversity Development Assessment Report (BDAR) dated October 2019.

The BDAR concluded that the development site was selected to avoid impacts to remnant vegetation as much as possible. Furthermore, although the proposal would result in some loss of remnant vegetation, the clearing was likely to be minimal and additional mitigation measures are identified to further reduce any impacts on native vegetation.

As part of Council's preliminary assessment, advice was sought from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment in November 2019 regarding the applicant's BDAR assessment. The Department's assessment identified that the BDAR did not meet the minimum requirements to be assessed by the Department, as required by Table 25 of the Biodiversity Assessment Method.

The applicant submitted a revised BDAR on 6 November 2019 and 12 February 2020.

The Department reviewed the revised BDAR and confirmed on 17 February 2020 that it was satisfied that the application was consistent with the Biodiversity Assessment Method Operational Manual NSW.

The assessment concluded that the application results in minimal vegetation clearance and have insignificant biodiversity impacts and that any biodiversity impacts can be managed through the applicant's approved BDAR.

#### **6.3.4. Bushfire impacts**

The applicant's SEE stated that there are no known risks to people, property or the biophysical environment as the site is not located within a bush fire prone area.

The applicant submitted a bushfire assessment in response to Council's request for additional information. The bushfire assessment identified that subject to the appropriate management measures, the development could operate in full awareness of the limited bushfire risk. The report outlined that the development could mitigate potential risk of bushfire through the following measures:

1. Management of fuel loads within 50 metres of the accommodation units in the vicinity of the proposal through slashing or grazing of stock;
2. Property access driveways to be constructed to Planning For Bush Fire Protection standards as applicable; and
3. A 250,000 litre dedicated fire-fighting tank to be supplied fitting with 65mm Storz outlet with a Gate or Ball valve.

The assessment concluded that although the application is not located on bush fire prone land, the applicant has adequately address potential bushfire risks through appropriate mitigation measures to minimise any likely risk of bushfire impacts to the proposed development.

It is noted that Council's request to consider the risk of bushfire was triggered by its understanding that NSW Rural Fire Services will be revising its mapping and the site will be identified as bushfire prone.

#### **6.3.5. Other environmental impacts**

The applicant's SEE included an assessment of a number of other environmental impacts including power, heritage, soils, noise and vibration, safety and management of stormwater. These impacts will not increase beyond what is already occurring on site. Given that this application is an expansion to the existing facility, the assessment that it unlikely this application will lead to a notable increase to any of the environmental impacts listed above.

#### **6.3.6. Economic Impacts**

The applicant's SEE states that the application to expand the mining village will minimise "*any possible negative impact on rental affordability in the local area*". That is if the application was to not proceed, placing 80 mine workers within the Cobar township would place pressure on housing availability and affordability and as the new mine workers will continue to frequent local business, the application is "*considered to create a positive economic impact on the local area*". The application's economic assessment did not consider the economic impacts on the Cobar housing market. The applicant also identifies that there will be a short-term economic benefit from the application

Submissions raised concerned that a decreasing occupancy rate would further exacerbate a declining housing market. The submissions indicated that the proposed additional 20 units accommodating 80 occupants could easily be through the high volume of vacant dwellings within the existing Cobar settlement.

##### **Construction impacts**

The applicant's SEE identifies that the application will have a short-term economic benefit building the proposed 20 units. If the 80 mine workers were to be located within unoccupied dwellings in town there

would be no economic benefit for the community. However, occupation of vacant homes will generate a need for maintenance, refurbishment and replacement of existing housing stock, generating minor ongoing building industry economic benefits.

### ***Housing impacts***

The Australian Bureau of Statistics (ABS) data shows that Cobar's population is declining (population reduced from 4,710 in 2011 to 4,647 in 2016), total dwellings were increasing (2,440 in 2011 to 2,451 in 2016) and occupied dwellings decreasing (1,721 in 2011 to 1,638 in 2016). Based on the ABS data, occupancy rates in Cobar decreased from 70.5% in 2011 to 67%.

The declining population and increasing vacancy rate have had an impact on the value of housing in Cobar. Since 2011, Cobar's median property price has increased from \$180,000 to \$190,000, a growth of 5.5% (realestate.com data). Comparatively Dubbo's median house price was \$260,000 in 2011 and increased to \$364,000 in 2019, a growth of 40% (realestate.com data).

One of the assumptions made by the applicant was that if the application was to not proceed, placing 80 mine workers within the Cobar township would place pressure on housing availability and affordability. The ABS data identified that there was 813 unoccupied dwellings within Cobar and house prices had only grown by 0.6%pa over the last 9 years in comparison to 4.4%pa in nearby Dubbo.

Encouraging new out-of-centre accommodation when adequate options already exist within Cobar township is likely to further exacerbate the current oversupply of housing stock existing in Cobar and further weakens the housing market.

In addition, expansions to mines within the region will likely to be via extended life of operations rather than increase production requiring a larger workforce. If this application was to be approved and mining operators aren't increasing operations, mining workers within the existing Cobar township may then move to the mining village to fill the additional 20 mining units. This movement of individuals from Cobar to the mine worker accommodation would further weaken the local housing market.

### ***Economic Impact on Local Business***

The applicant's SEE stated that the additional 80 mine workers will have a positive impact on local business when they frequent local establishments. As the mine worker accommodation provides many services including entertainment and food and drink, it is likely they won't need to visit local establishments frequently. If the 80 mine workers were located in town and had no on-site services, it is likely they would frequent local services for more often and most likely have a positive economic impact for local businesses.

### ***Overall Economic Impact***

This application for mine worker accommodation is ancillary to, and service, the mining industry. The employment of an additional 80 workers within the mining industry is not tied to this application. The employment and introduction of those workers will occur whether this application proceeds or not. If this application was to proceed, it would encourage 80 mine workers to live within the mine worker accommodation rather than the Cobar township. Encouraging the settlement of residents inside out-of-centre mine worker accommodation at Cobar is likely to further exacerbate a declining housing market and limit investment in local businesses.

If this application was to proceed, there would only be a limited economic benefits through the creation of construction jobs during the construction phase. If the application was not to proceed, there would be economic benefit to the Cobar housing market through 80 mine workers living on the unoccupied dwellings and there would be further investment in local businesses.

The assessment concludes that not proceeding with the additional 20 mine worker units would have positive economic impact on Cobar by increasing occupancy of dwellings within the Cobar township and encouraging mine workers to invest in local businesses.

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### 6.3.7. Social impacts

The applicant undertook an assessment of the social impacts of the application having regard to the NSW Department of Planning and Environment *Social Impact Assessment Guideline for state significant mining, petroleum production and extractive industry development*, September 2017. It is noted that the Social Impact Assessment Guideline does not apply as the application is not a mining, petroleum production and extractive industry development.

The applicant's assessment of social impacts concluded that the development is unlikely to lead to unreasonable or significant social impacts to the community. It notes:

- The mine worker village reduces the pressure on traditional forms of housing and on forms of tourist and visitor accommodation, both of which would be impacted in the event the expansion did not proceed.
- The application would not lead to any unreasonable or unmanaged environmental impacts.
- The mine worker village will be available to any individual engaged by the various mining companies operating in the local area. It is therefore unlikely to result in some individuals or communities being disadvantaged.
- The mine worker village is unlikely to result in impacts to the health, safety, privacy or welfare of individuals or communities outside of the camp.
- Impacts on community resources would be minor and generally positive, through increased patronage at local stores and businesses, and positive flow on effects as a result.

The applicant SEE states that the application will reduce the pressures on traditional forms and tourist and visitor accommodation housing. As discussed within section 6.3.6 Economic Impacts, there is currently an oversupply of dwellings within Cobar with one third of the housing stock being unoccupied. Encouraging the placement of residents in newly built mining worker accommodation as opposed to within existing unoccupied dwellings, is likely to further exacerbate the social issues that come with high volume of unoccupied dwellings (crime rates, unkept lots/dwellings, dereliction of buildings, etc). If this application was to not proceed, accommodation for mine workers could likely be found within the unoccupied buildings in town and have a more beneficial social impact for the community.

The applicant's SEE identifies that the local community will see increased patronage of local stores and businesses from the development. Information provided by the applicant identifies all proposed vehicle trip movements to and from the site. The applicant's table (section 6.3.1) identifies that the only light vehicle movements to or from Cobar will be 4 staff heading to and from the site, who are already live within Cobar and utilise existing services. Given that food, entertainment and amenity services will be provided on site and that the traffic assessment identifies that there will be no movements to and from Cobar, other than by staff, the application is therefore unlikely to have a positive impact on local stores and businesses.

The assessment finds that the application will have neither a positive or negative social impact on the local community. The assessment recognises that this application is not tied to the need to expansion or requirement of any mine and the employee requirements of mines will proceed regardless of a decision on this application. If the application was to not proceed, mine workers would explore alternate accommodation arrangements, including the opportunity to settle within existing unoccupied dwellings within Cobar. Therefore, there is social benefit in this application not proceeding.

## 6.4. Suitability of the site

Assessment of the environmental constraints in section 6.3.1 to 6.3.5 found that there were no likely environmental impacts discouraging the site's potential use as mine worker accommodation. It is considered that the proposed development is of a type, scale and design that is suitable for the site having regard to the land shape, topography, built form and relationship to adjoining development.

However, the suitability of the site was also assessed when considering the importance of the Far West Regional Plan in section 6.2.1. Goal 3 of the Regional Plan, Strong and Connected Communities provides guidance for future development to encourage resilient townships. As outlined within section 6.2.1, it is considered that the location is not suitable for mine worker accommodation as it does not encourage social integration with the Cobar community creating social impacts.

It is noted that the site is identified on the NSW Resource Regulator's Mineral Resource Audit map of Cobar. The site is affected by Consolidated Mining Lease 6. Given the site is included as an Identified Resource Area, any buildings on the site should be considered by the NSW Resource Regulator prior to construction if the application was to proceed.

## 6.5. Built form Regulations

It is noted if that the application were to proceed it would need to be consistent with the prescribed matters under the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations).

Under Cl.92 of the EP&A Regulations any demolition to occur on the site would need to occur in accordance with Australian Standard 2601-19991. The assessment recognises that the extent of demolition work associated with the application is not significant and compliance with the provisions may be readily achieved.

Similarly, Cl.93 and Cl.94 of the EP&A Regulations will need to be considered when altering or upgrading an existing building. While the SEE submitted with the application does not specifically address Cl.94, it does contain a National Construction Code Assessment Report in Appendix E. Council's internal referral did not agree with all matters contained within this report, however, it is considered sufficient in demonstrating that Cl. 94 is a relevant consideration in this respect of the application.

It is noted that the BASIX certificate produced by the applicant identified the accommodation building as Class 3 being a large boarding house, which conflicts with the Appendix E report. It is anticipated that pursuant to Cl.94, any additional development on the site would require the existing building to be brought into at least partial conformity with the Building Code of Australia.

## 7. PUBLIC CONSULTATION

As discussed in section 4, considerable feedback was received during exhibition of the application from the public during the given the relatively unoffensive nature of the application. During exhibition of the application, Council received:

- 67 written submissions against the application;
- 2 written submissions for the application; and
- Over 1950 petition signatures objected to the application.

The common issues raised within the submissions were:

- There is sufficient volume of residential accommodation within the Cobar township to accommodate any additional workforce;
- Future occupants of the village will not integrate with the community;
- Town services and facilities will not be utilised by future village occupants;
- The use is not permissible within its current zoning;
- Other accommodation services in town will be impacted by the proposed development;
- Fly in/fly out work has negative impacts on communities;
- Proposal does not contribute to community facilities and infrastructure;

- Single room per person boarding accommodation form is too specific; and
- Support for community residential based mining model.

The applicant responded to the issues raised in public submissions in correspondence to Council 6 November 2019. The applicant's response to the primary issue raised by the community was that existing operations already utilise Cobar business (e.g. bakery, local dairy milk-run, laundry services, etc) as much as possible and that under this application these arrangements are not proposing to change.

The application received over 2,000 submissions objecting to the proposed development. Given that there are only roughly 4,600 residents within the Cobar LGA this represents considerable community objection to the project.

As discussed when considering the Social and Economic Impacts (section 6.3.6 and 6.3.7) of the application, the application will have limited social and economic benefit to the Cobar community. As outlined within section 6.3.6 and 6.3.7, if the application was to not proceed, there would be a greater social and economic benefit to the Cobar community.

The assessment of this application also considered the volume of submissions received on this application demonstrating considerable community objection to the application.

## 8. PUBLIC INTEREST

The primary public interest provided by the proposed development is the provision of accommodation to mine workers within the region. However, as discussed within section 6.3.6 and 6.3.7, this public interest is largely negated as there is sufficient vacant housing stock and housing variety within the existing Cobar township to accommodate these workers. Providing additional housing stock within an over-supplied market would not be in the public interest as it would decrease house prices and cause social implications that are associated with a high rate of vacancy (for example crime, dilapidation, etc). It is considered that not proceeding with the application would be in the public interest.

## 9. CONCLUSION

That pursuant to S4.16(1) of the EP&A Act 1979 Cobar Shire Council refuse Development Application (2019/LD-00023) for the proposed expansion of the mine workers village at 12769 Barrier Highway, Cobar, NSW, for the following reasons:

- Pursuant to s.4.15(1)(b) of the EP&A Act 1979 the proposed development will have an unacceptable social and economic impact on the locality.
- Pursuant to s4.15(1)(c) of the EP&A Act 1979 the site is not considered suitable for the proposed development as it is inconsistent with the intended outcomes established within the Far West Regional Plan.
- Pursuant to s4.15(1)(e) of the EP&A Act 1979 the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.