ISAAC REGION
HELPING TO ENERGISE THE WORLD

Our Ref.: *MCU22/0013: MSC/PSA*

2 June 2023

NOTICE ABOUT DECISION - STATEMENT OF REASONS
Section 63(5) of the *Planning Act 2016*

Proposal:	Development Permit for Material Change of Use for Non-Resident Workforce Accommodation and Ancillary Uses (450 Persons)
Application Number:	MCU22/0013
Address:	529 Wollombi Road, Suttor 306 Wollombi Road, Suttor Lot 104 Wollombi Road, Suttor
Property Description:	Lot 1 on SP319896 Lot 689 on SP315414 Lot 104 on SP256593

The development application described above was refused on 30 May 2023

1. Reasons for Decision

The grounds for refusal are outlined below:

Planning Scheme

1. The proposed development does not comply with the applicable assessment benchmarks in the Isaac Regional Planning Scheme 2021, namely:

   Strategic Framework – Strategic Intent

   a) The proposed development does not comply with section 3.2.2(2) because:

   - While according to the 2021 Census the population of the township of Glenden is only 477 persons, it remains a location where existing community facilities and infrastructure are extensive and well established.
   - The proposed development site is located approximately 30km west and a 30 minute drive from the township.
   - The proposed development represents a lost opportunity to almost double the population of Glenden and thereby support small business, industry and the development of a wider range of housing.
   - While it is acknowledged that some of the Byerwen Mine workforce to be accommodated at the proposed development might travel to Glenden to make use of existing facilities and infrastructure, the proposed location and self-contained nature of the proposed development will negatively impact upon Glenden's resilience.

- The permanent nature of the proposed development assumes that housing in Glenden is not currently available, or will not become available, during the 50-year life of the Byerwen Mine.

b) The proposed development does not comply with section 3.2.2(3) because:

- The self-contained nature of the proposed development and number of persons to be accommodated equates with a small urban settlement.

- The proposed location of such an urban settlement outside of Glenden will provide little or no support for existing community services and infrastructure in Glenden and deliver little or no economic opportunities to the township.

Strategic Framework – Liveable Communities Theme

c) The proposed development does not comply with strategic outcome sections 3.3.1.1(1) and 3.3.1.2(1) because:

- The proposed development site is not located within an established town or community (including Glenden) where the urban areas within those towns and communities are intended to provide for the range of urban housing choices, and urban scale retail, commercial, industrial, administrative, health, community and educational services to the Region, as contemplated by section 3.3.1.1(1).

- The proposed development will not facilitate housing growth within existing urban areas through the provision of infill development in the form of more traditional housing types and accommodation, or through greenfill urban development on Emerging Community Zone land in Glenden, as contemplated by section 3.3.1.2(1).

- The Applicant has not demonstrated that its existing and prospective workforce is not able to be accommodated on land, or within accommodation, in Glenden, that is either currently available, or may become available, during the 50 year life of the mine.

d) The proposed development does not comply with strategic outcome section 3.3.1.3(1) because:

- The Applicant has not established that the proposed non-resident workforce accommodation has been provided in response to a legitimate and demonstrated need.

- The Applicant has not provided sufficient evidence demonstrating why temporary or permanent accommodation options for its mine construction and operational workforce cannot be provided or accessed in Glenden.

e) The proposed development does not comply with section 3.3.1.3(2) because:

- Whilst it is acknowledged there may be some short to medium term obstacles to overcome in securing suitable land in the township of Glenden, there is no demonstrated legitimate need to locate accommodation for a construction and operational workforce of this size approximately 30km from the township, for the 50-year life of the mine.

- The proposed development reduces a worker's choice to live in the region and have their housing needs met by permanent housing options within established communities (such as Glenden).

- The permanent and self-contained nature of the development will result in unacceptable impacts on Glenden and will provide minimal support for the delivery of social services, infrastructure and economic opportunities within this township.

- Instead of contributing to and strengthening the region's economy, the proposed development will generate minimal economic benefits for townships in the region, including Glenden.

Strategic Framework – Infrastructure for Communities Theme

f) The proposed development does not comply with strategic outcome section 3.7.1.1(4) because:

- The self-contained nature of the proposed development and the number of persons proposed to be accommodated equates with a small urban settlement.

- The proposed location of such an urban settlement is beyond the boundaries of land zoned for urban purposes, including the township of Glenden.

- The location of this small urban settlement, as proposed, will not facilitate the orderly and cost-effective delivery of the full range of infrastructure and services required by the community of Glenden.

g) The proposed development does not comply with strategic outcome section 3.7.1.2(1) because:

- While it is acknowledged that some workers may travel to Glenden to make use of its extensive and established facilities and infrastructure, including both commercial and community services, the self-contained nature of the proposed development will adversely impact on this township, which relies on non-resident workers living there to drive economic and social activity.

- Accommodating the mine workforce at the proposed development, instead of within Glenden, will limit the ability for workers and other personnel to access a network of well-located social infrastructure and will not promote a rich and active community life.

- The consequences of approving the proposed development would be detrimental to the ongoing utilisation of the significant social and administrative infrastructure already located in Glenden.

- The failure of the development to offer its existing and prospective workers housing options in Glenden is likely to have a negative impact on certain workers.

Rural Zone Code

h) The proposed development does not comply with purpose statement 6.2.6.5.2(1)(a) and (b), overall outcome 6.2.6.5.2(2)(a), overall outcome 6.2.6.5.2(2)(b), overall outcome 6.2.6.5.2(2)(d) and overall outcome 6.2.6.5.2(2)(e) because:

- The proposed development does not seek to establish rural uses and activities on land within the Rural zone;

- The permanent nature of the proposed non-residential workers accommodation will restrict the existing and future use of the site for rural uses and activities, at least during the 50 year life of the mine.

i) The proposed development does not comply with purpose statement 6.2.6.5.2(1)(d), overall outcome 6.2.6.5.2(2)(c)(ii), overall outcome 6.2.6.5.2(2)(j) and specific benchmarks 6.2.6.5.3, Table 6.2.5.3.3, PO3 and AO3(h) and (l), because:

- Planning Scheme Schedule 1, Table SC1.2.1 – Index of administrative terms and definitions, defines a "Sensitive land use" to include "non-resident workforce accommodation", as proposed.
- The proposed development will be located less than 10km from the mining lease boundaries of nearby open cut coal mining projects, including one of the mining projects operated by the Applicant.
- The proposed development will be located within 1km of the Galilee Basin State Development Area boundary, as shown on Planning Scheme Schedule 2 Mapping, SC2.4, Overlay Map OM11 and OM11.1;
- The Applicant has not demonstrated that the proposed development will not encroach into areas affected by hazardous levels of dust associated with mining activity; and
- The Applicant has not demonstrated that the proposed development, and the non-resident workforce and other personnel to be accommodated, will not be subjected to unreasonable risks associated with mining activities having regard to vibration, odour, dust or other emissions.
- The Applicant has not demonstrated that impacts of open cut coal mining activities in the vicinity of the proposed development will not adversely impact on the amenity, health or safety of non-resident workers and other personnel to be accommodated.

j) The proposed development does not comply with Overall Outcome 6.2.6.5.2(2)(k) of the Rural Zone Code because:

- The self-contained nature of the proposed development and number of persons to be accommodated equates with a small urban settlement.
- Such urban expansion is not contemplated on land within the Rural Zone.
- The proposed development will result in 450 persons being accommodated outside of a nearby township, where existing facilities and infrastructure are extensive and well established.
- Accommodating this number of persons for the 50-year life of the mine, in the location proposed, will provide little if any support for the development of social services, infrastructure or economic opportunities in urban areas, such as Glenden.

<u>Regional Plan</u>

k) The proposed development does not comply with the following benchmarks in the Mackay Isaac Whitsunday Regional Plan 2012-2031:

- Desired Regional outcome 5 - Strong communities
  - Principle 5.5.1 - Strengthening resource communities
    - Policy 5.5.11, 5.5.12

- Desired Regional outcome 7 - Managing growth
  - Principle 7.1.1 - Efficient use of the land
    - Policy 7.1.2, 7.1.4, 7.1.8, 7.1.10
  - Principle 7.4 - Housing choice and affordability
    - Policy 7.4.5, 7.4.6, 7.4.8

The reason the proposed development does not comply with these benchmarks is because:

- The nature, size and scale of the proposed workers accommodation equates with a small urban settlement and does not contribute to a compact urban form occurring within areas identified for urban/residential uses.

- The permanent and self-contained nature of the proposed development and intention for it to accommodate 450 construction and operational workers associated with the Byerwen Mine Project will not advance the liveability or long-term sustainability of Glenden.

- The proposed development fails to promote equitable and sustainable development of mining communities, such as Glenden, in order to implement the "Sustainable Resource Communities Policy".

- The proposed development is contrary to and fails to implement the Social Impact Management Plan prepared by the Applicant for the Byerwen Coal Project, and approved by the Coordinator-General in the Evaluation Report on the Environmental Impact Statement for that project dated July 2014.

- The proposed development does not provide a mix of dwelling types and sizes to attract long-term residents and maintain a stable population within Glenden, for the 50-year life of the mine project.

- Locating the proposed development, as proposed, will not make the best use of existing infrastructure in Glenden and ensure efficient and cost-effective investment in new infrastructure within that township.

- Accommodating 450 persons for the 50-year life of the mine, in a location 30km outside of Glenden, will not promote and accommodate growth within Glenden, in circumstances where its existing and planned infrastructure and services can accommodate that growth.

- The Applicant has not demonstrated that its existing and prospective workforce is not able to be accommodated on land, or within existing accommodation, in Glenden, that is either currently available, or may become available, during the 50-year life of the mine.

Relevant matters

l) The proposed development conflicts with the expectations of the Coordinator-General's Evaluation Report on the Environmental Impact Statement for the Byerwen Coal Project, and the Applicant's supporting material and commitments relied upon by the Coordinator-General in approving the Project, because:

- Approval of the Applicant's mining leases for the Byerwen Mine was secured on the basis of the Coordinator-General's approval of the Byerwen Coal Project, as justified in the Evaluation Report.

- The Coordinator-General's assessment of the social and economic impacts of the Byerwen Coal Mine project was, in part, based on the Workforce Accommodation Strategy and Social Impact Assessment prepared by the Applicant.

- The Workforce Accommodation Strategy assumed the Applicant would:

    - provide a variety of accommodation options (both temporary and permanent) for its entire workforce, including both construction and operational workers, within Glenden;

    - decrease the impacts of traffic on the road network generated by the project and reduce incidents of road accidents and fatigue through the use of bus services to transport workers.

- For operational worker accommodation, the strategy was based on 30 per cent residential (living in Glenden) and 70 per cent fly-in fly-out (FIFO), drive-in drive-out (DIDO) or bus-in bus-out (BIBO)

- The permanent accommodation and short-term accommodation arrangements currently provided by the Applicant within the township of Glenden, represents only a very small fraction of the anticipated 30% resident operational workforce.

- The proposed development assumes that the Applicant's existing and prospective workforce is not able to be accommodated on land, or within accommodation, in Glenden, that is either currently available, or may become available, during the 50 year life of the mine.

- The proposed development ignores the mitigation actions designed to ensure a choice of accommodation is available for the project workforce, included in the Social Impact Assessment for the Byerwen Coal Mine project.

m) The Applicant owns land within Glenden, which could be developed to provide a choice of housing for its mine workforce, but has either allowed development approvals for that development to lapse or not progressed development approvals still in effect, in favour of pursuing the proposed development. More particularly:

- The Applicant obtained the following development permits for Lot 15 SP256186 (10.8 hectares in area) in Glenden, although it has allowed each of these development approvals to lapse:
    - A development permit obtained on 11 December 2013 for reconfiguring a lot to create a new road, 47 freehold allotments (at least 6 suitable for dual occupancies), 2 park allotments and a balance lot, as well as community title scheme over a proposed lot within the reconfiguration (comprising common property and 16 lots suitable for dual occupancies);

    - A development permit obtained on 19 December 2013 for a material change of use for multiple dwelling units and dwelling houses (maximum of 19 dwelling units – including up to a maximum of 56 dual occupancy units and up to a maximum of 45 houses).

- The Applicant also obtained a development permit on 8 October 2020 for Lot 16 SP256186 (3,443m^2 in area) for a material change of use for multiple dwellings (12 dwellings) comprising 8 x 3 bedroom townhouses and 4 x 4 bedroom townhouses, although it has yet to act on this approval.

n) In its sworn evidence and written submissions for the remitted hearing for Appeal 1480/2020 before the Planning & Environment Court heard on 4 May 2023, the Applicant offered, on an open basis, to pursue one of the following three options to accommodate part of its workforce in Glenden:

- To acquire the industrial land in Glenden described as Lots 16 and 28 on SP252756 from the Council at a mutually agreed valuation or, failing agreement, at the mean midpoint between the value determined by a valuer appointed by the Council and a valuer appointed by QCoal, and to construct a workers accommodation for 250 persons. This proposal will require the Council to change the permitted use from industrial to workers accommodation; or

- To negotiate to acquire from Glencore on reasonable commercial terms an existing vacant Works Camp facility which accommodates between 180 to 220 workers on land described as Lot 10 on SP237100 and Lot 12 on SP237093 in Glenden, and locate workers who desire to be accommodated in Glenden in this workers' camp facility once Glencore vacate it (expected to be at the end of 2024); or

- To construct a 200 person camp on land that QCoal currently owns in Glenden, subject to the State removing its caveat regarding the permitted use of the land.

That the Applicant has identified that these options to accommodate its non-resident workforce in Glenden are now possible and able to be pursued by the Applicant:

- does not support the Applicant's contention that there is a need for the proposed development in its proposed location;

- instead, supports a contention that the need for the proposal could be met in Glenden, as contemplated by the applicable assessment benchmarks.

o) Approval of the proposed development is not in the public interest and will not result in an appropriate planning outcome because:

- The proposed development is to establish non-resident construction and operational workforce accommodation in a location convenient to the Applicant, where there is minimal infrastructure and services available to benefit that workforce.

- The consequences of approving the proposed development would be detrimental to the ongoing utilisation of the extensive facilities and infrastructure established in Glenden.

- The Applicant has not demonstrated why its existing and prospective workforce is unable to be accommodated in Glenden on land or within existing accommodation, that is either currently available, or may become available, during the 50-year life of the mine, as contemplated by the applicable assessment benchmarks.

- The failure of the proposed development to offer a significant choice to prospective workers to accommodate them with their families a short bus ride from the mine is likely to have a negative impact on certain workers.

- The reasons relied upon by the Applicant in support of an approval of the proposed development appear to be more a preference from a private economics perspective, or organisational perspective based on the industrial model adopted by the Applicant and its workers.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework Rural Zone Code Development Works Code	*Isaac Regional Planning Scheme 2021*
Desired Regional Outcomes	*Mackay Isaac Whitsunday Regional Plan*

3. Relevant matters for impact assessable development

Other relevant matters to the assessment of development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
Coordinator-General's Evaluation Report on the Environmental Impact Statement for the Byerwen Coal Project, and the Applicant's supporting material and commitments relied upon by the Coordinator-General in approving the Project	*Part 6 – Social and economic impacts*	☐ Assessed against ☒ Had regard to
Land owned by the Applicant in Glenden that has approvals (lapsed or not progressed development approvals still in effect) which could be developed.	*Not applicable*	☐ Assessed against ☒ Had regard to
Sworn evidence and written submissions for the remitted hearing for Appeal 1480/2020 before the Planning & Environment Court heard on 4 May 2023 with regards to options for accommodating part of the workforce in Glenden.	*Not applicable*	☐ Assessed against ☒ Had regard to
Approval of the proposed development is not in the public interest and will not result in an appropriate planning outcome.	*Not applicable*	☐ Assessed against ☒ Had regard to

4. Matters raised in submissions for impact assessable development

Not applicable as no properly made submissions were received.

5. Matters prescribed by Regulation

Not applicable.

If you find an inaccuracy in any of the information provided above or have a query, please contact Isaac Regional Council on 1300 472 227 or email liveability.sustainability@isaac.qld.gov.au quoting MCU22/0013.

Yours faithfully



MICHAEL ST CLAIR
Manager Liveability & Sustainability
(on behalf of Jeff Stewart-Harris PSM, Chief Executive Officer)