

Temporary and Seasonal Workers' Accommodation Toolkit

We have created a package of documents to provide clear and practical guidance to regional councils on managing spikes in housing demand from seasonal and temporary workers.

About the toolkit

What is in the Temporary and Seasonal Workers' Accommodation Toolkit?

The toolkit comprises the following documents and guides:

- a definition of temporary workers' accommodation in the Standard Instrument – Principal Local Environmental Plan
- a local provision for councils that would like to adopt provisions for rural workers' dwellings and/or temporary workers' accommodation in their local environmental plans
- for councils that choose to adopt one or both local provisions: guidance on locational and zoning considerations
- guidance on local complying development provisions for rural workers' dwellings for councils adopting a local provision.

What type of housing does the toolkit cover?

The toolkit focuses on 3 types of workers' accommodation:

- **rural workers' dwellings** – housing (usually permanent) that is provided on a farm on a year-round or seasonal basis for workers involved in agriculture or rural industries on that land. Rural workers' dwellings are a defined land use under the [Standard Instrument – Principal Local Environmental Plan](#). This type of housing can accommodate seasonal workers such as fruit pickers or farmhands
- **temporary workers' dwellings** – housing provided on a temporary basis for workers who need accommodation for the life of a project or season. Temporary workers' dwellings can be either close to the project or located near a town centre

This type of housing can accommodate fly-in-fly-out workers for mines, construction workers for large-scale infrastructure projects or temporary accommodation for seasonal workers such as those in the tourism or agricultural sectors. This land use is currently not defined in planning legislation. One component of the toolkit is to define this land use in the Standard Instrument – Principal Local Environmental Plan

- **construction accommodation** – temporary housing to support workers employed for the construction of electricity generating works, distribution or networks in a renewable energy zone.

When will the toolkit be released?

The contents of the toolkit are on exhibition. Following exhibition, we will consider all submissions and further refine the toolkit. We expect to release the final toolkit in 2024.

How does the toolkit relate to recent agritourism planning amendments?

In December 2022, we introduced planning definitions and pathways to facilitate agritourism in NSW. These reforms help landowners to showcase the unique offerings of their region and provide planning pathways for farmers to supplement their income through tourism.

While there are relationships between the agritourism changes and the toolkit, the focus of the Temporary and Seasonal Workers Toolkit is to specifically address the issue of workforce accommodation in regional areas.

Temporary workers’ accommodation

What is the difference between temporary workers’ accommodation and rural workers’ dwellings – they can both provide for seasonal workers?

Table 1 shows the key differences between temporary workers’ accommodation and rural workers’ dwellings.

Table 1. Temporary workers' accommodation versus rural workers' dwelling

Theme	Temporary workers’ accommodation	Rural workers’ dwelling
Type of user	Persons employed in a range of industries including mining, energy/resources, agriculture, rural industry and other services	Limited to persons employed for agriculture or rural industry purposes
Duration of use	Linked to life of project/season Can only be temporary accommodation	Can be long-term, permanent accommodation or for a shorter term
Location of accommodation	Can be on-site or off-site	Must be on the same lot as the principal dwelling

Although both temporary workers' accommodation and rural workers' dwellings can accommodate seasonal agricultural workers, temporary workers' accommodation provides greater flexibility and can facilitate critical worker housing on a larger scale. For instance, centralised seasonal worker hubs can be established and shared by multiple farms under the definition of temporary workers’ accommodation.

To offer more comprehensive guidelines for this type of housing, councils can incorporate dedicated provisions in their planning policies.

Why do the provisions only apply to areas outside of the Eastern Harbour City, Central River City and the Western Parkland City (the 3 areas of Greater Sydney identified by the former Greater Cities Commission)?

The toolkit has been prepared in response to the Regional Housing Taskforce's recommendations. These recommendations aim to address the issue of housing demand in regional areas. The proposed changes specifically apply to regional areas, in line with the taskforce's goals.

We welcome feedback on the proposed approach.

Can I repurpose temporary workers' accommodation once it is no longer required?

Temporary workers' accommodation is temporary and should be decommissioned at the end of its use. However, an operator may lodge a development application to change the use of the temporary workers' building for other purposes. Approval to use the building for other purposes will be subject to the consent authority's assessment and determination.

Are councils able to nominate specific zones in which temporary workers' accommodation can be developed?

It will be up to councils to determine the zones in which temporary workers' accommodation is appropriate, based on local context and issues.

Councils can elect to update the land use table of its local environmental plan to expressly establish permissibility. Alternatively, as temporary workers' accommodation is proposed to be a subset of *residential accommodation*, councils can elect to make no change to the land use table and rely on the permissibility of residential accommodation instead.

What are the implications of relying on the permissibility of 'residential accommodation'?

In this instance, under a standard instrument local environmental plan, temporary workers' accommodation will be:

- automatically permitted in zones where residential accommodation is expressly permitted
- not expressly prohibited in zones where any development is permitted (open zones).

Can councils insert their own controls in their local environmental plans in relation to temporary workers' accommodation?

Yes. Councils can establish parameters for temporary workers' accommodation development by incorporating a local provision in their local environmental plans. The guideline provides suggested controls for inclusion in a local provision. However, councils can modify the controls to create a clause that aligns with their specific local requirements.

Are councils required to submit planning proposals to update their local environmental plans to insert/ amend temporary workers' accommodation controls?

Following the exhibition of this toolkit and the consideration of submissions, we will prepare any necessary updates to the proposed definition. Once we have drafted a definition, we will seek feedback from councils to identify amendments to local environmental plans that are needed to:

- update land use tables to establish permissibility for temporary workers' accommodation
- update or introduce local provisions.

We propose that councils be given 3 months to consider and nominate any amendments to the land use table in their local environmental plans and any local provisions to be inserted into their local environmental plans. We intend to implement these amendments through a self-repealing state environmental planning policy.

If a council elects not to update the land use table or to introduce or update the local provisions within the 3-month period, any subsequent local environmental plan changes would need to be made via a separate planning proposal.

Can I use caravans/manufactured homes as a form of temporary workers' accommodation?

Yes. The proposed definition has been drafted to include moveable dwellings. Moveable dwellings are defined in the Standard Instrument – Principal Local Environmental Plan and the *NSW Local Government Act 1993* to mean:

- any tent, caravan, other van or other portable device (whether on wheels or not) used for human habitation
- a manufactured home
- any conveyance, structure or thing prescribed by the regulations for the purposes of this definition.

Does the toolkit cover temporary workers' accommodation for state-significant development and state-significant infrastructure?

No. The planning toolkit is aimed at helping councils to facilitate temporary workers' accommodation at a local level.

In certain instances, temporary workers' accommodation may be approved as part of a state-significant infrastructure or state-significant development project. We recommend proponents discuss potential temporary workers' accommodation with our assessment team to determine appropriate requirements.

How can councils ensure that temporary workers' accommodation is temporary?

Consent authorities can apply a time limit through an appropriate condition of consent that aligns with the timeframe for the associated employment-generating project.

The development consent can also set out site rehabilitation requirements for temporary facilities.

Construction accommodation provisions in the Central-West Orana and New England renewable energy zones

Why are there special provisions for the Central-West Orana and New England renewable energy zones?

Recent representations to the department have identified that a lack of suitable housing for construction workers could cause delays in delivering critical infrastructure in the Central-West Orana and the New England Renewable Energy Zone.

With construction underway on some projects, there is a growing need to ensure that there is enough accommodation available for the influx of workers expected in the region over the next 5 years. The lack of housing could delay the delivery of critical infrastructure throughout the renewable energy zones and have impacts on local communities.

The government is committed to ensuring that the renewable energy zones are delivered on time and on budget. By addressing the housing challenges, the government can help to ensure that the renewable energy zones deliver the expected economic and environmental benefits.

Where will these provisions apply?

We are proposing to apply the provisions only to the Central-West Orana and New England renewable energy zones.

Councils in the Central-West Orana Renewable Energy Zone include:

- Dubbo Regional Council
- Gilgandra Shire Council
- Liverpool Plains Shire Council
- Upper Hunter Shire Council
- Mid-Western Regional Council
- Narromine Shire Council
- Warren Shire Council
- Warrumbungle Shire Council.

Councils in the New England Renewable Energy Zone include:

- Armidale Regional Council
- Glen Innes Severn Shire Council
- Inverell Shire Council
- Tamworth Regional Council
- Tenterfield Shire Council
- Uralla Shire Council

- Walcha Council.

The state environmental planning policy amendments may not apply to the entirety of the local government areas listed above. What happens when the proposed development could be either temporary workers' accommodation or construction accommodation?

The development application should set out whether the development should be characterised as temporary workers' accommodation or construction accommodation. Only the relevant development controls applying to the nominated land use will need to be satisfied.

Rural workers' dwellings

I would like to put multiple rural workers' dwellings on my property. Is this considered 'multi-dwelling housing'?

In instances where there are multiple rural workers' dwellings on a property, there may be overlaps with the definition of multi-dwelling housing. However, rural workers' dwellings only provide accommodation on a short-term basis. In contrast, multi-dwelling housing is a type of dwelling that requires a significant degree of permanence of habitation or occupancy. The following scenarios demonstrate the different circumstances.

Scenario 1: A farmer has 4 habitable buildings for workers on the same lot as the principal dwelling. They are occupied during harvest season and then vacated at the end of the season.

These dwellings may be more readily characterised as rural workers' dwelling. Because they are regularly vacated, they may lack the required degree of permanence of habitation or occupancy to be characterised as multi-dwelling housing.

Scenario 2: There is a dual occupancy on the land as well as a further habitable building that is being occupied as a primary place of residence for a farmhand.

As the further building is occupied as the farmhand's primary place of residence, it may be more readily characterised as a dwelling. As there are 2 other dwellings on the land (the dual occupancy), this scenario may be characterised as multi-dwelling housing.

What is the purpose of the local complying development pathway for rural workers' dwellings?

The government is supporting councils that are considering incorporating a local complying development pathway for rural workers dwellings. This could streamline the process for councils that want to encourage this type of development in their area.

A local complying development approval pathway is flexible because councils can choose their own controls and provisions to suit local needs.

The benefits of incorporating a complying development pathway for rural workers dwellings include:

- allowing councils to approve certain types of development without the need for a full planning application

- helping to attract and retain rural workers, which is important for the agricultural sector
- providing housing options for rural workers, which can help to improve housing affordability.

For more information, please refer to the guideline or contact the department's regional team.

How will the safety of vulnerable workers be ensured?

You can find information on workplace rights in Australia on the [Fair Work Ombudsman's website](#). The website includes information on working rates, working conditions, leave and loading.

How can councils help facilitate temporary and seasonal worker accommodation prior to contents of the toolkit being released?

We are committed to supporting councils that want to manage the issue of temporary and seasonal workers accommodation through local provisions. Councils can do this through the existing planning proposal process.

Contact your Planning and Land Use Strategy team for more information or email the [stakeholder engagement team](#) to find out who to talk to.

About the guidelines

What is the purpose of the draft guideline?

The guideline provides information and advice to help councils plan for seasonal and temporary workers. It contains 4 parts:

- **Temporary workers' accommodation** provides guidance on:
 - the proposed definition
 - local provisions
 - permissibility
- **Rural workers' dwellings** provides guidance on:
 - local provisions
 - permissibility
- **Local complying development – rural workers' dwellings** outlines:
 - key considerations for a local complying development pathway
- **Strategic Planning** provides guidance on:
 - considering seasonal and temporary workers' accommodation through strategic planning.

Are councils required to use the objectives or development controls listed in the guideline for local provisions?

No. The objectives and development controls are provided as guidance only for councils wishing to insert local provisions within their local environmental plans.

Councils can use the guidance to establish customised local provisions that are relevant to their specific context. While the guidance offers a framework for establishing objectives and

development standards, the provisions can be tailored by the council to ensure that provisions align with local needs.

Why has guidance been provided on a complying development pathway?

Feedback from targeted consultation indicated that while councils were generally supportive of a complying development pathway, the provisions should ensure flexibility to align with local contexts. We have provided the guidance to allow councils to consider the various controls required for a complying development pathway to ensure that appropriate provisions are in place.

Who do I contact for more information about seasonal and temporary workers?

Contact the [stakeholder engagement team](#) for more information.

Click the link above or email stakeholder.engagement@planning.nsw.gov.au with the subject line 'Seasonal and temporary workers accommodation'.