

# Temporary and seasonal workers' accommodation

## Draft guideline

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# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

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# Abbreviations

Term	Explanation
Construction workers	Workers who are employed or contracted to build large-scale projects
Draft guideline	This document, the Draft guideline for temporary and seasonal workers' accommodation
EP&A Act	Environmental Planning and Assessment Act 1979
LEP	Local Environmental Plan
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Seasonal worker	Workers who are employed at a particular time of year, such as during harvests, to meet fluctuating demand
SEPP	State Environmental Planning Policy
Standard Instrument LEP	Standard Instrument – Principal Local Environmental Plan

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# Introduction

This draft guideline provides information and advice to support councils in planning for seasonal and temporary workers.

## Housing for the regional workforce

The NSW planning system plays an important role in providing the right type of housing in the right location. Providing housing for growth in regional and rural areas is a NSW Government priority that the Department of Planning and Environment is actively supporting through a range of initiatives. These build on the recommendations of the Regional Housing Taskforce.

Providing appropriate accommodation to attract and keep seasonal and temporary workers is critical for supporting various established and emerging rural industries. These include agriculture, mining and extractive industry, energy and resources sector projects, and construction workers for major infrastructure projects.

In recent years, the supply of housing for regional workers has been significantly affected by natural disasters and an increase in the number of people moving to the regions during the COVID-19 pandemic.

The need to provide accommodation for seasonal and temporary workers is not new. Over the years, accommodation has been provided in various forms for a multitude of projects. The accommodation requirements, response from communities and regulatory framework have been as varied as the projects.

While a fixed and restrictive one-size-fits-all planning approach is unnecessary, a planning framework must balance clarity with the flexibility to respond to local needs. This is necessary to support councils in providing housing for seasonal and temporary workers.





## Challenges

Providing housing for seasonal and temporary workers presents several unique challenges. These include:

- significant fluctuations in demand for housing because of the seasonal nature of employment in some agricultural and rural industries
- changes in employer requirements over time
- the simultaneous start of multiple projects; or existing projects coming to a natural end
- employment locations being fixed and in isolated locations, far from available housing
- accommodation being needed quickly when major projects start
- accommodation being needed for short-, medium- and longer-term requirements
- accommodation needing to move with a project – for example, large linear infrastructure projects such as highways
- ensuring housing is provided for seasonal and temporary workers without affecting the long-term viability of rural land for agricultural and resource land uses.

The planning framework needs to support the delivery of housing for seasonal and temporary workers in response to foreseeable demand while also providing the mechanisms to respond quickly to unexpected changes in demand. This can provide the added benefit of relieving pressure on general housing demand, availability, and affordability across regional and rural NSW.



## Types of accommodation

Accommodation for seasonal and temporary workers can take various forms. This can include temporary forms of accommodation (such as mining camps consisting of dongas) or permanent forms of housing (such as rural workers' dwellings, residential flat buildings or single dwellings).

Table 1 and Table 2 outline some of the different types of accommodation and the associated land use.

**Table 1:** Temporary accommodation

Employment category examples	Associated land use	Addressed in guidance
Fly-in fly-out workers or drive-in drive-out workers	Temporary workers' accommodation	Yes
Construction workers on large-scale infrastructure projects	Temporary workers' accommodation	Yes
Seasonal workers (on-farm or off-farm)	Temporary workers' accommodation	Yes

**Table 2:** Permanent accommodation

Employment category examples	Associated land use	Addressed in guidance
On-farm seasonal workers	Rural workers' dwelling	Yes
Any other type of workers	Existing housing forms provided under local environmental plans – for example, single dwellings, residential flat building, multi-dwelling housing	No

This draft guideline focuses on temporary workers' accommodation and rural workers' dwellings, which are commonly used for seasonal and temporary workers.

## Agritourism provisions

The recently introduced NSW agritourism provisions provide greater flexibility in the use of farm buildings, including approved residential accommodation. To learn more, visit the department's website, [www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/planning-amendments-for-agriculture](http://www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/planning-amendments-for-agriculture)

# Structure of this guide

The guide is in 4 parts:

## 1 – Temporary workers’ accommodation

To support councils in preparing local provisions that suit local conditions, Part 1 gives guidance on:

- the proposed definition in the Standard Instrument – Principal Local Environmental Plan (Standard Instrument LEP) for temporary workers’ accommodation
- a draft local provision
- permissibility for Standard Instrument LEP zones.

## 2 – Rural workers’ dwellings

Part 2 gives guidance on a draft updated local provision and permissibility to support the preparation of local provisions.

## 3 – Local complying development pathway for rural workers’ dwellings

Part 3 outlines key considerations for a local complying development pathway for rural workers’ dwellings, if council wants to pursue this approach.

## 4 – Strategic planning

Part 4 gives guidance on considering seasonal and temporary workers’ accommodation through strategic planning.

**Note:** This draft guideline does not apply to proposals made under the State Environmental Planning Policy (Precincts – Regional) 2021 that provides for construction accommodation for certain infrastructure proposals.





# 1 Temporary workers' accommodation

## 1.1 Description of temporary workers' accommodation

Temporary workers' accommodation provides housing on a temporary basis for workers who need it for the life of a project or on a seasonal basis. Temporary workers' accommodation is not a form of permanent accommodation. It may provide for workers who:

- are employed on a permanent or temporary basis
- have a permanent home elsewhere and stay in temporary workers' accommodation when working (for example, fly-in fly-out workers who work on rotating shifts)
- are employed on a short-term or seasonal basis and stay in the accommodation, possibly continuously, for several months (for example, fruit pickers or ski season hospitality/tourism workers).

Table 3 outlines some of the typical features of 2 common types of temporary workers' accommodation.

We recognise that diverse housing types to support temporary workers will be needed to suit the local context. This reinforces the need for the department to give councils a framework and the tools to prepare provisions that match their local requirements.

The following sections outline:

- a proposed standard definition of temporary workers' accommodation
- guidance on permissibility
- guidance on a local provision
- guidelines covering key planning issues.

Rural workers' dwellings may also be used to provide seasonal workers' accommodation where permanent accommodation is required on-farm. Part 2 of the draft guideline covers this type of accommodation.

**Table 3:** Types of temporary workers' accommodation

Common types of temporary workers' accommodation	Typical features
Mining or fly-in fly-out worker camps	<ul style="list-style-type: none"><li>• Sleeping quarters provided in grouped modules.</li><li>• Meals are fully catered and provided in shared dining facility.</li><li>• Laundry and recreation facilities are provided on site with linen laundry services provided for workers.</li><li>• Support services such as first aid/medical facilities are provided.</li><li>• Transport to place of employment (bus or minibus) is usually provided.</li></ul> <p><b>Note:</b> There are also several SafeWork requirements that must be met when providing accommodation for mining/fly-in fly-out workers.</p>
Temporary or seasonal worker accommodation	<ul style="list-style-type: none"><li>• Bunk style or separate sleeping facilities provided.</li><li>• Meals may/may not be provided.</li><li>• Laundry facility is available.</li><li>• Lockable storage is usually provided.</li><li>• Transport to place of employment may/may not be required or provided.</li></ul> <p><b>Note:</b> There are also several SafeWork and Commonwealth visa/legislative requirements to be met when providing accommodation for temporary seasonal workers.</p>



Credit: John Martinez

## 1.2 Definition of temporary workers' accommodation

The department proposes to insert a new definition of temporary workers' accommodation into the Standard Instrument LEP, as set out in the accompanying Explanation of Intended Effect. The department will review and finalise the definition following feedback from public consultation.

The definition will specify that the primary use of temporary workers' accommodation is to provide temporary housing for people employed or contracted in various sectors for the life of a project or on a seasonal basis.

The intent of the proposed definition is to give maximum flexibility on the types of sectors that will be able to use temporary workers' accommodation. The definition avoids restricting the use to specific sectors. Instead, it allows councils to consider and determine its application through local planning controls.

This standard definition works alongside the land-use table and local planning controls. It gives councils a framework for establishing the permissibility of temporary workers' accommodation that suits their local needs. This flexible approach acknowledges the local context and broad and changing industry requirements.

## 1.3 Permissibility for temporary workers' accommodation

### Where this type of accommodation will apply

The department's intention is for temporary workers' accommodation to apply only outside of the Eastern Harbour City, Central River City and the Western Parkland City, as defined by the former Greater Cities Commission (that is, it will apply only outside Greater Sydney).

### Factors councils should consider

When determining whether to make temporary workers' accommodation permissible, councils should consider:

- the department's guidance on permissibility, such as LEP Practice Note PN 11-002 – Preparing LEPs using the Standard Instrument: Standard Zones
- if the group term 'residential accommodation' is already permissible in the zone
- the location of foreseeable or planned projects that are expected to need accommodation for temporary

workers, including the location of future mines, renewable energy projects, infrastructure projects and the like

- key operational or work health and safety requirements for foreseeable or planned projects including, among other things, limitations and requirements for travel to and from work
- existing demand and supply for general housing
- local constraints and opportunities such as infrastructure and the environment.

As 'temporary workers' accommodation' is a subset of 'residential development', councils may need to consider if they will specifically list 'temporary workers' accommodation' in their land-use table or rely on the group term. In cases where zones are designated as 'open', councils can also choose to remain silent, thereby permitting temporary workers' accommodation by default.

The department suggests permitting temporary workers' accommodation in keeping with the guidance in Table 4.

**Table 4:** Zone and permissibility

Where temporary workers' accommodation is appropriate	Where temporary workers' accommodation may be appropriate, if there is clear justification
<ul style="list-style-type: none"> <li>• RU1 Primary Production:</li> <li>• RU2 Rural Landscape</li> <li>• RU4 Primary Production Small Lots</li> <li>• RU5 Village</li> <li>• RU6 Transition</li> </ul>	<ul style="list-style-type: none"> <li>• R1 General Residential</li> <li>• R2 Low-Density Residential</li> <li>• R3 Medium-Density Residential</li> <li>• R4 High-Density Residential</li> <li>• R5 Large Lot Residential</li> <li>• SP3 Tourist</li> <li>• RE2 Private Recreation</li> <li>• C4 Environmental Living</li> <li>• E1 Local Centre</li> <li>• E2 Commercial Centre</li> <li>• E3 Productivity Support</li> </ul>

The department would not support temporary workers' accommodation in other zones except where they are currently permissible.

Local provisions can work alongside the land-use table to identify locational controls for temporary workers' accommodation. For example, councils may opt to apply local provisions for temporary workers' accommodation to either urban or non-urban areas, or even allow a combination of both.

### Consultation question

Are there any other zones that the department should consider for temporary workers' accommodation?

## 1.4 Guidance on local provisions for temporary workers' accommodation

Local councils can use the guidance below to establish customised local provisions that are relevant to their specific context. Although the guidance offers a framework for establishing objectives and development standards, councils can tailor them to ensure that provisions align with local needs.

While councils can always elect to include local provisions for Temporary Workers' Accommodation, the department recommends the use of local provisions where temporary workers' accommodation is located in rural zones or sensitive locations.

### Local provision objectives for temporary workers' accommodation

Table 5 sets out optional objectives that councils could include in a local provision for temporary workers' accommodation.

**Table 5:** Optional objectives for local provisions

Topic	Optional objectives	Guidance
<b>Demonstrated need for the accommodation</b>	To enable temporary workers' accommodation if there is an existing or foreseeable need to house workers because of the nature of the work or the location of the land on which that work is carried out.	<ul style="list-style-type: none"> <li>Each development application is to demonstrate the need for temporary workers' accommodation as part of the development. Each development application is to be considered on its merits.</li> </ul>
<b>Appropriate location and design</b>	To ensure that temporary workers' accommodation is appropriately located and designed to provide amenity and facilities.	<ul style="list-style-type: none"> <li>The location and design of the facility should provide amenity for the users of the facility and the surrounding area.</li> </ul>
<b>Land-use conflicts and impact on locality</b>	To minimise the impact of temporary workers' accommodation on the locality in which it is situated and ensure it is not likely to conflict with an existing land use.	<ul style="list-style-type: none"> <li>Temporary workers' accommodation should not conflict with existing land uses, including facilities that are provided in a rural or semi-rural location.</li> <li>The potential increase of residential uses affecting existing agricultural or resource land operations is an important consideration for all proposals.</li> </ul>
<b>Impact on infrastructure</b>	To minimise the impact of temporary workers' accommodation on roads and infrastructure.	<ul style="list-style-type: none"> <li>Temporary workers' accommodation may have some impact on infrastructure beyond that created as part of the proposed development or supported through development contributions. It is reasonable to minimise this impact.</li> <li>Potential impacts on infrastructure should be considered on the merit of each development application.</li> </ul>
<b>Future use of the land</b>	To ensure temporary workers' accommodation is not likely to have a detrimental effect on the future use of the land.	<ul style="list-style-type: none"> <li>The development assessment process must consider and address any possible detrimental effect temporary workers' accommodation may have on future uses of the land.</li> <li>Council can require proposals to include a decommissioning plan.</li> </ul>
<b>Specific objective for TWA in urban areas - economic benefits</b>	To ensure that temporary workers' accommodation is designed and located to create the most benefit for the local economy.	<ul style="list-style-type: none"> <li>Beneficial outcomes could be achieved if the facility is designed and located to support an appropriate level of integration into the local economy.</li> </ul>
<b>Specific objective for TWA in urban areas - Impact on adjoining land use and neighbourhood amenity</b>	To ensure that temporary workers' accommodation is designed and located to minimise impact on adjoining land uses or the amenity of the neighbourhood.	<ul style="list-style-type: none"> <li>In urban locations, temporary workers' accommodation may be closer to several different types of land uses. This means there is an increased risk of negative impacts on existing uses and neighbourhood amenity. These impacts may be different from temporary workers' accommodation in a rural setting and may justify specific consideration.</li> </ul>

## Planning controls for temporary workers' accommodation

Planning controls can stipulate that development consent must not be granted to development for temporary workers' accommodation unless the consent authority is satisfied the proposal has met certain conditions.

Table 6 gives guidance on the controls that councils may wish to include in their local provision for temporary workers' accommodation. These controls are intended to help a council plan for their local needs.

**Table 6:** Optional development controls

Topic	Optional development controls	Guidance
<b>Demonstrated need for the accommodation</b>	The development should demonstrate that there is a need to provide temporary workers' accommodation because of either the nature of the development or the remote or isolated location of the land on which the development is being carried out.	<ul style="list-style-type: none"> <li>Aligns with the 'demonstrated need for the accommodation' objective in table 5</li> <li>Each proposal is to be considered on merit. The proposal must satisfy the consent authority that there is a demonstrated need to be provided to the satisfaction of the consent authority.</li> </ul>
<b>Sectors</b>	Temporary workers' accommodation must only provide temporary accommodation for people employed or contracted to work in the sectors listed by the council.	<ul style="list-style-type: none"> <li>While the local planning controls allow councils to limit temporary workers' accommodation to specific sectors, we advise councils to avoid this, whenever feasible, so that the clause is flexible to meet the needs of future sectors.</li> <li>The suggested temporary workers' accommodation definition in the Standard Instrument LEP aims to give the greatest possible flexibility for the sectors that can use this type of accommodation for both workers and contractors.</li> </ul>
<b>Site access</b>	The site has safe access that is always available.	<ul style="list-style-type: none"> <li>Aligns with the 'appropriate location and design' objective in table 5</li> <li>A temporary workers' accommodation site needs to ensure access is always available.</li> <li>The development application must propose site access arrangements that minimise the effect on infrastructure and any relevant requirement for infrastructure contributions under Part 7 of the EP&amp;A Act.</li> </ul>
<b>Locational requirements</b>	<p>The development is to be located:</p> <p>(i) if the development relates to a mine – within 5 kilometres of the relevant mining lease under the Mining Act 1992, or</p> <p>(ii) for all other proposals – within 5 kilometres of the development in which people are to be employed.</p> <p>Or:</p> <p>That the development is to be in a suitable location that give workers safe and reasonable access to their place of employment.</p>	<ul style="list-style-type: none"> <li>Aligns with the 'appropriate location and design' objective in table 5</li> <li>Council can ensure all temporary workers' accommodation is close to the place of employment and apply this requirement.</li> <li>Council can elect to establish a set distance from the place of employment or a broader consideration of location for safe and reasonable access.</li> </ul>
<b>Land-use conflict</b>	The development is not likely to conflict with an existing land use or have an unreasonable effect on adjoining land uses.	<ul style="list-style-type: none"> <li>Aligns with 'Land-use conflicts and effect on locality' objective in table 5.</li> <li>A development application must demonstrate that conflicts with an existing land use are not likely.</li> <li>A development application must demonstrate that it will not have an unreasonable effect on adjoining land uses.</li> <li>In particular, temporary workers' accommodation facilities that cater for shift workers need to consider and address any potential land-use conflicts – for example, vehicular noise during late hours.</li> </ul>
<b>Impact on infrastructure</b>	The potential effect on existing infrastructure will be minimised.	<ul style="list-style-type: none"> <li>Aligns with 'Impact on infrastructure' objective in table 5</li> <li>A development application must demonstrate how the potential impact on existing infrastructure will be minimised.</li> <li>The existing range of options available to address effects on infrastructure, including development contributions, continue to apply to temporary workers' accommodation.</li> </ul>

Topic	Optional development controls	Guidance
<b>Utilities</b>	Any infrastructure provided for the development will, if practical, continue to be used once the temporary workers' accommodation is no longer needed.	<ul style="list-style-type: none"> <li>The provision of the residential accommodation is to be temporary. However, this clause allows a consent authority to consider keeping the associated amenities or infrastructure provided as part of a temporary workers' accommodation facility.</li> <li>Consent authorities must ensure all relevant statutory provisions, including those for development contributions, are met.</li> </ul>
<b>Infrastructure to be retained</b>	Any infrastructure provided for the development will, if practical, continue to be used once the temporary workers' accommodation is no longer needed.	<ul style="list-style-type: none"> <li>The provision of the residential accommodation is to be temporary. However, this clause allows a consent authority to consider keeping the associated amenities or infrastructure provided as part of a temporary workers' accommodation facility.</li> <li>Consent authorities must ensure all relevant statutory provisions, including those for development contributions, are met.</li> </ul>
<b>Future use of the land</b>	The development will not prejudice the subsequent carrying out of development on the land in keeping with this plan and any other applicable environmental planning instrument.	<ul style="list-style-type: none"> <li>Aligns with 'future use of the land' objective in table 5.</li> <li>Each development application must demonstrate that the development will not prejudice subsequent carrying out of development on the land.</li> <li>Each development application must be considered on its merit, taking into account the relevant statutory planning framework.</li> </ul>
<b>Environmental values</b>	The development will not adversely impact the environmental values of the land on which the development is to be carried out.	<ul style="list-style-type: none"> <li>Consideration of environmental issues is already part of the development assessment framework as an aspect of the public interest. Stating that the proposed temporary workers' accommodation must not adversely impact the environmental values of the land reinforces the importance of these issues.</li> </ul>
<b>Scenic impact</b>	The proposal will have minimal impact on the scenic amenity of the locality.	<ul style="list-style-type: none"> <li>Aligns with 'Land-use conflicts and effect on locality' objective in table 5.</li> <li>Special consideration should be given to the visual impact of a proposal. This is especially important, given that temporary workers' accommodation proposals may be in rural areas.</li> </ul>
<b>Onsite facilities</b>	The proposal will provide adequate onsite facilities for workers.	<ul style="list-style-type: none"> <li>Aligns with the 'appropriate location and design' objective in Table 5</li> <li>The requirement to provide facilities for workers is addressed through other state and federal legislation. It is appropriate to ensure such requirements are considered and addressed as part of the assessment done through the planning system.</li> <li>This will ensure a complete proposal is assessed, reducing the need for subsequent changes.</li> </ul>
<b>Plan of management</b>	A plan of management has been provided that explains: <ul style="list-style-type: none"> <li>(i) for how long the temporary workers' accommodation will operate or for how long it will be occupied</li> <li>(ii) how the intended temporary workers' accommodation will be operated and any measures that will address potential impacts the facility's operation may have on adjoining land uses, including residential accommodation, and the locality</li> <li>(iii) how, when the development is no longer in use, the site will be decommissioned to restore the land to the condition it was in before the development began, or how it will be repurposed.</li> </ul>	<ul style="list-style-type: none"> <li>This provision has 2 elements. The first relates to the operation of the temporary workers' accommodation and the second addresses decommissioning when the use has ended.</li> <li>The plan of management should include all information requested in the clause, address any relevant state and federal requirements, and identify any infrastructure that will be kept.</li> </ul>

## 1.5 Other considerations and conditions of consent for temporary workers' accommodation

The provision of temporary workers' accommodation raises unique issues and considerations. The development assessment process should consider all relevant local issues.

Table 7 sets out general guidance and conditions of consent.

**Table 7:** General guidance and conditions of consent

Issue	Guidance
<b>Amenities</b>	<ul style="list-style-type: none"> <li>Amenities that may be necessary to support workers at the accommodation site include medical facilities, workers' recreational facilities, storage for workers, lighting and any other amenities required by other legislation, including federal requirements for seasonal workers' and SafeWork NSW requirements.</li> <li>Alternatively, if the proposed development does not include amenities, it must be located close to existing ones.</li> </ul>
<b>Cumulative impacts</b>	<ul style="list-style-type: none"> <li>The assessment of development applications may consider the cumulative impacts of multiple temporary workers' accommodation developments in the locality.</li> </ul>
<b>Locational requirements</b>	<ul style="list-style-type: none"> <li>Temporary workers' accommodation must have appropriate access points that support the daily movement of workers, goods, and services.</li> </ul>
<b>Repurposing or conversion</b>	<ul style="list-style-type: none"> <li>To repurpose or convert an existing temporary workers' accommodation facility to a different use, the proponent must get all relevant approvals, including any necessary development consents.</li> <li>Where a proponent proposes to repurpose a temporary workers' accommodation facility, they should review the local planning controls to confirm that the new use is permissible in the zone.</li> <li>All relevant development assessment processes and requirements would apply.</li> </ul>
<b>Servicing multiple projects</b>	<ul style="list-style-type: none"> <li>The definition of temporary workers' accommodation is broad enough to accommodate multiple projects using a single temporary workers' accommodation facility, if this satisfies any local provisions. Council can refer to the advice about time-limited consents to ensure the facility operates within a suitable timeframe only and in line with the plan of management that details its ongoing operation.</li> </ul>
<b>Site rehabilitation</b>	<ul style="list-style-type: none"> <li>The approach to site rehabilitation should be addressed and considered as part of the initial development application for temporary workers' accommodation.</li> <li>More requirements for the processes or approach to site rehabilitation may be included in a condition of consent.</li> </ul>
<b>Social impacts</b>	<ul style="list-style-type: none"> <li>The development application should address the potential effects a proposed development may have on the local community. This may include evaluating the impacts on housing affordability, access to essential services, community wellbeing, and social cohesion.</li> <li>The social, economic, and environmental impacts of a proposed development should be considered. This can be done using social impact assessments, which are designed to identify, predict, and evaluate the potential social impacts of a development.</li> <li>A social impact assessment may have been done for any related state-significant projects for which temporary workers' accommodation is being provided. This may have included a list of actions for addressing impacts. Visit the department's webpage on <b>social impact assessment</b> for more information.</li> </ul>
<b>Time-limited consent for temporary use only</b>	<ul style="list-style-type: none"> <li>Consent authorities can apply a time limit through an appropriate condition of consent that aligns with the timeframe for the associated employment-generating project. This can also differentiate the use from other standard forms of residential accommodation.</li> <li>It is common practice for the temporary workers' accommodation facilities to cease when the associated employment ends, which can be reflected in an appropriate condition of consent.</li> <li>Temporary facilities would need to meet all site rehabilitation requirements, as required by the development consent.</li> </ul>
<b>Traffic impact assessment</b>	<ul style="list-style-type: none"> <li>Traffic impact assessment is a normal consideration in the development assessment process.</li> <li>The traffic impact assessment should consider workers' vehicles accessing the site and bus movements to transport workers to the employment site.</li> </ul>
<b>Other statutory requirements</b>	<ul style="list-style-type: none"> <li>In some instances, development will need to meet national requirements for seasonal and temporary workers or SafeWork.</li> <li>These requirements may be for the number of beds for each room, appropriate storage, ensuring worker privacy is provided and the like. As these requirements are established outside the planning system, and may be subject to change or review, we have not addressed them in these guidelines.</li> <li>As referenced in the comments on amenities above, all relevant requirements should be incorporated into the development proposal, as this will reduce the need for later changes to a development consent.</li> <li>All state legislative requirements relevant to development applications still apply to temporary workers' accommodation.</li> </ul>

### Consultation question

Are there other objectives or provisions that should be included in the **temporary workers' accommodation local provision**?

## 1.6 Temporary workers' accommodation for major projects

In certain instances, temporary workers' accommodation may be approved as 'ancillary' to a development that is state-significant. In such cases, either the Independent Planning Commission or the department – acting as a delegate of the Minister for Planning and Public Spaces – is responsible for determining temporary workers' accommodation.

Incorporating temporary workers' accommodation within a state-significant application allows the project and any associated temporary workers' accommodation requirements to be considered as part of a single application. This streamlines the approval process and gives industry more certainty. It also eliminates the need to seek approval for the temporary workers' accommodation component separately, reducing delays and associated costs.

The provision of temporary workers' accommodation is also a key consideration in the social impact assessment for state-significant developments. By including temporary workers' accommodation within the application, the proponent can address social impacts for the development's housing needs.

We recommend that proponents discuss potential temporary workers' accommodation with the department's assessment team to determine appropriate requirements.

### Case study

#### Temporary workers' accommodation to support Inland Rail

A 306-km long railway with crossing loops is proposed from Narromine to Narrabri. This railway will form part of a cross-state rail freight network. The rail infrastructure project is declared state-significant infrastructure under Part 2.3 of the Planning Systems SEPP, as it is being developed on behalf of the Australian Rail Track Corporation and has a capital investment value of more than \$50 million.

Construction for the project is expected to take 4 years. To support the construction workforce, the proposal includes 5 temporary workers' accommodation facilities along the length of the railway, each expected to accommodate about 500 people. Each facility will include accommodation, recreational facilities, construction support requirements such as offices and workshops, tanks for water and fuel storage, generators, sewage and parking.

The proposed temporary workers' accommodation is proposed to support the construction of the railway and specifically to house workers of the project. The temporary workers' accommodation in this instance is assessed as part of the state-significant infrastructure application and considered an 'ancillary' development.





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# 2 Rural workers' dwellings

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## 2.1 Description of rural workers' dwelling

Rural workers' dwellings provide on-farm accommodation on a year-round or seasonal basis for workers involved in agriculture or rural industries on that land. This would normally be in a permanent structure on a farm that is in addition to an existing dwelling.

Rural workers' dwellings should not be used to meet temporary demand for housing or the need for large-scale accommodation for agricultural workers. Instead, councils or landowners who intend to provide temporary, on-farm or seasonal accommodation should opt for temporary workers' accommodation.

The existing approach to planning for rural workers' dwellings varies across NSW. Most, but not all, councils allow rural workers' dwellings with consent in various rural zones. Most local provisions for rural workers' dwelling have similar objectives and controls. However, not all councils that allow these dwellings have corresponding local provisions. In this instance, the determination of rural workers' dwelling relies on the standard definition and merit assessment.

### What we propose

The department proposes to continue with the existing approach, which balances clarity (using a standard definition) and flexibility (guidance on permissibility and local provisions). This supports councils in establishing a planning approach that meets their local needs.

This draft guideline focuses on the provision of rural workers' dwellings under the EP&A Act. Accommodation for rural workers may also be provided under the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

The Department of Primary Industries indicates that rural workers' dwellings are the preferred method of providing on-farm accommodation for itinerant workers. Councils may also wish to consult other guidance from the Department of Primary Industries to determine the most appropriate

location for rural workers' dwellings and to inform their rural land strategies.

The following section gives information and guidance on the standard definition of rural workers' dwellings, permissibility, local provisions and other key issues for this type of accommodation. The guidance aims to support councils that wish to include rural workers' dwelling in their local environmental plans or to review their existing provisions for rural workers' dwellings.

### Definition of rural workers' dwelling

A rural workers' dwelling is currently defined in the Standard Instrument LEP as:

“a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.”

**Note:** Rural workers' dwellings are a type of **residential accommodation** — see the definition of that term in the Standard Instrument LEP.

## 2.2 Permissibility for rural workers' dwellings

There is no existing requirement for a rural workers' dwelling to be permissible development in any zone. Rural workers' dwellings are permissible where it is specified in the land-use table or may be automatically permitted where residential accommodation is permissible, or in open zones. This gives councils the maximum flexibility to consider their local needs and decide where rural workers' dwellings should be permitted with development consent. This approach has not changed.

Permissibility for rural workers' dwellings varies across NSW. Many councils allow the development in land zoned as RU1 Primary Production. Some councils allow it in RU2 Rural Landscape and RU4 Primary Production Small Lots zones. There are a few councils that list rural workers' dwellings as permissible with consent in the C3 Environmental Management Zone.

Ideally, councils should consider the need for rural workers' dwellings in locations considered to be appropriate in a rural land strategy. This evaluation should include factors such as the size of the holdings in an area, the need to accommodate rural workers, the proximity and location of existing housing and services, the existing rental supply in an area, and current and future location of industries that may require itinerant workers.

### Recommended zones

The department recommends that rural workers' dwellings be permitted in the following zones, if councils can demonstrate that the use is appropriate for local circumstances:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU6 Transition
- RE2 Private Recreation
- C3 Environmental Management
- C4 Environmental Living.



Credit: Tim Collins

## 2.3 Guidance on local provisions for rural workers' dwellings

Councils can continue to determine permissibility based on their unique local needs. The aim of the guidance below is to support councils' ability to plan for their local requirements and provide recommended provisions for councils that wish to incorporate a local clause in their local environmental plan.

The following sections offer guidance on all elements of the local provision outline.

**Table 8:** Objectives for rural workers' dwellings

Objective	Guidance
<b>The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries</b>	<ul style="list-style-type: none"> <li>A rural workers' dwelling is to provide accommodation for employees of existing agricultural or rural industries rather than future or anticipated demand for accommodation.</li> <li>This aligns with the local provision in Table 9 requirement for the agricultural or rural industry to have demonstrated economic capacity to support the ongoing employment of rural workers.</li> </ul>

### Local provisions and heads of consideration

The local provision can allow councils to ensure rural workers' dwellings are needed because of the nature of the use or remoteness of the location, while also ensuring the agricultural and resource land uses are not impaired.

Table 9 gives guidance on all aspects of the local provision outline.

**Table 9:** Local provision and heads of consideration

Topic	Optional development controls	Guidance
<b>Not impair agricultural or rural industries</b>	The development will not impair the use of the land for agricultural or rural industries.	<ul style="list-style-type: none"> <li>Gives agricultural and rural industries priority over dwellings in rural areas.</li> </ul>
<b>Demonstrated economic capacity to support workers</b>	The agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers.	<ul style="list-style-type: none"> <li>Ensures the agricultural or rural industry has the economic capacity to support the employment of workers and the proposed rural workers' dwelling will be used for rural workers.</li> <li>Ensuring worker accommodation is provided without negative effects in the rural landscape can help reduce the risk of future land-use conflicts for both agricultural and resource land uses.</li> </ul>
<b>Necessary for the use or because of remoteness</b>	The development is necessary, considering the nature of the agricultural or rural industry land use lawfully occurring on the land, or because of the land's remote or isolated location.	<ul style="list-style-type: none"> <li>Ensures the rural workers' dwelling is necessary.</li> </ul>
<b>Number of rural workers' dwellings</b>	The development will not result in more than (council to insert number) rural workers' dwelling(s) being erected on the lot.	<ul style="list-style-type: none"> <li>Council may specify the number of rural workers' dwellings allowed. This can help ensure multiple rural workers' dwelling can be located on a single lot where needed.</li> <li>Where there are multiple rural workers' dwellings, there may be overlaps with the definition of multi-dwelling housing. However, as rural workers' dwellings can provide accommodation on both a long-term or short-term basis, there are circumstances in which the development is more likely to be characterised as rural workers' dwelling.</li> <li>Rural workers' dwellings that are frequently vacated by employees or do not serve as a primary place of residence would be unlikely to satisfy the definition for multi-dwelling housing. For instance, if there is a requirement for a rural workers' dwelling to be vacated by the end of a season or shift, it would more likely be characterised as rural workers' dwelling.</li> </ul>
<b>Common vehicular access point</b>	Each dwelling shares the same access road as the principal farm dwelling. OR The development will not require any additional vehicular access to a public road.	<ul style="list-style-type: none"> <li>Council may require access be limited to reduce the pressure for future subdivision and fragmentation of rural land and to limit impact on the existing rural road network.</li> </ul>



## 2.4 Other considerations and conditions of consent for rural workers' dwellings

The provision of rural workers' dwellings raises unique considerations. Council may consider addressing local issues through development control provisions as part of the development assessment process.

We have provided the guidance in Table 10 for information. Council may consider using the provisions below in determining an application for rural workers' dwelling.

**Table 10:** Other considerations for rural workers' dwellings

Issue	Guidance
<b>Safety plan</b>	<ul style="list-style-type: none"> <li>As the occupants of a rural workers' dwelling may be temporary, it may be appropriate to ensure that occupants receive up-to-date, site-specific safety information (for example, bushfire or flood information).</li> <li>Council may, where justified, consider including this requirement in a condition of consent.</li> </ul>
<b>Access points</b>	<ul style="list-style-type: none"> <li>To manage the number of vehicular access points on rural roads and limit future pressure for subdivision, it may be appropriate to require a rural workers' dwelling to use existing access points.</li> </ul>
<b>Multiple rural workers' dwellings</b>	<ul style="list-style-type: none"> <li>In areas where there is demand for rural workers' dwellings, a local provision could allow more than one rural workers' dwelling on the same lot.</li> </ul>
<b>Agritourism</b>	<ul style="list-style-type: none"> <li>Rural workers' dwellings can be provided in addition to farm stay accommodation.</li> <li>Farmers may be able to diversify their income sources by changing the use of a rural workers' dwelling to farm stay accommodation as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</li> </ul>
<b>Limit on number of occupants</b>	<ul style="list-style-type: none"> <li>For development applications for a rural workers' dwelling, council may, if necessary, include a condition limiting the number of occupants to an appropriate number.</li> </ul>

### Consultation questions

- Do you agree with the recommended zones?
- Are there other provisions that should be included?

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# 3 Local complying development pathway for rural workers' dwellings

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Complying development is a streamlined planning approval process that allows for certain types of development to be carried out without the need for a development application. This can include the construction of rural workers' dwellings, which are often needed in areas where there is a shortage of affordable housing for workers in the agricultural sector.

Local councils can include specific provisions for complying development in their local environmental plans. These provisions permit the council to determine the standards and regulations that are applicable for rural workers' dwellings. Councils can modify these provisions in keeping with their local requirements.

By providing local provisions for complying development in a local environmental plan, councils are supporting a faster approval process for rural workers' dwellings. This will make the planning system more responsive to changes in housing demand, which can help support the local agricultural industry. Farmers also benefit from greater flexibility to provide housing for workers on-farm, which can improve their ability to attract and retain workers.

Before inserting a complying development pathway for rural workers' dwellings, councils should consider:

- **local demand:** if there is significant demand for rural workers' dwellings in the local government area (such as existing agricultural activity) and if there is enough existing housing stock to meet it
- **environmental and character impacts:** if provisions should be put in place to minimise effects on biodiversity, water quality, landscape or residential character
- **building standards:** if provisions are needed to meet specific building and safety standards
- **community input:** if the community has a strong need for a complying development pathway.

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## Consultation questions

- Is a local complying development pathway something councils would consider including in the relevant local environmental plan?
- Would councils like the department to include an outline for a complying development clause in the guidance?
- If so, are there any specific provisions that should be included in the outline of the complying development clause?

The department has prepared a rural workers' dwelling local provision outline to help councils that may wish to pursue this pathway. Please contact the department for more help.

# 4 Strategic planning

Councils undertake various types of strategic planning that may be useful for determining future demand for seasonal workers' accommodation and temporary workers' accommodation. This includes preparing or updating local housing strategies and/or rural land strategies, as well as local strategic planning statements.

The department recommends that councils integrate the demand for seasonal and temporary workers' accommodation into all future strategic planning processes.

This is the most effective approach to considering existing and future demand for this type of accommodation and identifying the most effective suite of local controls that will respond to it.

The department encourages councils to consider the guidance in Table 11 on the different types of seasonal and temporary workers' accommodation in future strategic planning.

**Table 11:** Strategic planning guidance

Accommodation type	Guidance
<b>Temporary workers' accommodation</b>	<ul style="list-style-type: none"><li>• Strategies including local housing strategies, rural lands strategies and local strategic planning statements (along with other issue-specific strategies) are an effective mechanism for councils to identify and plan for the future demand for all housing, including temporary workers' accommodation.</li><li>• Demand for temporary workers' accommodation can often be linked directly to existing or future projects such as mines and major infrastructure. In a best-case scenario, strategic planning can identify the pipeline of future projects likely to generate demand for temporary workers' accommodation and determine what planning provisions will ensure this demand can be met. All strategic plans should ensure future known demand is identified and planned for.</li><li>• In practice, however, the demand for temporary workers' accommodation is likely to change before strategies are completed or reviewed. An immediate or interim response may be necessary. We encourage councils to establish flexible and responsive planning provisions that can manage changing demand.</li><li>• If permanent structures will be used to accommodate temporary workers, this should be done through existing types of accommodation such as houses and not through temporary workers' accommodation.</li></ul>
<b>On-farm accommodation for seasonal workers (rural workers' dwelling)</b>	<ul style="list-style-type: none"><li>• Strategies can identify if changes to agricultural practices are in turn changing demand for on-farm seasonal worker accommodation. Strategies can also determine if existing rural workers' dwellings (or other relevant provisions) can meet the existing and future demand.</li><li>• While identifying and planning for future demand can be addressed through strategic planning, in practice, an immediate or interim response may be required for sudden or fluctuating changes in demand.</li><li>• We encourage councils to establish flexible and responsive planning provisions that can manage changing demand.</li></ul>
<b>Off-farm accommodation for seasonal workers, including seasonal hospitality workers (residential accommodation other than rural workers' dwellings)</b>	<ul style="list-style-type: none"><li>• Strategies can identify if changes across all industry sectors (not limited to the agricultural sector) are in turn changing demand for off-farm seasonal workers' accommodation.</li><li>• Identify how off-farm seasonal workers' accommodation is currently provided and determine if existing and future demand can be met. If seasonal workers will be accommodated using permanent structures, this should be done using existing types of housing such as co-living housing and not temporary workers' accommodation.</li><li>• Identify if existing provisions need to be updated to meet changing demand.</li></ul>

