

Item:	9.3	Ref: AINT/2025/33680
Title:	Planning Proposal to insert Additional Local Provision into ARLEP 2012, to Permit Temporary Workers Accommodation	Container: ARC23/5934
Responsible Officer	Chief Officer Planning and Activation	
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Attachments:	1. Planning Proposal - Temporary Workers Accommodation - V1.1	

1. Purpose

The purpose of this report is to seek Council endorsement to forward the Planning Proposal to amend ARLEP 2012, by introducing new provisions relating to permissibility and planning controls for Temporary Workers Accommodation, to the Department of Planning, Housing and Infrastructure with the request for a Gateway Determination and to commence the necessary actions resulting from the conditions of that Gateway Determination.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Planning Proposal (Attachment 1) to amend Part 6 'Additional Local Provisions' of ARLEP 2012, by introducing new local provisions relating to permissibility and planning controls for Temporary Workers Accommodation.
- b. Forward the endorsed Planning Proposal to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination and exhibit the Planning Proposal in accordance with the conditions of that Gateway Determination.
- c. Delegate authority to the General Manager to make any changes to the Planning Proposal as a result of feedback from the Department of Planning, Housing and Infrastructure and any Public Authorities as conditioned in the Gateway Determination.
- d. Seek authorisation from the Department of Planning, Housing and Infrastructure to be the local plan making authority in this instance.

3. Background

The Armidale Region Local Government Area (LGA) is experiencing significant demand for accommodation for workforces that do not live locally. This demand originates from developments that require specialised workforces and/or require workers to be located in close proximity for fatigue management reasons, such as mining, renewables, specialised agriculture and Controlled Environment Horticulture (CEH). The accommodation for such workers is therefore not always practicable to be located within existing urban centres.

This PP seeks to amend the LEP 2012 by introducing new local provisions relating to permissibility and planning controls for Temporary Workers Accommodation.

The intended outcomes of the PP are:

- To provide for a land use definition of Temporary Workers' Accommodation,
- To provide for permissibility of Temporary Workers' Accommodation, and
- To provide development controls to ensure the suitable location of Temporary Workers' Accommodation.

4. Discussion

Armidale Regional Local Government Area (LGA) is currently experiencing significant demand for accommodation for workforces that do not live locally, such as fly in fly out (FIFO) and/or drive in drive out (DIDO) workers. This demand originates from developments that largely require specialised workforces and/or require workers to be located in close proximity for fatigue management reasons, such as mining, renewables and specialised agriculture. The accommodation for such workers is therefore not always practicable to be located within existing urban centres.

The housing demand from temporary workers developments is already impacting on rental and affordable housing stock and the tourist and visitor accommodation, which has detrimental implications on these sectors of the community and economy.

Such accommodation is only expected to increase over the next decade and beyond, largely driven by the growth in renewables and the region's location within the renewable energy zone, which is anticipated to be the largest in NSW. Additionally, the LSPS aspirations for regional employment and growth over the next 20 years, will also rely on other industries such as Controlled Environment Horticulture and mining for longer term and diversification of the regions employment opportunities.

In 2023, the Department of Planning & Environment (DPE) publicly exhibited documents relating to proposed Temporary and Seasonal Workers Accommodation Toolkit. The intent of this package was to propose:

... amendments that are intended to simplify the planning pathway for accommodation for temporary and seasonal workers¹.

The proposed changes included:

- Changes to the Standard Instrument to include a standard definition of Temporary Workers' Accommodation, and
- Changes to include specific provisions for construction accommodation in certain Renewable Energy Zones².

As a result of public feedback received during the public exhibition period, DPE proceeded with only the second component above, which has been included in the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This provides for accommodation for "relevant construction workers", however, only applies to relevant electricity infrastructure development and specified State Significant Development (SSD) and State Significant Infrastructure (SSI) projects within the Renewable Energy Zones (REZ).

This has left a gap in the permissibility for all other types of Temporary Worker's Accommodation, which was identified during the drafting of both the LSPS and LHS and is an action arising from these Strategies, which is proposed to be addressed with the Planning Proposal.

Given this, the intended outcomes and objectives of this Planning Proposal will be achieved by amending the LEP in the following manner:

- Inserting a new Additional Local Provision into Part 6 of the LEP for Temporary Workers Accommodation which provides for the following:

¹ [https://www.dpe.nsw.gov.au/consultation/2023/09/2023-09-20-2023-10-20](#)

- Objectives, consistent with those in the toolkit:
 - (a) to enable development for the purposes of temporary workers' accommodation if there is an existing or foreseeable need to accommodate employees due to the nature of the work or the location of the land on which that work is carried out,
 - (b) To ensure that temporary workers' accommodation is appropriately located and designed to provide amenity and facilities.
 - (c) 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.
 - (d) To minimise the impact of temporary workers' accommodation on roads and infrastructure.
 - (e) To ensure temporary workers' accommodation is not likely to have a detrimental effect on the future use of the land.
- Make 'Temporary Workers Accommodation' permissible with consent where the Consent Authority can be satisfied of certain matters, consistent with those in the toolkit including:
 - the development is necessary considering the nature of the development and employees required for the development, or because of the remote or isolated location of the land on which the development is, or is to be, carried out,
 - the development is to be in a suitable location that give workers safe and reasonable access to their place of employment.
 - The proposal will provide adequate onsite facilities for occupants.
 - The development is not likely to conflict with an existing land use or have an unreasonable effect on adjoining land uses.
 - the development will not result in an adverse impact on any of the following—
 - the amenity of existing residential accommodation on adjoining land,
 - the viability of agricultural activities on adjoining land,
 - an Aboriginal object or Aboriginal place of heritage significance,
 - the environmental values of the land on which the development is to be carried out, and
 - the supply of potable water, sewage management systems and local roads will adequately meet the requirements resulting from the development,
 - the development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,
 - A plan of management has been provided that explains:
 - for how long the temporary workers' accommodation will operate or for how long it will be occupied

- 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
 - 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 to an alternative permissible use.
- Provide for a definition of Temporary Workers' Accommodation' consistent with that in the toolkit:

***Temporary workers' accommodation** means any habitable buildings and/or moveable dwellings and associated amenities erected or altered for the purpose of providing temporary accommodation for persons employed or contracted to work for the purpose of, but not limited to, the rural, agricultural, mining, extractive industry or electricity-generating works.*

5. Implications

5.1 Strategic and Policy Implications

The proposed amendment to the LEP to introduce a new additional local provision for temporary workers accommodation, is consistent with Planning Priority B1, Action B1.4 of the LSPS and Planning Priority 5.1(b) of the LHS.

Furthermore, Council initiated Planning Proposals that ensure that the Local Environmental Plan is fit for purpose is a key output for the Land Use Planning team in the 2025-26 Operational Plan.

5.2. Risk

There are no legal or risk implications arising from the matters addressed in this report.

5.3. Sustainability

The objective of this Planning Proposal is to provide for an additional pathway for the provision of workers accommodation within the LGA, with the intent of reducing adverse impacts on affordable, rental and tourist and visitor accommodation within the region.

5.4. Financial

There are no financial implications arising from this Planning Proposal which has been prepared by Council to introduce a new additional local provision into the *Armidale Regional Local Environmental Plan 2012*.

6. Consultation and Communication

No consultation has been undertaken to date in relation to this Planning Proposal. Any requirements for public consultation and consultation with public authorities will be set by the conditions of the Gateway Determination if issued.

7. Conclusion

This report recommends that the Planning Proposal be forwarded to DPHI with the request for a Gateway Determination.