



IRF25/2688

Gateway determination report – PP-2025-2333

To permit temporary workers accommodation in
certain zones

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal No 28 – Temporary Workers Accommodation – October 2025
Council Report – 22 October 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Armidale Regional
PPA	Armidale Regional Council
NAME	To permit temporary workers accommodation in certain zones
NUMBER	PP-2025-2333
LEP TO BE AMENDED	Armidale Regional Local Environmental Plan (LEP) 2012
ADDRESS	LGA wide
DESCRIPTION	LGA wide
RECEIVED	24/11/2025
FILE NO.	IRF25/2688
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Armidale Regional LEP 2012, to:

- permit temporary workers' accommodation with consent;
- include a definition of temporary workers' accommodation; and
- include development controls to ensure temporary workers' accommodation is suitably located.

The objectives of the proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Armidale Regional LEP 2012 to insert a new local to facilitate temporary workers' accommodation, consistent with the Department's Temporary and Seasonal Workers Accommodation Toolkit (Draft Guideline – August 2023) as follows:

- permit temporary workers' accommodation with consent where the consent authority is satisfied in relation to certain matters; and

- include a definition of temporary workers' accommodation which provides for people employed or contracted in various sectors.

In 2023, the Department exhibited the draft Temporary and Seasonal Workers Accommodation Toolkit. The intent of this package was to simplify the planning pathway for temporary and seasonal worker accommodation. The package proposed changes to:

- the Standard Instrument to include a standard definition of temporary workers' accommodation; and
- include specific provisions for construction accommodation in certain Renewable Energy Zones (REZ).

It was determined in response to the feedback provided, that the complexities and competing needs of seasonal workers' accommodation would be better assessed by councils at the local level by inclusion of individual provisions in local environmental plans rather than amending the Standard Instrument LEP. The Department, did however, amend State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to enable construction accommodation to provide immediate support for councils with renewable energy projects in their area.

Council's planning proposal seeks to provide maximum flexibility on location, timeframe and the types of sectors that will be able to use accommodation. In this regard, the planning proposal does not seek to limit the application of the proposed local provision to a zone, particular locality or timeframe for how long the facility may be in operation. Instead, suitability must be determined at the development application stage, having regard to the considerations contained within the new local provision.

Given the primary objectives and the sensitive nature of some zones, it is recommended that the proposed local provision replicate the provisions of the Housing SEPP (Part 13, clause 141F) for construction workers and exclude the following zones from its application:

- RU3 Forestry;
- recreation zones; and
- conservation zones.

This approach has been discussed with Council staff who have raised no objection. The planning proposal will need to be updated prior to agency and community consultation, and this forms a condition of the Gateway determination.

In relation to timeframes, should Council wish to time limit the operation of a temporary accommodation facility an appropriate condition of consent at the development application stage could be applied.

Finally, in recognition that the final wording of the local provision will be determined by Parliamentary Counsel in consultation with Council at the plan making stage, and that inclusion of the proposed definition may not be suitable as it is not consistent with the Standard Instrument dictionary, it is recommended that Part 2 Explanation of Provisions of the planning proposal be amended prior to exhibition to remove the draft local provision, including the proposed temporary workers' accommodation definition, and include a plain English explanation of the proposed changes.

1.4 Site description and surrounding area

The planning proposal intends that the proposed new local provision will apply to the whole of the Armidale Regional local government (LGA).

As discussed in section 1.3 of this report, it is recommended that the proposal be revised as a condition of the Gateway determination to exclude land within zone RU3 Forestry and all recreation and conservation zones.

1.5 Mapping

The planning proposal does not require new maps or amendments to any existing maps.

2 Need for the planning proposal

Both Council's Local Strategic Planning Statement (LSPS) and Department endorsed Local Housing Strategy (LHS) identify the need to investigate opportunities for temporary workers' accommodation. Actions of the LSPS and LHS are to amend the Armidale Regional LEP 2012 to incorporate a temporary workers' accommodation clause.

The planning proposal is considered the best means of achieving the objectives and intended outcomes. However, as discussed in section 1.3 of this report, the planning proposal is required to be revised prior to agency and community consultation to exclude zone RU3 Forestry and all recreation and conservation zones to minimise the potential for adverse impacts.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England North West Regional Plan 2041.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 2 - Protect the viability and integrity of rural land	This objective nominates that the region's economy is underpinned by agriculture and related industries. One of the intended outcomes of the proposal is to help support the growth of horticulture developments, which aligns with the objects of the regional plan. To ensure that future temporary workers' accommodation does not unreasonably affect existing land uses or adjoining uses, the proposal seeks to include provisions to ensure, the development: • is appropriate based on local context and necessary considering the nature of the development; • is not likely to conflict with an existing land use or have an unreasonable effect on adjoining land use; and • will not result in an adverse impact on the viability of agricultural activities on adjoining land. It is noted that the Housing SEPP already provides a local planning pathway for housing for construction workers of renewable energy projects in rural zones. Notwithstanding, it is recommended that consultation be undertaken with Department of Primary Industry and Regional Development (DPIRD) – Agriculture and this forms a condition of the Gateway determination.
Objective 8 - Adapt to climate change and natural hazards	This objective indicates that natural hazards could become more severe due to likely changes in climate across north eastern NSW, such as higher temperatures, more frequent hot days and changes to the seasonality of rainfall. As the proposal applies LGA wide, it has the potential to affect land that is natural hazard prone.

and increase climate resilience	The proposed local provision aims to ensure that development occurs only in a suitable location that provides workers with safe and reasonable access to their place of employment to mitigate the risk of hazards. In addition: - it is a condition of the Gateway determination that consultation be undertaken with NSW Rural Fire Service (RFS) in accordance with Direction 4.3 Planning for Bushfire Protection; and - the Armidale Regional LEP 2012 contains provisions in relation to flooding (clause 5.21) which will ensure that this hazard can be appropriately considered and addressed on a site-specific basis as part of any future development application.
Objective 12 - Protect regional biodiversity and areas of High Environmental Value	This objective requires that potential High Environmental Value (HEV) land is identified and protected. As the planning proposal applies LGA wide, it will apply to affect areas of potential HEV. The proposed clause addresses this issue by requiring any development will not result in an adverse impact to the environmental values of the land. It is however as discussed previously recommended that conservation zones are excluded from the proposal and this forms a condition of the Gateway determination.
Objective 13 – Provide well located housing to meet demand	This objective identifies that the wider New England North West region sees influxes of seasonal and itinerant workers to support agricultural industries during harvest or sowing periods as well as major construction projects that attract temporary workers. The temporary influx results in an increased demand for accommodation at different times of the year. An undersupply of accommodation options for these workers can result in upward pressure on rents and health and safety concerns from overcrowding and makeshift housing. It is considered that the planning proposal is consistent with and will assist in achieving this objective.
Objective 15 - Understand, respect and integrate Aboriginal culture and heritage	This objective identifies that the New England North West is rich in Aboriginal cultural heritage. The new local provision includes a control which ensures that development will not result in an adverse impact on an Aboriginal object or Aboriginal place of heritage significance. This is in addition to the existing clause 5.10 Heritage conservation contained in the Armidale Regional LEP 2012. Notwithstanding, it is recommended that consultation is undertaken with the Armidale Local Aboriginal Land Council (LALC) and this forms a condition of the Gateway determination.
Local Government Narratives – Armidale Regional	Council's priorities for the LGA that are relevant to the planning proposal are: - deliver a variety of housing options in Armidale and promote development that contributes to the unique character of Ben Lomond, Black Mountain, Guyra, Ebor, Hillgrove, Llangothlin and Wollomombi; - encourage diversification in agriculture, horticulture and agribusiness to grow these sectors and harness domestic and international opportunities; and

- acknowledge and support new and emerging opportunities presented in the nationally significant greenhouse industry which will continue to grow and evolve at Guyra.

It is considered that the planning proposal is consistent with and will assist in achieving these priorities

3.2 Local

The proposal confirms that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The relevant actions of the Armidale Regional Council LSPS include: • Action B.4(a): Identify suitable areas within Armidale and Guyra to locate temporary workers accommodation which can be converted into long term residential accommodation where appropriate; and • Action B1.4(d): Amend the LEP to incorporate the temporary workers accommodation clause. Temporary workers' accommodation 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, including long term residential accommodation. As discussed in section 1.3 of this report, it is recommended that zone RU3 Forestry and all recreation and conservation zones are excluded from the proposal to protect ecological and natural values. This update aligns with the intent and relevant actions of the LSPS.
Armidale Regional Local Housing Strategy (LHS)	The Armidale Regional LHS was conditionally endorsed by the Department on 9 October 2024. Planning Priority 5 identifies that controlled environmental horticulture and renewable energy projects will generate employment growth in the region over the next 20 years. These industries will, however, impact the supply of housing and tourist accommodation in the region. The LHS aims to be proactive in ensuring good quality accommodation for workers is available and includes the following actions relevant to the proposal: • investigate opportunities for seasonal and temporary workers accommodation in the growth areas to service REZ projects and horticulture developments; • adopt the Temporary and Seasonal workers LEP Clause proposed by DPHI when available; • adopt DCP controls for temporary and seasonal workers accommodation; • investigate opportunities for controlled environment horticulture and REZ projects to supply temporary and seasonal workers accommodation; and

- investigate possible models and sites for future workers accommodation that can provide opportunities for repurposing of housing and infrastructure in the future.

Following exhibition of the Department's Temporary and Seasonable Workers Accommodation Toolkit, councils may take steps to include localised provisions in their LEPs. As such, the proposal is considered to be consistent with the intent of the LHS for facilitating temporary workers' accommodation in the LGA

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with relevant section 9.1 Directions except as discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	As discussed above, the proposal has attempted through the local provision to address consistency with a number of matters identified within the Regional Plan. Until consultation with relevant agencies has been undertaken to confirm the adequacy of the provision it is considered that this direction will remain unresolved.
3.2 Heritage Conservation	Justifiably inconsistent	As the planning proposal's application is LGA wide, it affects land that may be an item, area, object or place of environmental heritage significance and /or indigenous heritage significance. The inconsistency is considered to be of minor significance as the Armidale Regional LEP 2012 contains suitable provisions in relation to heritage conservation (clause 5.10) and it is proposed to further mitigate any impacts on Aboriginal areas, objects, places and landscapes as part of the proposed local provision. This will ensure that this matter can be appropriately considered and addressed as part of any future development application.
4.1 Flooding	Justifiably inconsistent	The planning proposal is inconsistent with this direction as it will allow a potential intensification of uses on land that may be subject to flooding. The inconsistency is considered to be of minor significance as the Armidale Regional LEP 2012 contains suitable provisions in relation to flooding (clause 5.21) and it is proposed to further mitigate the risk of hazards as part of the proposed local provision. This will ensure that this matter can be appropriately considered and addressed as part of any future development application.

4.3 Planning for Bushfire Protection	Unresolved	This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. The direction provides that Council must consult with the Commissioner of the NSW RFS after a Gateway determination is issued and before community consultation is undertaken. Until consultation with the NSW RFS has been undertaken regarding this planning proposal, the direction remains unresolved.
5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	The proposal applies to land adjoining and within proximity to the Armidale Regional Airport. This direction will remain unresolved until consultation has been undertaken with the operator of the airport, Civil Aviation Authority (CASA) and Airservices Australia.
8.1 Mining, Petroleum Production and Extractive Industries	Unresolved	The planning proposal is inconsistent with this direction as it has the potential to restrict the development of resources of coal, other minerals, petroleum or extractive materials due to the nature of the proposed land uses and potential land use conflict. While it is considered likely that the inconsistency is of minor significance and that this issue can be appropriately managed through the proposed local provisions, it is recommended that consultation is undertaken with NSW Resources to confirm the suitability of the proposal. Until consultation has been undertaken, the consistency with this direction remains unresolved.
9.2 Rural Lands	Justifiably inconsistent	The planning proposal is inconsistent with this direction as the use of land for temporary workers accommodation has the potential to impact on adjoining farmers exercising their right to farm. This consistency is considered to be of minor significance and can be appropriately managed through the proposed local provisions at the development application stage to ensure no adverse impacts. It is however considered appropriate that consultation be undertaken with DPIRD - Agriculture and this forms a condition of the Gateway determination.

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Environmental	As discussed in section 1.3 of this report, it is recommended that zone RU3 Forestry and conservation zones are excluded from the proposal to mitigate potential impacts on the environment. Council also proposes that the potential for environmental impacts be addressed as part of the local provision which includes the following relevant objectives: • 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; and • to ensure temporary workers' accommodation is not likely to have a detrimental effect on the future use of the land. Other considerations of the provision include site specific assessment to ensure that proposed development for the purpose of temporary workers accommodation will not result in an adverse impact on any of the following: • an Aboriginal object or Aboriginal place of heritage significance; and • the environmental values of the land on which the development is to be carried out. Future development on land identified as potential HEV will also be required to demonstrate consistency with the objectives and requirements of relevant provisions contained in Armidale Regional LEP 2012 such as 5.10 Heritage conservation as well as the Armidale Koala Management Strategy 2021. Potential site-specific constraints such, flooding can also be appropriately assessed against the relevant provisions of Armidale Regional LEP 2012 at the development application stage. A condition of the Gateway determination requires that consultation be undertaken with the NSW RFS to satisfy Direction 4.3 Planning for Bushfire Protection.
Landuse conflict	The planning proposal has the potential to impact the rural character or lead to potential land use conflicts with existing agricultural activities/conservation objectives over time. It is considered, however, that this issue can be appropriately managed and mitigated through the proposed local provision at the development application stage to ensure no adverse impact.
Potential contamination	The proposal has the potential to allow an intensification of uses on potentially contaminated land. It is noted however that a number of similar uses can already be undertaken within certain zones across the LGA with consent. It is therefore considered that the proposal will not increase the existing risk and it can adequately be considered and addressed at the development application stage in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Social and economic	It is anticipated that the planning proposal has the potential to create a positive social and economic impact as: - it will assist in supporting a strong local economy, in particular emerging regional growth industries that require specialised workforces such as mining, renewables and specialised agriculture; and - it has the potential to create positive social and economic benefits for the Armidale Regional LGA by easing pressure on the local rental and tourist and visitor accommodation market.

4.3 Infrastructure

The following table provides an assessment of the adequacy of local and state infrastructure associated with the Planning proposal.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Local	The planning proposal has not identified any specific requirement for local infrastructure. it is considered that any site-specific infrastructure matters can be appropriately addressed at the development application stage
State	The planning proposal has not identified any requirement for state infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days. The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- NSW Department of Primary Industries and Regional Development – Agriculture
- NSW Resources
- Armidale Local Aboriginal Land Council
- Civil Aviation Authority
- Airservices Australia
- Owner / Operator of Armidale Regional Airport

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

An LEP completion date of 9 months from the Gateway determination date is recommended in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is of local significance, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the Armidale Regional Local Strategic Planning Statement and Housing Strategy;
- it will help support emerging regional growth industries that require specialised workforces; and
- it has the potential to ease housing pressures on the local rental and tourist and visitor accommodation market.

9 Recommendation

It is recommended the delegate of the Secretary:

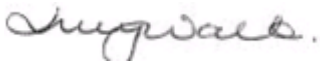
- agree that any inconsistencies with section 9.1 Directions 3.2 Heritage Conservation, 4.1 Flooding and 9.2 Rural Lands are minor or justified; and
- note that consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 4.3 Planning for Bushfire Protection, 5.3 Development Near Regulated Airports and Defence Airfields and 8.1 Mining, Petroleum Production and Extractive Industries is unresolved and will require justification

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - a) remove the draft local provision including the definition of temporary workers' accommodation and include a plain English explanation of the proposed changes; and
 - b) exclude application of the new provision from the RU3 Forestry Zone and all recreation and conservation zones.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - NSW Department of Primary Industries and Regional Development – Agriculture
 - NSW Resources
 - Armidale Local Aboriginal Land Council

- Civil Aviation Authority
 - Airservices Australia
 - Owner / Operator of Armidale Regional Airport
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 9 months from the Gateway determination date be included on the Gateway.



11-12-2025

(Signature)_____
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12/12/25

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