

Rural Workers Dwellings

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Introduction

The purpose of this Primefact is to assist local councils to determine if rural workers dwellings (RWDs) should be provided for in their Local Environmental Plan (LEP) and if so, some relevant planning considerations. It may also assist landholders to better plan any RWDs they intend to build on their property.

Councils are the local planning and development consent authority in NSW for RWDs and all enquiries should be directed to them in the first instance. However, in the interests of effective rural land use planning, DPI Agriculture can and does provide strategic or policy advice.

Other relevant legal instruments for landholders who intend to house staff on farm in RWDs include the *Rural Workers Accommodation Act 1969* and the *Work Health and Safety Act 2011*.

Are Rural Workers Dwellings Needed?

A 2004 report estimated that 1,800 farms (or about 7.5% of all NSW farms) provided on-farm accommodation to workers.



Historical rural workers dwellings: Photo Glenda Briggs

The standard LEP defines a rural workers dwelling as an ancillary dwelling 'on the same landholding, used as the principal place of residence for persons employed for the purpose of agriculture or a rural industry on that land'.

Providing a principal residence for additional farm workers or a manager can be important where the scale and nature of the farm enterprise requires it. For example, if additional employees are required and it is not feasible for them to travel to the property to work.

The animal welfare and 24/7 management needs of large-scale intensive livestock enterprises may also require more than one on-site residence.

Seasonal farm workers such as fruit pickers, may also require accommodation on farm.

However, caution is urged so that RWDs are not used as a mechanism to undermine existing provisions to control the establishment of residential dwellings on rural zoned lands – a use which is generally not consistent with RU1 and RU2 zone objectives.

Factors to consider when assessing the need for RWDs include:

- The suitability of communication infrastructure
- the accessibility of nearby residential zones and surplus dwellings on other properties
- the scale of the enterprise and need for additional resident farm labour
- The mobility of farm workers / managers to work on more than one property.

Permanent dwellings that are surplus to the efficient use of rural resource lands can restrict future primary industry development, be inconsistent with zone objectives and undermine rural zone planning strategies.

Construction of a second or third dwelling on a rural property inflates property values and can prevent other farmers from purchasing land to start or expand farming operations. Multiple dwellings also create subdivision pressure, increases the demand for services and can cause additional environmental impacts.

Recommended Approaches

Councils are encouraged to review their desired planning outcomes and existing rural dwelling densities.

Current and future agricultural enterprise requirements and agricultural employment trends are also relevant considerations before consenting to additional RWDs.

The next step is to decide the most appropriate dwelling options and develop relevant local planning controls to manage any development and minimise the risk of land use conflict and subdivision.

Demand for multiple dwellings on rural lands may not be clearly related to enterprise needs or the productive use of the land, especially in more settled areas. Non-resident owners may want a resident caretaker or manager to provide on-farm security. Also, councils may want to facilitate affordable rural housing or encourage increased tourist visitation.

To address such needs, councils should consider alternatives such as duplex or dual occupancy development, relocatable dwellings, or rezoning instead of RWDs.

Developing relevant criteria for rural workers dwellings

Verifying the bona fide need for a resident farm worker requires consideration of multiple factors.

For example, whether the farm's functioning and its relative isolation necessitates RWDs. This can be difficult for council to assess and may require expert advice.

Where there is a confirmation of the ongoing need for RWDs, councils are consequently encouraged to adopt planning controls that avoid land use conflict and resource alienation, minimise the risk of incremental subdivision and prevent de-facto rural lifestyle developments. In the case of temporary accommodation for seasonal farm workers, it is desirable to prescribe the nature and design of the buildings to ensure they are suitable for temporary accommodation only.

Some councils go further and require that all new RWDs to be transportable. The market for comfortable, transportable accommodation units has developed considerably over the last 15 years with many comfortable options now available. The use of relocatable RWDs not only reduces the risk that they will be used to increase the number of permanent dwellings on rural zoned land but also provides a saleable asset that can be disposed of if the need for on-farm labour changes in the future.

To support sustainable primary industry development, all dwellings in rural areas should:

- meet LEP and zone objectives
- be consistent with strategies and relevant development control guidelines
- have suitable site access and services
- avoid adverse environmental, heritage and amenity impacts.

In Addition, RWDs should also:

- be situated on the same legal title as the principal farm dwelling

- share the same road access, power and communication infrastructure as the principal farm dwelling
- be located within reasonable proximity to other farm buildings (e.g. within 300 m)
- If not relocatable, have a prescribed maximum size (under roof area); and
- be appropriately separated from farm boundaries and potentially conflicting land uses (e.g. intensive livestock).

More Information

Visit www.dpi.nsw.gov.au to search the site for your specific information.



Typical rural workers dwelling, Tamworth: Photo Andrew Scott

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