

State Planning Provisions Amendment 05-2024

Agriculture Workers Accommodation Submissions

No. Name/Organisation

- 1 Land Expeditionary Company Pty Ltd
- 2 Environment Protection Authority
- 3 Environment Protection Authority Board
- 4 Aboriginal Heritage Tasmania
- 5 Glenorchy City Council
- 6 Heritage Tasmania
- 7 King Island Council
- 8 TasWater
- 9 Tasmania Fire Service
- 10 Break O'Day Council
- 11 Office of the Coordinator-General
- 12 Natural Resources and Environment Tasmania
- 13 Rodney Synfield
- 14 Tas Farmers
- 15 Australian Institute of Architects
- 16 Terra Firma Planning
- 17 Sadie Chrestman and Matthew Evans
- 18 Niche Studio
- 19 Optimum Standard
- 20 Department of State Growth
- 21 Homes Tas
- 22 Meander Valley Council
- 23 Northern Midlands Council

From: Bevan Crofts
Sent: Monday, 22 July 2024 5:00 PM
To: State Planning Office Your Say
Subject: SPP Amendment 05-2024 - Agriculture Workers Accommodation - public submission (Landex)

Hi State Planning Office

This submission can be published if necessary.

The proposed amendment to the SPPs to support expanded use of Agriculture Workers' Accommodation on farms is fantastic and potentially a game changer for farm owners and operators, in relation to the economics and practicality of having farm workers.

We do have concerns that because building permits are separately under the control of the local Councils, then this statement in the SPP explanatory guide may not be fully realised:

This can be for seasonal and permanent workers, and in a variety of accommodation types, such as short-term, modular, transportable or permanent buildings.

Specifically, we understand Councils may still use their permit powers under the Local Government Act to require that Ag Workers' Accommodation must be built to a Building Code of Australia Class 1 residential standard (e.g., a full spec home build). This could prevent the adoption of much lower-cost innovative or modular accommodations which do not fully meet BCA Class 1 requirements, but could nevertheless immediately boost labour productivity and work/lifestyle balance benefits on farms (e.g., by reducing commute distances, improving on-farm surveillance, etc.).

We were unable to find details in the draft amendments that prevent or clarify this situation.

This is an existing barrier (in our opinion) to the use as Ag Workers' Accommodation of many currently available modular or portable accommodations because such products may not provide the required levels of insulation, glazing, or other building elements that substantially add to the cost. For example, caravans or 50mm thick insulated composite sandwich panel buildings or kits are commonly sold and affordable (by import from overseas or the mainland) but we understand may not necessarily achieve Council signoff for any existing 'residential' uses permitted under LUPAA, including buildings that may be used for Ag Workers' Accommodation. We understand full compliance with BCA Class 1 requirements for a modest self-contained structure, say 60 m² in floor area, can currently be quoted locally by builders at greater than \$4,000 per square metre (totalling hundreds of thousands of dollars), which is simply not cost effective for many farm owners to realise the benefits of providing on-farm accommodation for workers.

While Councils will be aware of the stated intent of the SPP amendment, we think their local policies will determine how individual proposals for Agricultural Workers' Accommodation are actually implemented. Councils may do this by way of Planning or Building Permit conditions. It can be said Councils are often not incentivised to take risks and approve non-BCA compliant solutions even where State policy enables flexibility to do so, because the risks of local failures or media criticism arising, could fall back on Council.

It would be good if the State Government proposes mechanisms as part of this reform that improve Councils' incentives and alignment with the policy objectives, such as statutory rules or policy which is binding on Councils, or a set of guidelines and a robust appeal pathway which takes the decision out of Council's hands where their position is unreasonably restrictive.

Thanks,
Bevan



Subdivisions, roads, renewables
planning, civil engineering and
project management

The Land Expeditionary Company Pty Ltd

ABN 92 613 392 108

Bevan Crofts

Engineering Development Manager

Director & Prof. Engineer – Civil (Registered TAS, NSW, VIC)

BEng(Hons)(Civil), BBus

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LinkedIn <https://www.linkedin.com/in/bcrofts/>



From: Read, Martin
Sent: Wednesday, 31 July 2024 9:49 AM
To: State Planning Office Shared Mailbox
Subject: FW: SPP Draft Amendment 05-2024 & Draft LUPA Regulations 2024
Attachments: EPA - Draft Amendment 05-2024 - s30D - 22 July 2024 15039.pdf

Hello State Planning Office

The EPA has reviewed the draft amendments and has no comments.

Thanks

Martin Read

Dr Martin Read | Executive Director – Environmental Assessments

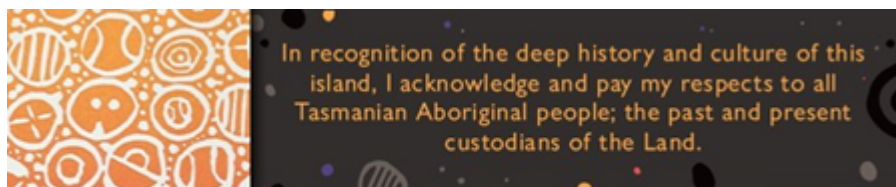
Environment Protection Authority

GPO BOX 1550, HOBART, TAS, 7001

M: 0407 828 360

E: Martin.Read@epa.tas.gov.au

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From: Read, Martin
Sent: Wednesday, 31 July 2024 10:48 AM
To: State Planning Office Shared Mailbox
Subject: FW: SPP Draft Amendment 05-2024 & Draft LUPA Regulations 2024
Attachments: EPAB - Draft Amendment 05-2024 - s30D - 22 July 2024 15040.pdf

Hello State Planning Office

On behalf of Andrew Paul as Chairperson of the EPA, the EPA Board has no comments to make on the draft amendments.

Thanks

Martin Read

Dr Martin Read | Executive Director – Environmental Assessments

Environment Protection Authority

GPO BOX 1550, HOBART, TAS, 7001

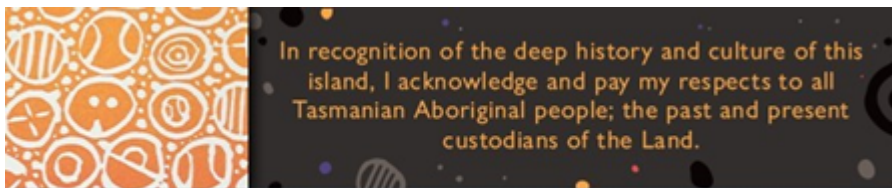
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ENVIRONMENT PROTECTION AUTHORITY



From: Aboriginal Heritage Tasmania
Sent: Monday, 12 August 2024 1:41 PM
To: State Planning Office Your Say
Subject: RE: SPP Draft Amendment 05-2024 & Draft LUPA Regulations 2024

Thank you for the opportunity to provide feedback on the SPP Draft Amendment 05/2024 - Agriculture Worker Accommodation and Draft LUPA Amendment Regulations 2024.

It is understood that this is a high level administrative document in relation to the approval process for agricultural worker accommodation and that there is no proposed development as part of this project. However, AHT note that early consideration of Aboriginal heritage within the planning of any development is vital to ensuring that impacts to heritage are avoided where possible and that appropriate mitigation strategies are employed.

For further information on the Aboriginal heritage assessment process as well as legislative requirements under the *Aboriginal Heritage Act 1975*, please head to our website. Should there be any plans for development and ground disturbance, please contact AHT for further advice.

Kind regards,

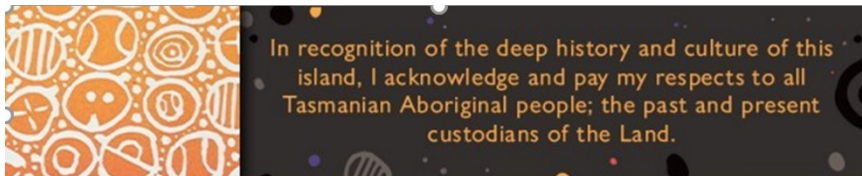
Hannah Waterhouse

Aboriginal Heritage Tasmania
Community Partnerships and Priorities

Department of Premier and Cabinet
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GPO Box 123 Hobart TAS 7001
Phone: 1300 487 045



E: aboriginalheritage@dpac.tas.gov.au
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Please note Aboriginal Heritage Tasmania's forms are regularly updated so please ensure you are submitting the current form, available through the website.

From: Lyndal Byrne
Sent: Thursday, 15 August 2024 3:39 PM
To: State Planning Office Shared Mailbox
Subject: Feedback on draft amendment 05-2024
Attachments: Draft-Amendment-05-2024-Agriculture-workers-accommodation-Consultation-draft.docx

Hi

Thanks for the opportunity to comment on this draft amendment – minor comment on whether the number of workers ‘at any one time’ should be included – see the attached document

No comment on the revision to the Regs

Thanks

LYNDAL BYRNE
Coordinator Strategic Planning



(03) 6216 6424 | www.gcc.tas.gov.au
Lyndal.Byrne@gcc.tas.gov.au | 374 Main Road, Glenorchy

Glenorchy City Council acknowledges the Muwinina people as the traditional owners of this Land. We recognise all Tasmanian Aboriginal people as the original owners and continuing custodians of the land and waters of this island, lutruwita. We pay our respect to Aboriginal Elders, past and present. We commit to working for a City that welcomes and respects all Aboriginal and Torres Strait Islander people.

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Draft Amendment 05-2024 of the State Planning Provisions

Agricultural worker accommodation

1. In Table 3.1 Planning Terms and Definitions, after the row for 'agricultural use', insert a new term and definition for 'agricultural workers accommodation' as follows:

agricultural worker accommodation	means accommodation, whether self-contained or not, located in a Rural Zone or Agriculture Zone for workers employed in agricultural uses.
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2. Table 3.1 Planning Terms and Definitions, in the row for 'sensitive use', amend the definition by inserting the text shown underlined as follows:

sensitive use	means a residential use, <u>excluding agricultural worker accommodation</u> , or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.
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3. In Table 6.2 Use Classes, in the row for 'Residential', amend the definition by inserting the text shown underlined as follows:

Residential	use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, <u>agricultural worker accommodation</u> , home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.
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4. In the Rural Zone, in clause 20.2 Use Table, delete the Permitted Residential Use Class qualification and replace with the following:

Residential	<p>If for:</p> <ul style="list-style-type: none"> (a) a home-based business in an existing dwelling; (b) agricultural worker accommodation; or (c) alterations or extensions to an existing dwelling.
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5. In the Rural Zone, in clause 20.3 Use Standards, insert a new use standard for agricultural worker accommodation as follows:

20.3.2 Agricultural worker accommodation

Objective:	To provide for agricultural worker accommodation to support agricultural use.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Agricultural worker accommodation must:</p> <p>(a) be used to accommodate not more than 20 workers;</p> <p>(b) accommodate workers that are employed in an agricultural use on the site or on an adjoining site in the same ownership;</p> <p>(c) be located on the same lot as:</p> <p>(i) an existing dwelling and share with the existing dwelling the vehicular access and electricity connections; or</p> <p>(ii) an existing building or facility, where the workers are employed, and share with the existing building or facility the vehicular access; and</p> <p>(d) be located on a lot with an area of not less than 40ha, or be part of agricultural business that operates over adjoining lots with a total area of not less than 40ha.</p>		<p>P1</p> <p>Agricultural worker accommodation must be required as part of an agricultural use either on the site or in the vicinity of the site, having regard to:</p> <p>(a) the scale of the agricultural use being serviced;</p> <p>(b) the complexity of the agricultural use being serviced;</p> <p>(c) the operational requirements of the agricultural use being serviced;</p> <p>(d) the need for employees to be accommodated on the proposed site to attend to the agricultural use on the site or in the vicinity of the site; and</p> <p>(e) proximity of the site to the agricultural use being serviced.</p>

6. In the Rural Zone, in clause 20.4.3 A1, insert the text shown underlined as follows:

<p>A1</p> <p>New dwellings, <u>excluding agricultural worker accommodation</u>, must be located on lots that have frontage with access to a road maintained by a road authority.</p> <p><u>Agricultural worker accommodation that meets the requirements in clause 20.3.2 A1 must use the existing legal access to the lot if there is no frontage with access to a road maintained by a road authority.</u></p>	<p>P1</p> <p>New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:</p> <p>(a) the number of users of the access;</p> <p>(b) the length of the access;</p> <p>(c) the suitability of the access for use by the occupants of the dwelling;</p> <p>(d) the suitability of the access for emergency services vehicles;</p> <p>(e) the topography of the site;</p> <p>(f) the construction and maintenance of the access;</p> <p>(g) the construction, maintenance and usage of the road; and</p> <p>(h) any advice from a road authority.</p>
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7. In the Rural Zone, in clause 20.5.1 P1(b) amend the leading sentence to insert the text show underlined as follows:
- (b) be for the excision of an existing dwelling, excluding agricultural worker accommodation, or Visitor Accommodation that satisfies all of the following:
8. In the Agriculture Zone, in clause 21.2 Use Table, delete the Permitted Residential Use Class qualification and replace with the following:

Residential	If for: (a) a home-based business in an existing dwelling; (b) agricultural worker accommodation; or (c) alterations or extensions to an existing dwelling.
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9. In the Agriculture Zone, in clause 21.3 Use Standards, insert a new use standard for agricultural worker accommodation as follows:

21.3.2 Agricultural worker accommodation

Objective:	To provide for agricultural worker accommodation to support agricultural use.	
Acceptable Solutions		Performance Criteria
A1 Agricultural worker accommodation must: <ul style="list-style-type: none"> (a) be used to accommodate not more than 20 workers; (b) accommodate workers that are employed in an agricultural use on the site or on an adjoining site in the same ownership; (c) be located on the same lot as: <ul style="list-style-type: none"> (i) an existing dwelling and share with the existing dwelling the vehicular access and electricity connections; or (ii) an existing building or facility, where the workers are employed, and share with the existing building or facility the vehicular access; and (d) be located on a lot with an area of not less than 40ha, or be part of agricultural business that operates over adjoining lots with a total area of not less than 40ha. 		P1 Agricultural worker accommodation must be required as part of an agricultural use either on the site or in the vicinity of the site, having regard to: <ul style="list-style-type: none"> (a) the scale of the agricultural use being serviced; (b) the complexity of the agricultural use being serviced; (c) the operational requirements of the agricultural use being serviced; (d) the need for employees to be accommodated on the proposed site to attend to the agricultural use on the site or in the vicinity of the site; and (e) proximity of the site to the agricultural use being serviced.

10. In the Agriculture Zone, in clause 21.4.3 A1, insert the text shown underlined as follows:

<p>A1</p> <p>New dwellings, <u>excluding agricultural worker accommodation</u>, must be located on lots that have frontage with access to a road maintained by a road authority.</p> <p><u>Agricultural worker accommodation that meets the requirements in clause 21.3.2 A1 must use the existing legal access to the lot if there is no frontage with access to a road maintained by a road authority.</u></p>	<p>P1</p> <p>New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:</p> <ul style="list-style-type: none"> (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; (g) the construction, maintenance and usage of the road; and (h) any advice from a road authority.
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11. In the Agriculture Zone, in clause 21.5.1 P1(c) amend the leading sentence to insert the text shown underlined as follows:

- (c) be for the excision of a use or development, excluding agricultural worker accommodation, existing at the effective date that satisfies all of the following:

12. In the Parking and Sustainable Transport Code, in Table C2.1 Parking Space Requirements, in the Row for the 'Residential' use class, insert a new sub-row before the sub-row for use 'Other Residential use in the General Residential Zone' as follows:

Residential	Agricultural worker's accommodation in the Rural Zone or Agriculture Zone	No requirement	No requirement
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16 August 2024

State Planning Office
Department of Premier and Cabinet
Executive Building
Level 7, 15 Murray Street
HOBART TAS 7000
By email: StatePlanning@dpac.tas.gov.au

RE: Draft Amendment 05-2024 of the State Planning Provisions and draft Land Use Planning and Approvals Amendment Regulations 2024

I refer to your letter dated 22 July 2024 to the Chair of the Tasmanian Heritage Council, Ms Brett Torossi, inviting comment on the Draft Amendment 05-2024 of the State Planning Provisions and draft Land Use Planning and Approvals Amendment Regulations 2024. Heritage Tasmania, which provides administrative support to the Heritage Council, provides the following response.

It is understood that the amendments aim to support the agriculture industry and prioritise addressing restrictions on developing housing on farms to accommodate their workforce; and that the amendments will not affect the Tasmanian Heritage Council's heritage assessment and decision process for development and works at a place entered the Tasmanian Heritage Register under the *Historic Cultural Heritage Act 1995* should the amendments take effect.

We therefore make no further comment on the draft amendments under s30D(2) and s30D(3) of the *Land Use Planning and Approvals Act 1993*.

Yours sincerely

Melissa Ford
Director Heritage Tasmania



State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7000
yoursay.planning@dpac.tas.gov.au

26 August 2024

Dear Sir/Madam

**SPP AMENDMENT 05/2024 – AGRICULTURAL WORKER ACCOMMODATION AND LAND USE
PLANNING AND APPROVALS AMENDMENT REGULATIONS 2024**

Thank you for the opportunity to comment on the above amendment. Council has reviewed the proposed amendment and has no issue with its application to the SPP Rural Zone (AR) and Agriculture Zone (AZ).

The King Island draft Local Provision Schedule is currently being considered by the Tasmanian Planning Commission. The draft LPS proposes an alternate zone to the RA and AZ, being the Particular Purpose Zone King Island Rural (PPZKIRA).

PPZKIRA has been proposed as the island is in a unique position where the rural area is required to provide opportunity for many uses and development that would normally be located within a more specific zone. On reviewing and comparing the proposed amendment to draft PPZKIRA Council is confident that the proposed PPZKIRA will allow a pathway for agricultural workers accommodation.

Council requests that in order to allow agricultural workers accommodation to be considered under the Residential Use Class (table 6.2) and excluded from being considered as a sensitive use (Table 3.1) that the definition of Agricultural Workers be extended to include Particular Purpose Zone King Island Rural Area should it be approved.

Should you have any queries regarding this request please do not hesitate to contact our Development Services Coordinator, Robyn Barwick, on [redacted] or rbarwick@kingisland.tas.gov.au

Yours sincerely

Dr Catherine Dale
Acting General Manager



From: TasWater Development Mailbox <>
Sent: Tuesday, 27 August 2024 8:56 AM
To: State Planning Office Shared Mailbox
Subject: TasWater Submission RE SPP Draft Amendment 05-2024 RE Agricultural worker accommodation TWSI 2024/00496-HCC

FAO Brian Risby

To the State Planning Office:

TasWater is broadly supportive of the proposal to simplify the process of approving and constructing accommodation for agricultural workers and would have no issues with this occurring on the vast majority of rural and/or agricultural land. Our concern lies with the potential for such accommodation to be approved for construction within the Attenuation Distances for Sewage Treatment Plant Processes specified in Table C9.2. While the Draft Amendment Explanatory Document suggests that agricultural workers “are more likely to be accepting of activities that can occur in rural areas”, we would argue that type of accommodation does not belong in attenuation zones. Additionally, the amendment includes encouragement for such agricultural worker accommodation to also be the subject of an application for it to be used as visitor accommodation out of season. We are concerned that a property owner may go to the effort and expense of building accommodation for up to 20 people, with a business plan that relies on the structure also being used as visitor accommodation, only for TasWater to possibly refuse the Visitor accommodation application, or impose conditions that may require, for example, expensive retrofitting or other measures to meet sensitive use requirements.

We suggest that one option may be to insert the following into the Use standards, eg 20.3.2,A1,(e) (also 21.3.2) Agricultural accommodation must not/cannot be located within the attenuation distances outlined in Table C9.2. Performance solutions to be as per the criteria stated in the Attenuation Code.

TasWater would be happy to attend any hearings as needed.

If you have any queries, please contact me.

AI Cole

Senior Assessment Officer



✉ AI.Cole@taswater.com.au





Tasmania Fire Service

File No: A24/340222

State Planning Office
Department of Premier and Cabinet
yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam,

**RE: DRAFT AMENDMENT 05-2024 TO STATE PLANNING PROVISIONS AND
DRAFT LAND USE AND APPROVAL AMENDMENT REGULATIONS 2024**

It is understood the proposed Draft Amendment has been prepared to refine how the State Planning Provisions (SPP) manage use and development of land for agricultural worker accommodation. The proposed changes relate to several parts of the SPP, which will include a definition for 'agricultural worker's accommodation' and associated use and development provisions.

The need for consistency and certainty for agricultural enterprises is recognised. However, the proposed reforms also provide opportunity to ensure appropriate bushfire safety measures for occupants of agricultural workers accommodation.

Vulnerability of occupants

Tasmania's agriculture sector includes a broad range of activities including dairy production, livestock production, annual cropping, and perennial cropping. Demand for labour fluctuates through the year, particularly for fruit and vegetable producers. A significant proportion of the labour force is accordingly employed casually or as contract labour.

Seasonal workers are sourced locally, from interstate, and from overseas. As shown in Figure 1 and Figure 2, there is typically an influx of seasonal workers during the summer months. Many seasonal workers are sourced from overseas, particularly through the Pacific Australia Labour Mobility (PALM) Scheme.

The seasonal agricultural workforce includes workers from culturally and linguistically diverse (CALD) backgrounds. For example, the PALM Scheme sources labour from several countries including Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

State Headquarters Cnr Argyle and Melville Streets | GPO Box 1526 Hobart Tasmania 7001 | Phone (03) 6173 2740

Southern Region 1040 Cambridge Road, Cambridge Tasmania 7170 | Phone (03) 6166 5500

Northern Region 339 Hobart Road Youngtown Tasmania 7249 | Phone (03) 6777 3666 | Fax (03) 6345 5860

North West Region 15 Three Mile Line | PO Box 1015 Burnie Tasmania 7320 | Phone (03) 6477 7250 Fax (03) 6433 1551

www.fire.tas.gov.au



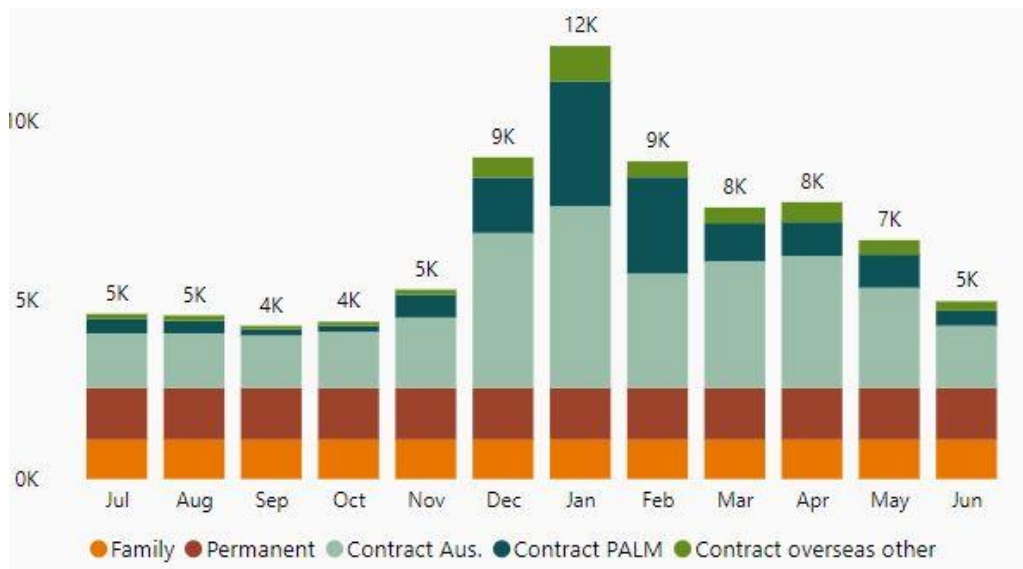


Figure 1 - Workers used on farms in Tasmania 2019-2022 (Downham and Litchfield 2024)



Figure 2 - Contract workers used on farms in Tasmania between July 2019 - January 2022 (Downham and Litchfield 2024)

Analysis by the Australian Bureau of Agricultural and Resource Economics and Sciences (2023) provides a snapshot of Australia's agricultural workforce based on 2021 Census data. Notable findings include:

- Over a quarter of agricultural workers from CALD backgrounds who completed the Census survey reported having little or no proficiency in English (this proportion may be even higher because not all seasonal workers participated in the survey due to language or literacy barriers).
- Agricultural workers from CALD backgrounds speak a diverse range of languages, the most common being Mandarin (12%), Vietnamese (9%), Punjabi (7%), Italian (6%) and Khmer (4%).

- Educational attainment amongst agricultural workers from CALD backgrounds was limited, with approximately 50% not having any recognised non-school qualifications.

The disproportionate effects disasters can have on CALD communities has been established in the research literature (Kelly *et al.* 2024). Key factors include socio-cultural background, language barriers, lack of knowledge about emergency protocols, limited relationships with wider society and agencies, and potential distrust of uniformed personnel.

It is expected that many seasonal workers do not have reliable access to private transport. As identified by the State Planning Office (2024), it is common practice for many farm operators to organise minibuses or coaches to transport workers. This has implications for an individual's ability to evacuate to a safer location.

In addition, the Australian Government seeks to increase the participation of people with disability in the agricultural sector (DAFF 2023). This will likely increase the overall level of vulnerability of agricultural workers to natural hazards.

It is therefore reasonable to expect a significant portion of occupants of agricultural workers accommodation to have:

- Difficulty accessing or understanding public warnings.
- Limited access to transportation.
- Limited access to local social support networks.
- Limited knowledge of the local area.
- Limited awareness of bushfire risk.

The abovementioned attributes can be expected to significantly reduce a person's capacity to prepare for, respond to, and recover from a bushfire emergency.

Accommodation buildings

It is understood that agricultural workers accommodation may be in a permanent building or a temporary, transportable building.

As 98% of Tasmania's land area is within a designated bushfire-prone area, it is expected that most agricultural workers accommodation will be within a bushfire-prone area.

At present, there are no applicable bushfire safety requirements that would apply to agricultural workers accommodation through the planning approvals process. Notwithstanding this, any vegetation clearance that is required to comply with bushfire requirements would require planning approval.

A permanent building that is to be used to accommodate multiple agricultural workers would likely be assessed as a Class 3 building as defined in the National Construction Code. The building would be subject to bushfire requirements provided in the *Director's Determination – Bushfire Hazard Areas*. The Determination requires the provision of bushfire safety measures such as a bushfire hazard management plan and a bushfire emergency plan.

Alternatively, a building surveyor may choose to issue a temporary occupancy permit for the temporary use of an existing building to accommodate agricultural workers. A temporary occupancy permit is valid for up to 3 years at a time. In this scenario, there would be no bushfire safety measures required. Any provision for fire safety would be at the building surveyor's discretion and can therefore be expected to be variable.

A temporary building (e.g. prefabricated, transportable structure) would also likely be regulated through the issue of a temporary occupancy permit. Again, there would be no requirement for bushfire safety measures.

If accommodation were provided in a caravan or other transportable structure (or even a tent) there would be no requirement to consider bushfire safety.

Tasmania Fire Service is of the view that the current regulatory framework is likely to produce variable and, in some cases, deficient bushfire safety outcomes for agricultural workers accommodation.

Proposed modification to Draft Amendment

Certain types of occupants are especially vulnerable in bushfire emergencies relative to the general population. For this reason, the Bushfire-Prone Areas Code identifies a range of 'vulnerable uses' for consideration at the planning approvals stage.

The likely occupants of agricultural workers accommodation can be expected to be especially vulnerable in bushfire emergencies relative to the general population. Furthermore, reliance on the current building regulations is unlikely to produce satisfactory outcomes with respect to bushfire protection for these uses.

It is therefore proposed that agricultural workers accommodation be included within the scope of the Bushfire-Prone Areas Code. This could be achieved by amending the definition of 'Vulnerable use' in C13.3.1 as follows:

Vulnerable use

means a use that is within one or more of the following use classes:

- (a) Custodial Facility;*
- (b) Education and Occasional Care;*
- (c) Hospital Services;*
- (d) Residential if the use is for agricultural workers accommodation, assisted housing, residential care facility, respite centre or retirement village.*

The abovementioned amendment would likely improve consistency by ensuring that bushfire risk is considered early in the approvals process. A key outcome will be the development of a suitable emergency management strategy to manage risk to occupants.

It is not expected that this amendment would be prohibitive or burdensome for proponents of agricultural workers accommodation.

The abovementioned amendment is aligned with the Schedule 1 Objectives of the Act, most notably Part 2(f) which seeks *“to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation”*.

Conclusion

Tasmania Fire Service is supportive of the introduction of specific provisions for agricultural workers accommodation, and the Draft Amendment be enhanced by incorporating the recommended modification. By adopting this recommendation, the proposed reforms will promote the provision of a safe working and living environment.

Yours sincerely,

Chris Collins
A/DIRECTOR – COMMUNITY FIRE SAFETY

27 August 2024

References

Australian Bureau of Agricultural and Resource Economics and Sciences 2023, 'Snapshot of Australia's agricultural workforce', *ABARES Insights*, Issue 3, viewed 20 August 2024, <https://daff.ent.sirsidynix.net.au/client/en_AU/search/asset/1035161/0>

DAFF 2023, Workforce diversity and inclusion in agriculture, <www.agriculture.gov.au/sites/default/files/documents/awwg-inclusion-fact-sheet.pdf>

Downham, R. and Litchfield, F. 2024, *Labour use in Australian agriculture: Analysis of survey results, 2021–22*, Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra, viewed 20 August 2024, <<https://www.agriculture.gov.au/abares/research-topics/agricultural-workforce/labour-use/2022#daff-page-main>>

Kelly, L., Hajjstassi, M. and Ramasundram, S. 2024, 'Migrant and refugee communities strengthening disaster resilience', *Australian Journal of Emergency Management*, vol. 39, no.2, viewed 20 August 2024, <https://knowledge.aidr.org.au/media/10958/ajem-2024-03_07.pdf>

State Planning Office 2024, *Explanatory Document under section 16(5) of the Land Use Planning and Approvals Act 1993, including SPPs criteria assessment*, accessed 20 August 2024, <https://www.planningreform.tas.gov.au/_data/assets/pdf_file/0010/767989/Draft-amendment-05-2024-Agricultural-Worker-Accommodation-Explanatory-Document-June-2024.pdf>

Date: 27/08/2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

By Email: yoursay.planning@dpac.tas.gov.au

RE: Council's Comments on the Draft Amendment 05-2024 of the State Planning Provisions and draft Land Use Planning and Approvals Amendment Regulations 2024

Dear State Planning Office,

Thank you for your letter dated 22/07/2024 regarding the draft amendment titled above and for the opportunity to provide comment. After due consideration of the documents available for review, Council is supportive of the draft amendment and for it to be an interim SPPs amendment but requests that the following changes be considered:

1. **Proposed definition as outlined within the Draft Amendment 05-2024 of the State Planning Provisions Agricultural worker accommodation document** = *'means accommodation, whether self-contained or not, located in a Rural Zone or Agriculture Zone for workers employed in agricultural uses'*.

Suggested change to the definition of *'agricultural worker accommodation'* = *'means accommodation, whether self-contained or shared, located in a Rural Zone or Agriculture Zone for workers employed for agricultural uses'*.

This suggested change simply seeks to further refine the definition provided within the document demonstrating how the draft amendments may appear within the Tasmanian Planning Scheme if implemented as proposed.

2. **Proposed leading sentence as outlined within the Draft Amendment 05-2024 of the State Planning Provisions Agricultural worker accommodation document** = *(b) be for the excision of an existing dwelling, excluding agricultural worker accommodation, or Visitor Accommodation that satisfies all of the following:*

Suggested change for leading sentence of clause 20.5.1 and 21.5.1 P1 (b) = *(b) be for the excision of an existing dwelling or visitor accommodation and excluding agricultural worker accommodation, must satisfy all of the following:*

The draft amendment as proposed may be misleading and potentially result in differing interpretations. Specifically, the placement of '*excluding agricultural worker accommodation*' within the middle of the sentence may result in visitor accommodation being interpreted as excluded as well. The intent of the suggested change is to ensure that it is clearly outlined that only agricultural worker accommodation is excluded and to minimise any potential misinterpretation of this leading sentence.

3. Although the provided documents refer to the likely requirement for a farm or business plan, there is no mention of this within the performance criteria drafted for both clauses 20.3.2 and 21.3.2. Notably, the farm and business plan are identified within the explanatory document (note: refer to pp. 07) as being likely required when assessing against the performance criteria to assist in demonstrating the need for accommodation being provided for workers. Additionally, reference to the business plan is included on the fact sheet produced for the draft amendment (note: refer to pp. 03) whereby it is outlined that Council may ask for a business plan to address the performance criteria.

Therefore, it is suggested that the farm (Farm Management Plan) or business plan should be included within the performance criteria P1 for both 20.3.2 and 21.3.2. This will assist in the preparation of a Request for Further Information Letter (RFI) as the inclusion of farm or business plan within the performance criteria will provide validity to this item being requested as part of an RFI. If this is not included within the performance criteria, there is a risk that the applicant may contest this item as being a reasonable request since the provision of such a document is not specifically referenced within the Tasmanian Planning Scheme.

If clarification is required for the comments provided above, please do not hesitate to direct queries to Council Planning Officer, Alex McKinlay via admin@bodc.tas.gov.au or contact us via (03) 6376 7900.

Yours sincerely,

Jake Ihnen

Development Services Coordinator

Office of the Coordinator-General

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27 August 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001
yoursay.planning@dpac.tas.gov.au

Dear Sir or Madam

Draft Amendment 05-2024 of the State Planning Provisions and Draft Land Use Planning and Approvals Amendment Regulations 2024

The Office of the Coordinator-General (OCG) supports the policy intent of the proposed amendments to facilitate agricultural worker accommodation in Tasmania.

The issue of worker accommodation is not isolated to the agricultural sector and my Office has been actively involved in securing key worker accommodation across a variety of industries from advanced manufacturing to tourism.

We have reviewed the proposed amendments and support:

- adding a definition for 'agricultural worker accommodation'
- clarifying how the use is categorised in the planning scheme
- creating a permitted approval pathway for modest-scale agricultural worker accommodation
- simplifying the assessment standards, like setbacks, vehicular access and parking for approval of agricultural worker accommodation
- consistent requirements in both the Rural Zone and Agriculture Zone.

We also support the permitted approval pathway which guarantees receiving a planning permit when all the relevant Acceptable Solutions are met.

However, we have concerns that the criteria for an approval under permitted use are too restrictive and unnecessary given the objective is to facilitate worker accommodation on rural sites and to remove unnecessary impediments. In particular we support some conditions and oppose others.

Supported Conditions

- The workers are employed on the site or an adjoining site in the same ownership
- Any other relevant Acceptable Solutions are met in the zone (such as building height and setbacks).
- Any matters in the relevant codes, for example, heritage, natural values, or natural hazards.

Opposed Conditions

- It accommodates up to 20 workers.

If a farm requires greater number of workers then they should be able to build accommodation necessary for their requirements without a seemingly arbitrarily imposed limit. Specifically we are aware of many farms where their seasonal workforce would be much higher than 20.

- The accommodation is located on the same lot as either an existing dwelling or an existing building or facility where the workers are employed.

There is no justification to limit where workers accommodation is situated on a farm relative to other dwellings or workers accommodation. It may be that no existing dwelling exist on the property and this should not impede the permitted pathway for development of workers accommodation.

- The accommodation shares the vehicular access and electricity connections with the dwelling or shares the vehicular access with the existing building or facility.

There does not appear to be any justification to limit the establishment of worker accommodation based on where existing vehicle access is or where existing utilities exist.

A farmer should be able to site the workers accommodation where is most appropriate on their land and if they wish to spend additional funds on road access and utilities this should not impede the development being considered as a permitted use.

- The accommodation is on a lot, or is part of a farm, that is 40 hectares or larger.

The size of the farm (or lot) is not relevant as to whether the operation needs workers accommodation. Indeed, speaking with intensive horticulture farmers, this constraint appears to misunderstand the labour needs of farmers versus the intensity of the farming and so we cannot support this proposal that imposes a relatively large lot or farm size to impede permitted use pathway approvals.

For example, Fruit Growers Association has confirmed the average size of farms for their members ranges from 14 -21ha and Wine Tasmania advises over 75 per cent of their members have vineyards under 40ha.

If the property is a legitimate farm for taxation purposes then it should be deemed legitimate for planning approval for worker accommodation.

This planning reform is a significant step forward in addressing key worker accommodation. Whilst we support the policy intent it seems to have been compromised by imposing some unnecessary and overly restrictive conditions for permitted pathway approval that will diminish the otherwise positive impact.

We strongly encourage the Tasmanian Government to adopt a more open set of conditions and if it can be shown at a later date there have been adverse outcomes then deal with those based on assembled evidence.

Yours sincerely

John Perry
Coordinator-General

Department of Natural Resources and Environment Tasmania

OFFICE OF THE SECRETARY

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DEPARTMENT OF PREMIER AND CABINET
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Agricultural Worker Accommodation – Draft Amendment 05-2024 of the State Planning Provisions and draft Land Use Planning and Approvals Amendment Regulations 2024

Thank you for your letter of 22 July 2024, in which you referred the *Draft Amendment 05-2024 of the State Planning Provisions (SPPs) - Agricultural Worker Accommodation* to the Department of Natural Resources and Environment Tasmania (NRE Tas) for comment.

NRE Tas supports the intent of the amendments to better balance the need for agricultural worker accommodation with the protection of agricultural land from fettering due to sensitive land-uses such as residential. NRE Tas agrees that the current provisions in the Agriculture and Rural Zones of the SPPs are too restrictive to meet the accommodation needs of workers on today's farms.

NRE Tas appreciates that a Permitted pathway (i.e. Acceptable Solutions) needs to be standardised and quantitative. However, it should be noted that “modest” scale agricultural worker accommodation may not reflect the practical business operations of current farming operations. The “not less than 40ha” standard could be particularly arbitrary for many operations. For instance, a number of Tasmanian berry operations operate on lots of less than 40 hectares and could have a need for more than 20 workers to be accommodated. It is also unclear whether the Permitted pathway allows for stacking (i.e., if multiple applications made over a period of time on the same lot for under 20 workers could meet the Acceptable Solution). Adding a clarifying statement to address this in the frequently asked questions is encouraged.

It is noted that assessment against the Performance Criteria will likely require a farm or business plan to justify the need for the workers being accommodated on the site. NRE Tas recommend it is clarified to councils that such plans should not have to be completed by a “suitably qualified person” in every (or even most) applications (as is the case for some report types in the SPPs). NRE Tas considers that generally the extra cost and delay required for a farmer to engage an agricultural consultant to prepare a plan is not warranted, however there may be special cases where such engagement is required.

NRE Tas also notes that the stated requirement that workers remain employed on, or in proximity to, the farm on which they are accommodated may not best reflect current farm business operations and structures. It is considered a positive that accommodation can be approved for workers employed on other farms because it provides for Approved Employers under the Pacific Australia Labour Mobility Scheme (PALM). However, there are times when PALM workers are not employed at all times on the farm on which they reside. The Approved Employer may be acting as a Labour Hire Company in seasonal down times which may include farms not in proximity to the accommodation. It is important that the amendment appreciates, and provides for, such situations.

NRE Tas acknowledge the importance of balancing the need the facilitate appropriate development to accommodate workers with the need to reduce the risk of landowners seeking to develop accommodation (such as a four-bedroom dwelling) primarily for residential or visitor accommodation use. However, NRE Tas suggests that Discretionary applications for agricultural worker accommodation should also be able to holistically consider visitor accommodation proposals (e.g. farm stays); as long as a farm or business plan appropriately justifies this as a diversification opportunity for when seasonal workers are absent. Concurrent assessment could both cut unreasonable red-tape and provide an opportunity for more holistic assessment of the proposed land-uses.

NRE Tas does not have any objection to the amendment being given interim effect to enable these changes to come into effect earlier. Nor does NRE Tas have comment to offer on the proposed amendments to the Regulations required to facilitate interim status.

As previously raised informally at officer level, NRE Tas recommends the following key stakeholders be actively consulted with on the proposed amendments: TasFarmers, Fruit Growers Tasmania, Wine Tasmania, Tasmanian Agricultural Productivity Group, DairyTas, Primary Employers Tasmania and Approved Employers Association of Australia.

Thank you again for the opportunity to comment. If your Office have any further questions on this matter please contact Richard Cuskelly, Policy and Planning Officer via 6165 4537 or richard.cuskelly@nre.tas.gov.au.

Jason Jacobi
SECRETARY

26 August 2024

From: Rodney Synfield
Sent: Tuesday, 27 August 2024 12:23 AM
To: State Planning Office Your Say
Subject: Agricultural workers accommodation

Email from Rodney Synfield, Meander Valley Councillor. Please note that I'm making this submission as an individual and is not to be taken as any considered view of Meander Valley Council.

Please find here under my submission regarding the State Planning Office, Department of Premier and Cabinet proposal to amend (some of) the State Planning Provisions being a part of the Statewide Planning Scheme. The first thing to say, is that I see some merit in the general thrust of what the government is proposing; it however needs to be underpinned by robust planning controls.

I actually think that the government could take this a step further and include, in certain circumstances, that of the Rural Living Zone having an element of agricultural worker accommodation; that needs to be pursued further and perhaps doesn't need to be resolved right now.

I do believe however that unless a more robust approach to the issue of agricultural worker accommodation is undertaken with regard to the provisions to be contained within the Statewide Planning Scheme, then there may well be unintended and adverse consequences.

In reviewing/ perusing the documentation supporting/ justifying the changes and/ or inclusion of a number of provisions related to the provision of agricultural workers accommodation, I've noticed a number of issues that I believe do need addressing now.

Whilst a number of errors/ shortcomings can be rectified by amending the 'new' provisions as proposed, I believe that approach, together with an alternate ordinance pathway, may provide a better solution all around.

Firstly, the errors/ shortcomings with the currently proposed draft ordinance are as follows:

- 1). The failure to identify all possible scenarios for inclusion; such as inserting/ amending clauses referring to 'dwellings' only, in some provisions, when other types of accommodation are clearly proposed to be considered as falling within the agricultural worker accommodation definition. More on that later. See point 6).
- 2) By repeatedly using the term 'agricultural use', within the proposed ordinance changes, it actually limits the types of Resource Development uses that the agricultural worker accommodation may be relevant to. What do I mean by this; well the term 'agriculture use' is defined in the Planning Scheme and it is only a subset of the uses as described in the Use Class Table 6.2 under the heading of Resource Development. I'm therefore suggesting a more appropriate term such as 'agricultural business*' which provides greater context insofar as what agricultural worker accommodation might be associated with; whilst still adhering to the State Planning Office background notes about dealing with other types of workers, such as that of remote (mining) workers separately. [*'agricultural business' is a term actually incorporated into a couple of amendments proposed by State Planning Office; see your points 5 and 9. I'm just proposing that term be used more broadly!]
- 3). English grammar, ie sentence construction that brings confusion to exactly what is being proposed. An example being the proposed definition change for 'sensitive use', when clearly the current definition pertaining thereto, already excludes agricultural worker accommodation from being considered as a sensitive use; by that I mean the definition excludes a residential use or a use involving the presence of people for extended periods, **where in the course of their employment** - that is, in fact, what the definition already says.

In articulating the next few paragraphs, I'm not trying to be rude but am in fact attempting to make what, I believe, is a vitally important point about the importance of words and how they directly relate to the structure of, in this instance, planning schemes.

Many years ago, when I was at school I was taught the following, 'For sale, grand piano by an old lady, with carved wooden legs.' Not sure that example is still appropriate, so a more recent example I've come across, is that extracted from the History of the World, being a compilation of very hilarious American student bloopers by one Richard Lederer which says in part, as follows, and I quote "Abraham Lincoln wrote the Gettysburg Address while traveling from Washington to Gettysburg on the back of an envelope."

Language is important and I believe there are a number of misconstrued provisions within the Statewide Planning Scheme of a nature similar to the two examples just provided. We need to fix those and respectfully not create any more!

Courts have spent much time and give great weight to the meanings of words, expressions and grammar in general and the construction of planning schemes should, as far as is possible, avoid being labelled as 'gobbledygook', as soon to retire Chief Justice Blow (then Justice Blow) referred a decade or more ago, to a former version of the Kingborough Planning Scheme, as resembling. In a wonderful paragraph J. Blow described how only the desperate/ only those who couldn't avoid same, would even attempt to read or understand said scheme (as now paraphrased by me).

Whilst I'm no wordsmith, it is always dangerous to separate a dependent clause from the subject matter that it is dependent upon - comma splicing being another example. It's equally confusing and can be wrong to try and marry multiple sentences together, such as the example found in the SPP definition of Controlled Environment Agriculture, when one compares that to the similar definition given in the PAL Policy itself.

The reason I'm mentioning the foregoing here, is concerns in relation to a number of proposed amendments to the scheme and attendant wording thereof.

The proposed change to the definition of 'sensitive use' is respectfully a case in point; (a) it is in my opinion unnecessary, and (b) is deficient from a grammar standpoint.

The draft proposal for amending the definition of 'sensitive use' is as follows and I quote, "means a residential use, excluding agricultural worker accommodation, or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school."

One alternate way of saying the above, is as follows;

'sensitive use

means (a) a residential use, excluding agricultural worker accommodation; or

(b) a use involving the presence of people for extended periods;

except in the course of their employment.

Examples include a caravan park, childcare centre, dwelling, hospital or school.'

I will present the case below, for why I don't believe the definition should include any reference to agricultural worker accommodation at all, as I believe the current definition already excludes same, simply by virtue of those workers residing in accommodation on properties as a direct consequence, association and subservience to their employment.

I do advocate however for changing the definition of 'sensitive use' from the existing, in the following manner;

'sensitive use

means (a) a residential use; or

(b) a use involving the presence of people for extended periods;

except in the course of their employment.

Examples include a caravan park, childcare centre, dwelling, hospital or school.'

I haven't however included same in the proposed drafting changes here under but believe it has strong merit.

The following are extracted from TPC Practice Directive no. 5 (Tasmanian Planning Scheme Drafting Conventions); and are included to support the above contentions.

'Drafting conventions

Language must be clear, unambiguous and consistently applied throughout the planning scheme. Words and phrases must carry the same meaning wherever they occur, unless deliberately varied to convey a different meaning.

Drafting Principles

The following principles underpin the drafting approach in the Tasmanian Planning Scheme.

1. The Tasmanian Planning Scheme is expressed in plain English.

2. The Tasmanian Planning Scheme contains minimal regulation while being legally robust.'

[The below is also extracted to support a later point regarding appropriateness of using the term 'property' and not the word 'site' as Government drafting points 5 and 9 propose.

'lot', 'site' and 'properties'

The term 'lot' is only to be used in subdivision development standards.

The term 'site' is to be used when referring to the place on which the proposed use and development is occurring. It may comprise more than one lot.

The term 'properties' is to be used in the development standards for building and works where there is a requirement to consider the impact on other land. However, it must be qualified to clarify the land to which it refers, e.g. 'adjacent properties' or 'adjoining properties'.]

4). Two sections of 20.2 Use Table that deal with the same subject matter, ie the same subject matter is identifiable in both Permitted and Discretionary sections of this Use Table, as proposed to be amended by State Planning Office. Reference to Residential under the heading of Discretionary in the Use Table has not been amended to reflect

altered / amended wording in the Permitted Use section thereof - technically both would apply to 'dwellings' at the same time!

5). I'm confused as to why you would insert into Table C2.1 the following new text in the position described, ie within sub-rows that are all dealing with the General Residential Zone in one way or another - perhaps it is just a mistake?! [The proposal is as follows, and I quote'
"

12. In the Parking and Sustainable Transport Code, in Table C2.1 Parking Space Requirements, in the Row for the 'Residential' use class, insert a new sub-row before the sub-row for use 'Other Residential use in the General Residential Zone' as follows:

Residential

Agricultural worker's accommodation in the Rural Zone or Agriculture Zone

No requirement

No requirement"

The second issue is that without amending the wording in sub-row for Residential that contains the wording;

'Any Residential use in any other zone'

You will now have two provisions in direct conflict, if the amendment were to be included as proposed.

Of course, as you will see articulated more fully shortly, if agricultural worker accommodation is identified as being Resource Development, then it already has no requirement for parking, except if for Aquaculture.

6). In exploring the issues related to this matter, one very significant consequence I've noticed given that the proposed definition of 'agricultural worker accommodation' is that that accommodation can be either self-contained or not but that the definition of a 'dwelling' demands that such is always self-contained; if one reads the exemption from requiring a permit clause 4.3.9 then it currently only excludes dwellings! The consequence would be that any type of agricultural worker accommodation, other than that identified as a dwelling could be exempt from requiring a permit at all, so long as the other sub-clause requirements are met. Whilst no one may have noticed that possibility before, I'm sure that is not the intent of the government's current proposal regarding agricultural worker accommodation.

Solution

It is, in my opinion, able to be corrected relatively easily by deleting the expression 'a dwelling' in clause 4.3.9 and replacing with something, such as the expression 'if for an accommodation purpose' or perhaps 'if for a habitable purpose' or similar. I'm also proposing this expression replace 'dwelling' in other places as well - see my draft amendment proposals below.

7). Another important issue is the case for recognising agricultural worker accommodation as being associated with, and a subservient part of an agricultural use of land.

The following two Principles 3 and 5, are extracted from the State Policy on the Protection of Agricultural Land 2009.

3. Use or development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.

5. Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.

The following text is extracted from pages 4 and 5 of the Government's (State Planning Office) background explanatory document,

"• Inclusion of 'agricultural worker accommodation' as an example of a use in the Residential use class description in Table 6.2 of the SPPs.

Reasons: Recent feedback has demonstrated that agricultural worker accommodation has in the past been classified as either ancillary and subservient to an agricultural use (the Resource Development use class), or as a Residential

use or a Visitor Accommodation use. Inclusion of agricultural worker accommodation as an example in Residential use class description clarifies how it should be classified and provides greater consistency and certainty. While there are many instances where workers will be accommodated away from their normal place of residence (e.g. seasonal workers), agricultural worker accommodation is different to standard short stay or holiday accommodation (the Visitor Accommodation use class). Agricultural worker accommodation is more aligned to the Residential use class. The State Policy on the Protection of Agricultural Land 2009 also excludes Residential use from other uses that may be ancillary and subservient to an agricultural use (see Principles 3 and 5), implying that it should be classified in the Residential use class in the planning scheme."

With greatest respect to the author, or authors, of this document, the above interpretation is not supportable, for the following reasons:

Specifically, in relation to the last sentence contained above, the State Policy on the Protection of Agricultural Land 2009 does nothing of the kind stated therein. Principle 3 of said Policy is dealing with exclusively, use and development (other than small 'r' residential use) of Prime Agricultural Land. [The reason being it's dealt with by Principle 5.]

Principal 5 of said Policy then deals with small 'r' residential use of agricultural land, irrespective of whether it were prime agricultural land or not and does so by two pathways, both of which are mostly, directly reflected* in the Statewide Planning Provisions, for example clause 21.3.1.P4.

[*I say 'mostly directly reflected' because it is the heading of that clause that causes the problem in part.]

An identifiable problem with current clause 21.3.1.P4 is that in part (a) thereof, if a proposal were to satisfy that sub-clause it, in my opinion, shows that that use is in fact associated with and subservient to the agricultural use it relates to.

The current schemes administrative provisions have 'morphed' out of historical Planning Directive No.1 and the wording of the provisions contained within clause 6.2 are an example in point. Clause 6.2.2 therein, says the following, and I quote "A use or development that is directly associated with and a subservient part of another use on the same site must be classified into the same Use Class as that other use."

[Subservient means 'to further the purpose of', or alternatively being a 'means to an end'.]

It would therefore be incongruous if the scheme were to be populated/ constructed in a manner incompatible with this precept.

Therefore one sees that such a development proposal (agricultural worker accommodation or indeed a farmhouse, managers dwelling or the like) should correctly be identified as Resource Development and not a Residential Use. I believe that there are in fact a number of references within the suite of State Planning Office documents that actually support this notion!

In terms of the government's draft proposal I'd suggest amending points 1, 4, 5, 6, 8, 9, and 10; I'd remove entirely the need for draft proposal points 2, 3, 7, 11 and 12. I have then suggested a few drafting points of my own that I consider essential, so as to fully address the relevant issues.

Also please note that in my opinion the Government's proposed drafting points 7 and 11 have potentially serious unintended consequences, in that the 'balance lots' created have a caveat that no Residential Use (which would include agricultural worker accommodation) could ever be established thereupon due to the attendant Part 5 agreement requirement, from otherwise fully capable agricultural land. [See clause 20.5.1.P1 (b) wording, re point 7 and clause 21.5.1.P1(c) wording, re point 11.]

Below please find the Draft ordinance changes as proposed by me; a total of 10 changes, compared to the Government's proposed 12 amendments (and they are presented in the order they would be applied to the Planning Scheme):

[Due to time constraints I have been unable to present in tabulated form, as it would appear in the Planning Scheme.]

Also please note in points 5 and 9 below, I have presented a 50m nominal setback from boundaries, as I don't consider it appropriate that on a property of at least 40 hectares (in each case that would meet the acceptable solution) that accommodation for people should be located 5m (possibly less) from a boundary, whether that be to a neighbouring property or roadside; the reason being to provide a degree of separation vis a vis neighbouring property activities (which ought not be fettered), and to provide a level of amenity to those residing in such accommodations and not be unduly negatively impacted by nighttime rural road noise etc.

1) (This addresses Government draft point 1)

In Table 3.1 Planning Terms and Definitions, after the row for 'agricultural use', insert a new term and definition for 'agricultural workers accommodation' as follows:

agricultural worker accommodation

means accommodation, whether self-contained or not, located in a Rural Zone or Agriculture Zone for workers employed in an agricultural business.

(Note: Only the last word 'use' has been changed to the word 'business' from that which the Government has proposed.)

2) (Note: Proposed Government drafting didn't address this issue.)

In Table 4.1 clause 4.3.9, delete the words 'a dwelling' and replace with the words 'if for an accommodation purpose' or alternatively 'if for a habitable purpose'.

3) (This addresses Government draft point 4 but by identification of agricultural worker accommodation as being Resource Development Use Class and not Residential Use Class.)

(a) In the Rural Zone, in clause 20.2 Use Table, insert into the No Permit Required section thereof, a qualification for Resource Development as per the following text, as inside the quotes;
"If not for an accommodation purpose."

(b) In the Rural Zone, in clause 20.2 Use Table, insert into the Permitted section thereof, a new line immediately after the line addressing Residential (and before the line addressing Resource Processing) new text as follows;
(Under the Use Class heading insert the text as follows, as inside the quotes)
"Resource Development"

(And under the Qualification heading insert the text as follows, inside the quotes)
"If not listed as No Permit Required."

4) (This addresses Government draft point 5)

In the Rural Zone, in clause 20.3 Use Standards, insert a new use standard for agricultural worker accommodation as follows, as inside the quotes:

"

20.3.2 Agricultural worker accommodation

Objective: To provide for agricultural worker accommodation to support agricultural business.

Acceptable Solutions

A1

Agricultural worker accommodation must:

- (a) be used to accommodate not more than 20 workers;
- (b) accommodate workers that are employed in an agricultural business on the property;
- (c) be located on the same lot as:
 - (i) an existing building for accommodation purposes and share with that building its vehicular access and electricity connections; or
 - (ii) an existing building or facility, where the workers are employed, and share with the existing building or facility its vehicular access; and
- (d) be located on a lot with an area of not less than 40ha, or be part of an agricultural business that operates over adjoining lots with a total area of not less than 40ha.

Performance Criteria

P1

Agricultural worker accommodation must be required as part of an agricultural business either on the site or in the vicinity of the site, having regard to:

- (a) the scale of the agricultural business being serviced;
- (b) the complexity of the agricultural business being serviced;
- (c) the operational requirements of the agricultural business being serviced;
- (d) the need for employees to be accommodated on the proposed site to attend to the agricultural business on the site or in the vicinity of the site; and
- (e) proximity of the site to the agricultural business being serviced.”

5) (Note: Proposed Government drafting didn’t address this issue.)

In clause 20.4.2 Setbacks, make the following additions to the text:

In A1, and after the word ‘Buildings’, include the following text, as inside the quotes,
“, excluding if for accommodation purposes,”

And after the last occurrence of the word building, and on a new line, insert the following text, as inside the quotes:
“

Buildings, if for an accommodation purpose, must have a setback from all boundaries of:

- (a) not less than 50m; or
- (b) if the setback of an existing building for accommodation purposes is within 50m, not less than that existing building.”

6) (This addresses Government draft point 6.)

In the Rural Zone, in clause 20.4.3 A1, delete all current text, including the heading and insert the text shown as follows and inside the quotes:

“

20.4.3. Access for new buildings for accommodation purposes

Objective:

That new buildings for accommodation purposes have appropriate vehicular access to a road maintained by a road authority.

Acceptable Solution

A1

New buildings for accommodation purposes, excluding agricultural worker accommodation, must be located on lots that have frontage with access to a road maintained by a road authority.

Agricultural worker accommodation that meets the requirements in clause 20.3.2 A1 must use the existing legal access to the lot if there is no frontage with access to a road maintained by a road authority.

Performance Criteria

P1

New buildings for accommodation purposes, must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:

- (a) the number of users of the access;
- (b) the length of the access;
- (c) the suitability of the access for use by the occupants of the building;
- (d) the suitability of the access for emergency services vehicles;
- (e) the topography of the site;
- (f) the construction and maintenance of the access;
- (g) the construction, maintenance and usage of the road; and
- (h) any advice from a road authority.

“

7) (This addresses Government draft point 8 but by identification of agricultural worker accommodation as being Resource Development Use Class and not Residential Use Class.)

In the Agriculture Zone, clause 21.2 Use Table, in the No Permit Required section thereof, in the line dealing with Resource Development under the Qualification heading delete the first reference to 'If;' and replace with the following as inside the quotes;

"If not for accommodation purposes, and"

8) (This addresses Government draft point 9)

In the Agriculture Zone, in clause 21.3 Use Standards, insert a new use standard for agricultural worker accommodation as follows and inside the quotes:

"

21.3.2 Agricultural worker accommodation

Objective: To provide for agricultural worker accommodation to support agricultural business.

Acceptable Solutions

A1

Agricultural worker accommodation must:

- (a) be used to accommodate not more than 20 workers;
- (b) accommodate workers that are employed in an agricultural business on the property;
- (c) be located on the same lot as:
 - (i) an existing building for accommodation purposes and share with that building its vehicular access and electricity connections; or
 - (ii) an existing building or facility, where the workers are employed, and share with the existing building or facility its vehicular access; and
- (d) be located on a lot with an area of not less than 40ha, or be part of an agricultural business that operates over adjoining lots with a total area of not less than 40ha.

Performance Criteria

P1

Agricultural worker accommodation must be required as part of an agricultural business either on the site or in the vicinity of the site, having regard to:

- (a) the scale of the agricultural business being serviced;
- (b) the complexity of the agricultural business being serviced;
- (c) the operational requirements of the agricultural business being serviced;
- (d) the need for employees to be accommodated on the proposed site to attend to the agricultural business on the site or in the vicinity of the site; and
- (e) proximity of the site to the agricultural business being serviced."

9) (Note: Proposed Government drafting didn't address this issue.)

In clause 21.4.2 Setbacks, make the following additions to the text:

In A1, and after the word 'Buildings', include the following text inside quotes ", excluding if for accommodation purposes,"

And after the last occurrence of the word building, and on a new line, insert the following new text, as inside the quotes:

"

Buildings, if for an accommodation purpose, must have a setback from all boundaries of:

- (a) not less than 50m; or
- (b) if the setback of an existing building for accommodation purposes is within 50m, not less than that existing building."

10) (This addresses Government draft point 10.)

In the Agriculture Zone, in clause 21.4.3 A1, delete all current text, including the heading and insert the text shown as follows inside the quotes:

"

21.4.3 Access for new buildings for accommodation purposes

Objective:

That new buildings for accommodation purposes have appropriate vehicular access to a road maintained by a road authority.

Acceptable Solution

A1

New buildings for accommodation purposes, excluding agricultural worker accommodation, must be located on lots that have frontage with access to a road maintained by a road authority.

Agricultural worker accommodation that meets the requirements in clause 21.3.2 A1 must use the existing legal access to the lot if there is no frontage with access to a road maintained by a road authority.

Performance Criteria

P1

New buildings for accommodation purposes, must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:

- (a) the number of users of the access;
- (b) the length of the access;
- (c) the suitability of the access for use by the occupants of the building;
- (d) the suitability of the access for emergency services vehicles;
- (e) the topography of the site;
- (f) the construction and maintenance of the access;
- (g) the construction, maintenance and usage of the road; and
- (h) any advice from a road authority."

This almost concludes my submission and I believe it appropriately responds to the State Planning Office proposal regarding agricultural worker accommodation and how the Statewide Planning Scheme might be amended to reflect these matters.

One final comment though, is that I hope there is/ are sufficient regulations, other Act(s) provisions in place that will monitor/ supervise and control the establishment and operation of agricultural worker accommodation(s) across our rural lands! Potentially the planning controls as proposed allow an extraordinary range of accommodation types to be allowed, as per the proposed definition of 'agricultural worker accommodation'.



Rodney Synfield, Councillor

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27 August 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

By email: yoursay.planning@dpac.tas.gov.au

RE: TasFarmers' Submission – SPP Amendment 05/2024 – Agriculture Worker Accommodation and Land Use Planning and Approvals Amendment Regulations 2024

TasFarmers is the peak advocacy organisation for farmers in Tasmania, dedicated to promoting the interests and sustainability of the agricultural sector. Representing a diverse range of agricultural producers, including those in livestock, cropping, and horticulture, we provide a unified voice to influence policy and decision making to ensure that the needs and concerns of farmers are heard by government and industry stakeholders. Our efforts aim to enhance the profitability, productivity, and environmental stewardship of Tasmanian agriculture, leading to an agricultural sector with a viable future.

The Tasmanian agriculture sector is committed to developing on-farm diversity and capability and welcomes the Tasmanian Government's ambitious goal of \$10B in annual agricultural production by 2050. Achieving maximum potential productivity on-farm relies on many things; one of the most critical being on-farm accommodation for farm employees.

TasFarmers welcomes the Tasmanian Government's initiative to amend planning regulations to make the development of on-farm accommodation easier and appreciates the opportunity to provide feedback noting several key areas of concern.

Restriction to 20 workers

The proposed restriction of a maximum of 20 workers limits the scope of some agricultural enterprises to fully house their total workforce. While acknowledging that there is capacity to increase this limit through the discretionary process, this is an unnecessary impediment to the efficient development of accommodation to suit the individual needs of various enterprises. TasFarmers notes that this restriction is based upon the Queensland experience, however we are of the view that requirements in Queensland differ markedly from those in Tasmania.

Accommodation to be on same lot

TasFarmers believes this is a severe practical impediment to sensible development and restricts the property owner from positioning the accommodation in the best possible location. Many properties have multiple titles, or lots, and range across many different soil types and values. This restriction also has potential negative consequences for existing and future amenity for property owners and workers in accommodation. TasFarmers believes that landowners should develop worker accommodation where it best suits the requirements of their business and the amenity of those in both the worker accommodation and existing housing.

Safeguards against the potential excision of land containing worker accommodation through sale of any lot or title can be readily made, including a provision to remove accommodation in the event of a title or lot being sold separate to the existing property.

Minimum size of 40ha

TasFarmers is strongly of the view that this is too great a property size as the minimum threshold. Many intensive agricultural enterprises, such as fruit growing, and annual horticulture are on properties significantly smaller than 40ha. For example, in Tasmania there are 176 commercial fruit growing farms, with the average size of fruit growing properties in North West Tasmania 18ha, in the north 14ha, and in the south 21ha.

This clearly demonstrates that the 40ha limit is massively excessive. Properties considering the development of worker accommodation should be assessed on their productivity and the demonstrated need for worker accommodation, which is also part of the assessment process with local government. TasFarmers recommends that there be no minimum limit imposed through these amendments.

Conclusion

TasFarmers welcomes the government's commitment to assisting productivity growth on farms through easier development of on-farm accommodation, however without the changes to the amendments highlighted above, TasFarmers believes that real change will be almost impossible to achieve.

We welcome further consultation. Please contact TasFarmers if you require further information.

Yours sincerely,

Nathan Calman
Chief Executive Officer



Australian
Institute of
Architects

TAS

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27 August 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

By email to: yoursay.planning@dpac.tas.gov.au

Re: SPP Amendment 5/2024 – Agriculture Worker Accommodation and Land Use Planning and Approvals Amendment Regulations 2024

To whom this may concern,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to thank you for the opportunity to provide feedback on the *SPP Amendment 5/2024 – Agriculture Worker Accommodation and Land Use Planning and Approvals Amendment Regulations 2024*. The Institute's policy team has reviewed the materials, and provides the following comments, observations and questions.

From a planning perspective, the Institute has concerns about siting and access/egress in relation to bushfire risk, noting the following:

- There is increased risk of loss of life when there are to be up to 20 persons accommodated (plus any people in a main existing dwelling).
- The Institute questions what would happen in the event of a bushfire, and whether there is the easy ability to safely evacuate from the site given the requirement for access is only legal access (e.g. this might be right of way via a track across a neighbouring property).
- Some agricultural worker situations involve people on temporary work visas being transported in a minibus (not their own vehicles).
- The accommodation can simply be located on the same lot where an existing building or "facility" where the workers are employed. As a lot can be quite large, then the siting for the accommodation could be precarious. What are the requirements for a shelter in say BAL 19, 29, 40 or Flame Zone? There can be up to 20 people on a site and the one single mini-bus is out, or the vehicle access is blocked – where do people shelter? The risk is in the numbers – the more people, then the greater the catastrophic losses.

In addition to this, any buildings would still be required to meet building permit and plumbing provisions according to Council requirements. The fact sheet states that:

Building and plumbing requirements are separate, and in addition, to the planning requirements. You should check with your council whether a building or plumbing permit is needed.

The Institute would like to question whether there are councils who are exempting agricultural worker accommodation from building permit requirements and note:

- Some workers permanently live in this type of accommodation even if not at the one location. They may be rotating between locations on a seasonal basis to perform different work.
- Therefore, dwellings used for worker accommodation should not be exempt from requirements for protecting the health and safety of their occupants. This includes provisions for thermal comfort, condensation, natural light, structural integrity, fire safety, sanitation, hygiene and food preparation provisions.

Thank you for the opportunity to provide feedback on the amendments. Please contact us if you would like to discuss any of the points raised further.

Kind regards,

Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects

Jennifer Nichols
Executive Director, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,400 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.

From: Jo Oliver | Terra Firma Town Planning <>
Sent: Tuesday, 27 August 2024 8:17 PM
To: State Planning Office Your Say
Subject: Saved to CM: Submission to Draft SPP Amendment 5-2024 Agricultural Workers Accommodation

Dear Sir/Madam

I make this brief submission as a planner that has worked closely with the agricultural sector for many years, in a municipality that is one of the highest contributors to the State's overall agricultural output. I acknowledge that trying to determine the right settings in planning regulation to provide economic certainty for the agricultural sector as well as meeting the *State Policy for Protection of Agricultural Land* has been something of a vexed issue, noting that sectoral needs can also change quite rapidly.

With the Tasmanian Planning Scheme in operation across most of the State's agricultural localities, as discussed in the supporting documentation to the amendment, the draft amendment does provide a good opportunity to review the intended operation of the provisions and where they may unnecessarily complicate the ability to provide accommodation that is critical to the ongoing prosperity of the sector.

I note that the supporting documentation differentiates seasonal workers (contracted labour away from their primary residence) and those workers that are permanent employees of a farming enterprise, which may operate over several properties, not always adjoining. My understanding of the agricultural worker housing requirements is that seasonal worker accommodation is a critical need that is not currently being met and that the preference is not to locate this worker cohort on farms, but in settlements with access to basic services. This draft amendment will facilitate the establishment of on-farm accommodation for both seasonal and permanent workers, however will not serve the primary need to locate and enable appropriate options to meet sector preferences for housing seasonal workers.

Providing greater clarity by defining agricultural worker accommodation is supported, however there remains a procedural complication in the categorisation of use as prescribed by section 6.2.2 of the TPS - *A use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same Use Class as that other use*. The definition of agricultural worker accommodation as a residential use will alleviate inconsistencies in categorisation between residential and visitor accommodation uses and the standards that then apply according to use, however it does not avoid the obligation under 6.2.2 to categorise the worker accommodation that is directly associated and subservient to resource development on a site, as a resource development use, which has 'no permit required' status in both the Agriculture and Rural zones. The premise in the supporting document that *...It is considered best to implement the improvements in Tasmania through a Permitted pathway, rather than an exemption or No*

Permit Required pathway. This provides a clear paper trail with the issuing of a permit, providing certainty to both the applicant and the council, particularly for compliance purposes... is not quite correct, as if the procedure set down by section 6.2.2 is applied, there will inevitably be circumstances where the worker accommodation will be NPR.

Categorising use under section 6.2.2 can be a complicated exercise and is one that is based on the merits of each individual case (MVC v RMPAT [2018] TASSC 9).

In consideration of this, the 'requirement' test in the performance criteria that must be met is likely redundant for sites where the accommodation serves that particular property, or too onerous, if the intention is to facilitate the location of worker accommodation in rural areas, potentially serving multiple properties, possibly an entire district.

It is respectfully suggested that the drafting of the provisions follows a logic around the circumstances that may occur and tailor provisions to suit, rather than attempting to aggregate a number of circumstances into one provision. This will not simplify the treatment of the range of circumstances that may occur.

In addition, the requirement to utilise established accesses and titles with buildings to meet the acceptable solution is an unnecessarily onerous intervention. The explanation in regard to concerns about the fragmentation of agricultural land and the PAL Policy are noted, however if the aim is to provide for critical worker accommodation for the agricultural sector, the best judges of appropriate location for land productivity and the efficient operation of agricultural enterprises are the owners and operators of those enterprises. There can be a number of reasons why it may be better to locate worker accommodation on sites devoid of buildings... OH&S aspects relating to machinery use, buffers from intensive animal operations etc., pockets of lower capability land. Some established access points have legacy issues of safety that are permitted because they are subject to infrequent farm machinery use.

Confining the acceptable solution pathway to these circumstances is unnecessarily limiting and may actually be counter-productive, or produce inappropriate outcomes.

Perhaps some alternate factors could be considered for the acceptable solution, such as not locating on prime agricultural land and obtaining access approval from the road authority (as per other TPS provisions).

I hope these observations assist the process of consideration.

Regards

Jo Oliver
Director



TERRA FIRMA
TOWN PLANNING

From: Sadie Chrestman <
Sent: Tuesday, 27 August 2024 8:25 PM
To: Planning Office Your Say
Subject: SPP Amendment 05-2024

Hello,

Following is a short submission in support of the draft SPP amendments regarding agricultural worker accommodation.

We are a small mixed farm in the Huon Valley. We raise old breed pigs, and a small herd of beef and dairy cattle, goats and a large market garden. We also run a purpose built on-farm restaurant which will re-open in November 2024. We ran the restaurant 2-3 days per week for seven years and employed 10 FTE, including a farmhand and two market gardeners.

Full and part-time workers

Agriculture and horticulture does not pay well. Our brilliant farmhand lived locally but was only able to work for us 2-3 days per week as he needed a job in Hobart to be able to pay his rent. Had we been able to house him he could have worked for us full time. Our next farmhand left after three months as, again, he needed a better paying job to pay his rent and support his family. And, again, this could have been solved had we been able to provide a house on the farm. Our garden manager, lived precariously moving from one uncertain rental to another until she, too, moved to Hobart and another job. Our next garden manager, lives in a Tiny House on someone else's land.

On the face of it, perhaps the problem of housing could be best solved by paying higher wages. However, the price of food does not allow for higher wages for farm hands and market gardeners. A house is a huge capital investment, however if you're making at a 30+ year plan for a farm, this is achievable and would set a small farm like ours up for a long term future of growing food both for our local community and our agri-tourism business.

Seasonal workers

We have a small caravan on the farm where seasonal workers have lived for two weeks at a time over summer. If this were a more permanent dwelling, for example, a tiny house with a composting toilet and a grey water system, seasonal workers could live here for longer and work during the summer months when the farm is most productive.

Kind regards,

Sadie Chrestman and Matthew Evans

www.fatpig.farm
Sadie Chrestman

[Subscribe to our newsletter](#)

I am sending this email at a time that is convenient for me. Please respond at a time that is convenient for you.
Fat Pig Farm supports the Uluru Statement from the Heart.

27th August 2024

State Planning Office

Department of Premier & Cabinet

GPO Box 123

HOBART TAS 7001

Via email: stateplanning@dpac.tas.gov.au

To whom it may concern,

DRAFT AMENDMENT 05-2024 OF THE STATE PLANNING PROVISIONS – AGRICULTURAL WORKER ACCOMMODATION

We would like to thank the Tasmanian Government for providing the opportunity to lodge a submission in response to the Draft Amendment 05-2024 of the State Planning Provisions – Agricultural Worker Accommodation.

As a specialised planning and urban design consultancy with an office in Tasmania, we offer various statutory, strategic, and urban design services to multiple governments, advocacy groups, and private organisations across Tasmania. Niche Studio has a vested interest in the progressive development and refinement of the Tasmanian Planning Scheme and associated State Planning Provisions.

Firstly, Niche Studio would like to commend the Tasmanian Government for taking the initiative to challenge the status quo of the approval pathway for Worker Accommodation within the Rural and Agricultural Zones. We understand that the ongoing accommodation crisis requires practical and achievable change to the SSPs that enable and incentives an influx of investment into worker accommodation across Tasmania.

Identifying that current planning requirements have a concerning lack of certainty surrounding worker accommodation, and that change to legislation at state level is required to ensure consistent decision making is achieved ensures a pragmatic stance for the State Planning Office (SPO) to adopt.

We are keen to share our opinion on the draft amendment and have provided some commentary on matters that we believe the SPO have excelled in, as well as matters we believe require further consideration.

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KEY PARTS OF THE DRAFT AMENDMENT WE SUPPORT

The draft amendment acknowledges that whilst the intended use of Agricultural Zones and Rural Zones are deliberately different, the allocation of Zones across Tasmania through Local Planning Schedules have resulted in some Rural Zones being used for agricultural purposes. In this instance, it is positive that the Tasmanian Government acknowledges the necessity of providing worker accommodation on lots within Rural Zones. We believe the inclusion of the Rural Zone within the draft amendment achieves a consistent approach to reviewing the provisions of worker accommodation that will result in the ability for land owners located within Rural Zones to provide sufficient on-site accommodation for their workers.

The draft amendment is a direct response to the Tasmanian Government's plan to introduce improvements for the prioritized approval of worker accommodation on farms, as detailed within the *2030 Strong Plan for Tasmania's Future – First 100*. The culmination of initiatives outlined within the plan is extremely reassuring from a planning consultancy perspective. Additionally, it provides confidence that proactive measures are being implemented to reduce the worker accommodation crisis across Tasmania.

The draft amendments choice of creating a permitted approval pathway for agricultural worker accommodation within both the Agricultural Zone and Rural Zone, is a positive change. We believe the inclusion of both zones within this pathway is an important detail for achieving the Tasmanian Government objective of creating provisions that offer consistent advice and decision making across Tasmania. Furthermore, the creation of the pathway and associated Acceptable Solutions criteria reinforces the ideology of clarity and uniformity for applicants who are seeking to provide onsite accommodation for their workers. By providing a set of Acceptable Solutions, applicants are able to thoroughly refine the scale, mass, and design of their proposed worker accommodation and are encouraged to provide a best-practise response to the demand for worker accommodation.

We would also like to commend the SPO for providing a well-rounded set of provisions that encourage a comprehensive and concise set of guidelines for applicants. We commend the rationale behind the added subdivision standards that aims to quash the possibility of loopholes arising that enable worker accommodation to be used for anything other than accommodation ancillary to the main farming use of the site. We agree that the draft amendment pathway to provisions for worker accommodation within the Agricultural and Rural Zones must be more accessible, however ensuring increased accessibility does not inadvertently create loopholes resulting in residential accommodation independent to agricultural uses. We applaud the SPO for providing a comprehensive set of provisions that effectively addressed this concern.

KEY POINTS FOR FURTHER DISCUSSION

- Acceptable Solution – “the accommodation is on a lot, or is part of a farm, that is not less than 40 hectares in area”

The draft amendment’s Acceptable Solutions criteria includes the detail that for worker accommodation, lots must have a minimum lot size of no less than 40ha. In the instance that a lot is smaller than the minimum lot size, the applicant must address the associated performance criteria. This includes supplying the assessing authority with a farming or business plan to demonstrate the need for the workers being accommodated on the site. Whilst we appreciate the initiative that the Tasmanian Government took in exploring options and calculations for determining a threshold value, we believe that decision of choosing 40ha ‘for simplicity’ is not appropriate for Tasmania. We consider the minimum threshold to be exclusive for smaller, independently owned agricultural businesses that may wish to capitalise on the worker accommodation provisions. The extra ‘hoops’ that smaller agricultural businesses may have to ‘jump through’ in regard to providing a farming or business plan may discourage applicants from providing much needed worker accommodation across Tasmania. In a climate where worker accommodation is drastically underprovided, the State should be implementing provisions that are supportive of all appropriate worker accommodation, indiscriminately of lot size.

In this instance, we would recommend that the Tasmanian Government reassess the 40ha requirement and approach this provision from a perspective of equity, rather than an equality.

- Amendments to Table C2.1 in the Parking and Sustainable Transport Code to specify that there are no minimum car parking space or bicycle parking space requirements for agricultural worker accommodation.

The draft amendment states that there are no proposed minimum car parking spaces or bicycle parking spaces required for agricultural worker accommodation. We understand that the Tasmanian Government have provided a level of justification to this decision that suggests all lots within the Agricultural and Rural Zones will have “ample space” to provide “necessary parking” for workers residing within the accommodation. Whilst this consideration is valid, it is apparent that the draft amendment fails to appropriately assess the adequacy of these proposed parking provisions. Instead, the draft amendment states that it is best for the accommodation provider to determine the best-practise solution for parking provisions.

We strongly disagree with this rationale and feel obliged to highlight that by leaving parking provisions open to the interpretation of the accommodation provider, there will undoubtedly be cases where applicants cut corners and fail to provide adequate parking provisions. In this instance, the lack of enforced parking provisions within isolated agricultural lots are likely to result in detrimental situations where workers are left stranded due to inefficient parking provisions. Furthermore, without the guidance of adequate parking standards and in combination with the typical terrain of agricultural lots will likely result in parking provisions that are inaccessible for two-wheel drive vehicles further resulting in workers unable to freely leave the rural locations.

In this instance, we strongly recommend that a minimum parking requirements are provided, in addition to enforcing a comprehensive set of parking standards set out within C2.0 of the TPS.

- Exclusion of 'agricultural worker accommodation' from the 'sensitive use' definition in Table 3.1 of the SPPs.

The draft amendment proposed the exclusion of 'agricultural worker accommodation' from the 'sensitive use' definition for the avoidance of accommodation being unnecessarily constrained by setbacks in the Rural and Agricultural Zones. Whilst we understand the rationale behind this decision, we disagree with the total exclusion of worker accommodation from the provisions of the 'sensitive use' definition. We believe that agricultural workers are entitled to adequate protection of privacy and relaxation. If all setback requirements are removed, agricultural workers are left with little rights to enjoy their time spent outside of working hours. The Tasmanian Government's rationale that workers who are directly employed in rural industries are more likely to be accepting of the associated disruptions is a broad assumption that limits workers' rights to adequate peace and quiet. Additionally, we believe that without sufficient guidance for accommodation location, applicants are equipped with little restrictions on the location of worker accommodation which could result in a detrimental impact on workers private amenity and create unfavourable living conditions.

In this instance, we suggest that a minimum buffer zone from onsite activities is included within the Acceptable Solutions to ensure that adequate distance is provided for accommodation to reduce the impact on worker accommodation.

CONCLUSION

We genuinely believe that the Draft Amendment 05-2024 of the State Planning Provisions – Agricultural Worker Accommodation provides a comprehensive approach to ensuring that consistent decision making is achieved and provides a strong basis for increasing the level of worker accommodation available across the State of Tasmania.

We trust our input is useful and our feedback is taken into consideration accordingly. In the instance that you have any queries relating to the contents of this submission, or should you wish to engage with us further, please do not hesitate to contact me via email nicola@nicheplanningstudio.com.au.

Kind regards,

Nicola Smith

Director

From: Allison Clark - Optimum Standard <
Sent: Tuesday, 27 August 2024 9:50 PM
To: State Planning Office Shared Mailbox
Subject: Saved to CM: Feedback in relation to Proposed draft amendment 04-2024 of the SPPs Agricultural Worker Accommodation

I would like to provide input into the Proposed Draft Amendment related to the SPPs Agricultural Worker Accommodation.

Optimum Standard has been working with agri-business for over 25 years. Our lead consultants have been farmers and are currently working on projects to build farm resilience. This includes diversification through agritourism.

Simplified rules can help farmers add value to their farm business in many ways, including farm worker accommodation to support their farm activities and visitor accommodation. This is particularly important as connection and collaboration can be critical factors in maintaining seasonal labour in regions. The current environment makes it difficult to initiate any of these activities. Rapid reform is welcome.

Changes proposed should consider that farms can be viable at 40 hectares or smaller, depending on the nature of the enterprise. 39% of the farm businesses we have worked with who are interested in diversifying into agritourism have a farm business of 8-40ha. It is suggested that a definition for 'commercial farm' be used, rather than farm size (ie considered primary production business under the Income Tax Assessment Act 1997 (Cth)). Failure to do so will leave smaller farms in a 'discretionary' planning environment, making it difficult to initiate investments that might support farm worker accommodation and the visitor economy.

Changes proposed should also consider a farm business that was a primary production business and has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bushfire.

Any consideration of permitted use guidelines that introduces an assessment on the number of nights that can be used for worker accommodation vs visitor accommodation (farm stay) should provide the farmer with the ability to determine the best combination that meets their primary production needs (ie seasonal harvest), whilst also optimising the ability to add value to their investment through visitor accommodation at other times of the year.

Simplifying planning rules so farmers can proceed with permitted use provides certainty and consistency in planning interpretations across Tasmania. Removing discretionary decision-making in the local government planning environment can increase productivity and efficiency in the development application process that allows farmers to move forward with their investments with confidence.

Any changes proposed through the reform should also keep an eye on factors that might influence the ability of the farmer to gain insurance coverage for a dual-purpose space of worker accommodation as well as visitor accommodation.

I would be happy to answer any questions that arise from the above comments.

Regards,
Allison

Allison Clark MBA, GAICD, FRSA
Lead Innovator

Optimum Standard (Aus) Pty Ltd

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Response to Draft Amendment 05-2024 of the State Planning Provisions (SPPs) and draft Land Use Planning and Approvals Amendment Regulations 2024 (the Draft Amendment)

Thank you for the invitation to provide feedback on the Draft Amendment in relation to Agricultural Worker Accommodation. The Department of State Growth supports the Draft Amendment in principle, including that the provisions be introduced as interim SPPs. This will enable the changes to come into effect earlier, clarifying applicable requirements and providing certainty for agricultural businesses seeking planning approval.

The following feedback is provided for your consideration.

Feedback regarding the General Purpose and Terms of the Draft Amendment (pages three to seven of the Explanatory Document):

- It is noted that the proposed Draft Amendment has the potential to cause unintended outcomes for industrial and resource development land uses. It is important to minimise conflicting land uses of this type where possible, as they are of significance to the Tasmanian economy and assist in delivery of the Tasmanian Government's construction and infrastructure programs. Further consideration should be given to how these conflicts could be managed or avoided.

An example of a potential conflict includes the exclusion of 'agricultural worker accommodation' from the 'sensitive use' definition in Table 3.1 of the SPPs, allowing the potential for workers to be housed in proximity to areas/work sites/other uses such as existing and future quarries, transport depots, recycling, and waste disposal. State Growth does not consider it appropriate to classify agricultural workers' accommodation as a non-sensitive use, as other legislation can be used in the event of complaints, such as the *Environmental Management and Pollution Control Act 1993* (TAS).

- Further consideration should also be given to the proposed changes to the Residential use class description in Table 6.2 of the SPPs to permit Visitor Accommodation in the Rural Zone if accommodated in an existing building. This further consideration is recommended as this could provide a potential pathway for tourist activities to be established broadly across rural and agricultural areas. Under this proposed amendment, any building that is built for agricultural workers could be converted later into tourist or short-stay accommodation. This does introduce potential for disputes between land owners, where use of land changes from that covered under the amendment without appropriate consultation with communities, affected business, industry and private land holders.

An example of a land use dispute of this nature is the recent Supreme Court decision regarding a proposed vineyard on the east coast of Tasmania, which was ultimately not approved due to complaints from a nearby owner with an established visitor accommodation.

- The Explanatory Document highlights concerns about inconsistent application of the SPPs for agricultural worker accommodation in the Agricultural zone and cites this as the reason for changing the permitted uses. The new provisions will not necessarily overcome this concern or assist councils in enforcing and minimising conflicts. Alternate tools could be trialled in these circumstances, such as providing clearer guidance on the intent of applying the existing provisions. State Growth recommends that key worker housing be considered more holistically because of these implications.
- Regarding the proposed amendment in Table 6.2 Use Classes, it is preferable to categorise 'agricultural worker accommodation' as 'Resource Development' rather than 'Residential', and that this type of development remains a discretionary use so that full impacts on localities can be considered. Using the change of use provisions, it would be relatively straightforward for the relevant local council to approve a Residential use by way of a discretionary application if it is in the right locality and will not cause impacts on established or potential uses surrounding.

Feedback regarding Legislative Requirements (pages seven to 13 of the Explanatory Document):

- In regard to the proposed additions under clauses 20.3.2 and 21.3.2:
 - *'The accommodation is on a lot, or is part of a farm [which is deemed of suitable scale and complexity (as per Performance Criteria P1 under Use Standard 20.3.2)], that is not less than 40 hectares in area'* – this amendment would make obtaining a planning permit more difficult for these businesses, and would result in higher regulatory burdens by requiring businesses to produce a business case and be subject to public comment and appeals on the council decision. Consideration should be given to either reducing the threshold to a smaller land area or providing an additional requirement under the Permitted pathway whereby a farm of less than 40 hectares could be approved, should they demonstrate that the accommodation is needed as part of an agricultural use.
 - *'The workers are employed on the site or an adjoining site in the same ownership'* – this requirement would place a potentially higher regulatory burden on smaller businesses that may look to achieve efficiencies by collaborating to establish accommodation to service multiple farms which are not necessarily owned by the same party or employing the same staff. It is suggested that this requirement be broadened to provide greater flexibility for workers to work either on the site where they are accommodated or on a nearby agricultural site, even if owned by a different party.

Thank you again for the opportunity to provide comment on this proposal. If you have any questions regarding the above feedback, please contact State Growth's Policy and Coordination team via coordination@stategrowth.tas.gov.au.

Yours sincerely,

Andrew Smythe
General Manager – Strategy, Policy and Coordination

30 August 2024

SPP Draft Amendment 05-2024 Agricultural Worker Accommodation

Homes Tasmania submission

Purpose

- This document outlines Homes Tasmania’s feedback on the State Planning Provisions Amendment 05/2024 – Agriculture Worker Accommodation and Land Use Planning Approvals Amendment Regulations 2024 (the amendment).

Overview

- Homes Tasmania supports the amendment and acknowledges it will help reduce pressure on off-farm accommodation, especially during peak farmwork periods.
- Homes Tasmania notes the following risks that should be considered as part of the implementation of the changes in Tasmania, particularly as supporting documentation notes that ‘the accommodation can be for seasonal or *permanent* workers’:
 - the delivery of sub-standard surge worker housing
 - the delivery of isolated accommodation away from services and social connections

These potential outcomes may have unintended consequences for regional settlements and workers.

Analysis of issues

- The proposed amendments will support the Tasmanian Housing Strategy’s objective to increase critical key worker housing by providing clarity around planning requirements for on-farm worker accommodation and will add incentives for farm operators to build accommodation for their workers.
- An increase in the provision of agricultural worker accommodation may reduce pressure on private rentals in rural and regional areas and, for this reason, may reduce overall demand for social housing.
- Increasing the capacity of new agricultural workers housing for other appropriate uses during ‘non-surge’ periods, such as for use as visitor accommodation, may assist in balancing the effect of short-stay accommodation on local housing supply and encourage secondary economic benefits for regional and remote areas.

- While framed as temporary accommodation due to the seasonal nature of employment, there is a risk the proposed amendment results in the provision of substandard housing and living conditions of a more permanent nature.
- Co-locating agricultural workers accommodation on the site of farms where workers are employed can benefit workers and employers, due to reduced commute times and security of housing availability. However, there is a risk that locating workers on regional and rural sites, away from the services and amenities that are typically within proximity of other residential zoned land, may impact the social, cultural and wellbeing needs of residents, particularly migrant workers.
- The exclusion of agricultural worker accommodation from the definition of sensitive use is justified regarding the worker and residential occupant's acceptance of some agricultural activities.
- However, the sensitive use classification is also often used to protect the health and safety of occupants, including:
 - when groups of people may be unfamiliar with the appropriate response to a fire, for example children in a childcare centre or in this case, migrants with English as a second language working as fruit pickers.
 - the protection of amenity in terms of light and noise – external lighting, air extraction, pumping, refrigeration systems or compressors, and commercial vehicle movements.
 - the protection from harmful exposure to dangerous activities, such as chemical spraying.
- To address the above concerns, it is recommended the sensitive use requirements are:
 - retained or amended to ensure the above considerations are addressed, and/or
 - guidelines or similar are provided to ensure that permitted housing is of a standard that supports the dignified, safe and comfortable occupation of workers.
- The amendment to sensitive use classifications and/or the development of guidelines on the quality of agricultural workers accommodation and supporting infrastructure should be undertaken in consultation with relevant stakeholders that represent the needs of the proposed residents, including migrants.
- An increase in alternative housing models, like the short term, modular or transportable housing solutions supported by the amendment, could also provide a useful case study for their broader use as affordable housing that meets the diverse needs of a range of tenants.

Implications for Homes Tasmania

- The draft amendment is unlikely to impact on any existing Homes Tasmania built assets as it applies to Agriculture and Rural Zoned land only. Homes Tasmania's portfolio does include eight sites located in Agricultural or Rural Zones, however these are proposed to be rezoned.

4 September 2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Draft Amendment 05-2024 of the State Planning Provisions and draft Land Use Planning and Approvals Amendment Regulations 2024

Thank you for your letter dated 22 July 2024 and requesting – in accord with Section 30D(3) of the *Land Use Planning and Approvals Act 1993* – Meander Valley Council's comments on the draft amendment 05-2024 of the State Planning Provisions.

Agriculture is one of the major key propulsive sectors in our region. It is Meander Valley's largest industry by jobs, and second largest contributor (behind only manufacturing) to gross revenue output, regional exports, and local sales/expenditure. The agricultural sector is therefore a major contributor to our communities social, economic, and cultural success and vitality. Supporting our myriad of agricultural uses and the people who participate in, and rely upon them, is of major importance to the ongoing development and success of our municipality.

It is also acknowledged that further work has been identified to address key workers accommodation for other uses in regional and remote industries and that this will be considered separately.

Purpose

The purpose of the draft amendment – to further clarify the residential use requirements in both the Agriculture Zone and the Rural zone and to confirm the permissibility of agricultural worker accommodation – is generally supported and welcomed.

Upon review of the proposed draft amendments, a number of technical issues have been identified to assist in improving the wording and better achieving the purpose of the draft amendment.

Draft amendment specific comments

The below comments are numbered in relation not the points provided in the Draft Amendment 05-2024.

1. The introduction of a term and definition for 'agricultural worker accommodation', or similar, so as to provide for specific reference to this type of lodging is generally supported.

The phrase 'whether self-contained or not' appears to be superfluous. The definition of residential use already describes itself as use of land for self-contained or shared accommodation. By not using the term dwelling, the definition is not tied being a self-contained residence.

Tethering the definition to the Rural and Agriculture Zone appears appropriate when considering the purpose of the amendment and intention of the 2030 Strong Plan for Tasmania's Future. This approach, at least at this point in time, appears more suitable than adding a use qualification to every zone that enables consideration of residential use. Further to this, the inclusion of the Rural Living Zone into this definition would enable additional accommodation in areas that are already deemed suitable for residential use and that are less likely to impact agricultural use or convert agricultural land to non-agricultural uses.

It is suggested that the phrasing of the definition align with other defined terms such as 'residential care facility', 'retirement village', 'motel', and the like by beginning with 'means use of land to provide accommodation...'

Alternate wording to consider:

Means use of land located in a Rural Living Zone, Rural Zone or Agriculture Zone to provide accommodation for workers employed in agricultural uses.

2. Excluding 'agricultural worker accommodation' from the definition of a 'sensitive use' is not supported.

While the intent to provide an easier permitted pathway is understood and appreciated, particularly in respect to occupants being more likely to accept impacts from rural activities, the proposed approach removes the ability to consider impacts of the accommodation upon agricultural use **entirely**. It also removes consideration of a variety of standards within the Road and Railway, Electricity Transmission, Attenuation, Potentially Contaminated Land, and Safeguarding of Airports Code. These standards, listed below, ensure that

attenuating activity do not impact upon the occupant of the accommodation (and vice versa), that sensitive uses do not impact electricity infrastructure, ensures that occupation of potentially contaminated land is safe, and that airport airspace is protected.

Consideration of these clauses are critical to the ongoing safety of accommodation workers and the managing of potential conflicts with existing infrastructure and operations. It is not appropriate to exclude consideration of these clauses.

Use and Development Standards applicable to sensitive uses

Zone/Code	Clause	Clause Description
C11.0 Rural Living Zone (if applied)	11.4.2 A4/P4	Building height, setback and siting
C20.0 Rural Zone	20.4.2 A2/P2	Setbacks
C21.0 Agriculture Zone	21.4.2 A2/P2	Setbacks
C3.0 Road and Railway Code	C3.6.1 A1/P1	Habitable buildings for sensitive use within a road or railway attenuation area
C4.0 Electricity Transmission	C4.5.1 A1/P1	Sensitive use within a substation facility buffer area
	C4.7.1 A1/P1 and A2/P2	Subdivision
C9.0 Attenuation Code	C9.5.1 A1/P1	Activities with potential to cause emissions
	C9.5.2 A1/P1	Sensitive use within an attenuation area
	C9.6.1 A1/P1	Lot design
C14.0 Potentially Contaminated Land Code	C14.5.1. A1/P1	Suitability for intended use
	C14.7.1 A1/P1	Subdivision for sensitive use
C16.0 Safeguarding of Airports Code	C16.5.1 A1/P1	Sensitive use within an airport noise exposure area
	C16.7.1 A1/P1	Subdivision

If the intention is to provide for reduced boundary setbacks from property boundaries then amendments to the relevant setback standards are suggested to be more appropriate. For example, the inclusion of an additional sub-clause may result in an improved outcome that still enables consideration of impacts on

agricultural use whilst reflecting the reduced perceived impact upon occupants. In this respect, a 50m boundary setback may be suitable if the routine 200m is not preferred.

Buildings for a sensitive use must have a setback from all boundaries of:

(a) Not less than 200m;

(b) If the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building; or

(c) If for agricultural workers accommodation not less than XXm.

To ensure that agricultural uses are able to attract and retain agricultural workers then their accommodation must be safe and healthy. Exemption from the above-mentioned Codes will result in adverse impacts on the health, safety and amenity of the occupants of the agricultural worker accommodation buildings and diminish the long-term ability for agricultural uses to find workers.

3. Principle 3 and Principle 5 of the State Policy on the Protection of Agricultural Land 2009 together act to ensure that residential use of agricultural land only occurs where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in vicinity of that land. These principles do not infer, in and of themselves, that worker accommodation should be categorised as a Residential Use Class.

Treating agricultural worker accommodation as residential does, however, broaden its scope under the PAL Policy to be allowable beyond being directly associated with and a subservient part of an agricultural use of that land. As such, insertion into the Residential Use Class appears appropriate.

Irrespective of the references to the PAL Policy, in practice many agricultural worker accommodation applications on the same site as the benefiting agricultural use will likely be treated as directly associated with and a subservient part of an agricultural use under Clause 6.6.2 and be categorised into the Resource Development Use Class regardless.

4. Supported.
5. Suggested drafting of 20.3.2 A1 is provided below. The same suggestions apply to proposed 21.3.2 A1. These suggestions relate mostly to the use of site, lot, and property in accordance with TPC Practice Directive No. 5. In particular, noting that

site means 'the lot or lots on which a use or development is located or proposed to be located', and that if the accommodation is part of a broader agricultural use/business (and subsequently associated with and subservient to it), sub-clause (d) can be simplified to remove reference to said agricultural business with the additional clarifier that the site comprises a contiguous area.

Alternatively, if the preference is to use the term 'agricultural business' then this must be either defined or changed to 'agricultural use' to be more consistent with other standards in the zones.

Agricultural worker accommodation must:

- (a) ~~Be used to~~ accommodate not more than 20 workers;
- (b) accommodate workers that are employed in an agricultural use on the site ~~or on an adjoining site in the same ownership;~~
- (c) be located on the same lot **title** as:
 - (i) An existing dwelling and share with the existing dwelling the vehicular access ~~and electricity connections;~~ or
 - (ii) An existing building or facility, where the workers are employed, and share with the existing building or facility the vehicular access; and
- (d) be located on ~~a lot~~ **the same site** as an **agricultural use with a contiguous** area of not less than 40ha ~~Or be part of agricultural business that operates over adjoining lots with a total area of not less than 40ha.~~

The introduction of requirements for the worker accommodation to share electricity connections with an existing dwelling is unrealistic. Many farm properties often have multiple electricity connections even within the same farmyard and farmers would often prefer some separation distance from their workers. It is also unclear why electricity connections should be regulated by the planning scheme in this instance when it is not otherwise regulated.

Introducing an acceptable solution that relies upon, in part, having agricultural worker accommodation being on an adjoining site in the same ownership opens up concerns around what happens when ownership changes. Is further planning approval required? How can this possibly be regulated/enforced effectively? The same concern arises around the apparent need to establish a direct connection between the agricultural worker accommodation and the agricultural use being serviced under the Performance Criteria. What happens when the accommodation changes which agricultural use it serves? Further comments on the performance criteria are provided below.

In regard to the PAL Policy, it has been noted above that residential use of agricultural land is consistent with the Policy where it (a) is required as part of an agricultural use; **OR** (b) does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.

The proposed criteria under P1 that agricultural worker accommodation '*must be required as part of an agricultural use either on the site or in the vicinity of the site*' unnecessarily restricts the establishment of agricultural workers accommodation. These types of accommodation are intended to support the agricultural sector by providing a viable and accessible tool in their toolkit, not to be an 'option of last resort' for agricultural operations that have no other means of finding accommodation for workers. Put simply, this threshold is too high.

The below is an excerpt from *Degnhardt v Waratah Wynyard Council and Jackson 2015* that demonstrates how the Tribunal have interpreted such threshold in prior decisions:

38. ... *The Oxford Dictionary definition of the term "required" is that it be "necessary, compulsory, mandatory". The Macquarie Dictionary definition of the word "required" is:- "To have need of; need: he requires medical care; to call on authoritatively, order, or enjoin (a person, etc.) to do something: to require an agent to account for money spent; to ask for authoritatively or imperatively; demand; to impose need or occasion for; make necessary or indispensable..."*

39. *In the Tribunal's view, the use of the word "required" is a clear demonstration that the legislature intended to impose a high threshold of satisfaction for residential use and development in the Rural Resource Zone. The word "required" is repeated in several contexts, firstly, to categorise the use as required residential use, in paragraph (a) of the Objective and again in Performance Criteria (c). 40. The criteria in P1(c) dictate that the type, scale, intensity or operational characteristics of the permitted use, in this case resource development, make it "necessary" as opposed to convenient or desirable for a person to live on the site for the purpose of undertaking the resource development use.*

Consideration should therefore be given to replacing the phrase 'must be required as part of an agricultural use' with a less onerous threshold such as 'must complement or support an agricultural use' and provide for assessment of whether or not the proposal would unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.

6. If the intention is to have two sections of A1, then use of separation into A1.1 and A1.2 appears appropriate. Consideration of a P1.1 and P1.2 may also be appropriate to ensure consistency in application and language.
7. Supported.
8. Supported.
9. See comment above at point 5.
10. If the intention is to have two sections within A1, then use of separation into A1.1 and A1.2 appears appropriate. Consideration of a P1.1 and P1.2 may also be appropriate to ensure consistency in application and language.
11. Supported.
12. Supported.
13. In respect to the potential classification of agricultural workers accommodation as a vulnerable use, it is understood that consideration of impacts upon vulnerable uses predominantly relates to natural hazards such as bushfires. As noted by the explanatory document, many farmers organise minibuses and coaches to transport workers. In particular, where workers form part of the Pacific Australia Labour Mobility (PALM) scheme, they are unlikely to own a vehicle or drive and may also be unfamiliar with the type and intensity of natural hazards that Tasmania experience. In this example, the ability of occupants to meaningfully evacuate during an emergency will likely be reliant upon a coordinated effort to secure enough vehicles (such as minibuses or coaches) to evacuate the occupants in many instances. Accordingly, agricultural worker accommodation should be included in the definition of a vulnerable use.

Thank you for the opportunity to provide feedback upon the proposed draft amendment 05-2024. If you require any further elaboration, please do not hesitate to contact our Council via email to mail@mvc.tas.gov.au or phone 6393 5325 to talk Senior Strategic Planner, Thomas Wagenknecht.

Yours sincerely

Thomas Wagenknecht
Senior Strategic Planner

Our Ref:

18/09/2024

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Also via email: stateplanning@dpac.tas.gov.au

To Whom It May Concern,

SPP Amendment - 05/2024 - Agriculture Worker Accommodation & LUPA Regulations

Thank you for providing the Northern Midlands Council with the opportunity to make a written submission to the proposed State Planning Policy Amendment 05/2024 - Agriculture Worker Accommodation & LUPA Regulations.

The amendment allows for a clearer, more streamlined pathway for Council as the Planning Authority to consider and approve worker accommodation within the Rural and Agriculture Zones. In principle the proposed amendment is generally supported by this Council as primary industry is one of the major activities within our Local Government Area.

Provided that there are clear guidelines and parameters in place to ensure that productive agricultural land is not over-developed with this form of housing/accommodation and that agricultural land is not compromised by the introduction of associated services (i.e. wastewater treatment systems), Council raise no objection.

Concerns are raised about the ongoing and future use of the buildings given the permanency of the structures, the conversion of agricultural land and the potential for these buildings to be used not as worker accommodation but for visitor accommodation (Airbnb and the like), not just in the off-season but during picking season as the financial benefit to the landowners may be more tempting.

The potential misuse of the buildings is a concern Council holds given the resources required to enforce against unlawful use of land, including breaches of permit conditions which would likely be imposed on development assessed under the proposed provisions. Very few Councils with large agricultural areas would have the capacity to monitor and enforce non-compliance if the buildings were not being used for their purpose (as accommodation for workers on the land or surrounding land). It is appreciated that this particular concern is not limited to agriculture worker accommodation, but to any development, though it is a major concern within our area.

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Again, thank you for the opportunity to comment. We look forward to further information regarding the progress of this amendment and review of concerns raised with other Councils.

Kind regards

Brandie Strickland
STATUTORY PLANNER