



New South Wales

# **State Environmental Planning Policy (Housing) Amendment (Construction Workers Accommodation) 2024**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy (Housing) Amendment (Construction Workers Accommodation) 2024**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

This policy is *State Environmental Planning Policy (Housing) Amendment (Construction Workers Accommodation) 2024*.

### **2 Commencement**

This policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of policy**

This policy is repealed at the beginning of the day following the day on which this policy commences.

## Schedule 1 Amendment of State Environmental Planning Policy (Housing) 2021

### [1] Section 114

Insert after section 113—

#### 114 Accommodation for renewable energy zone construction workers

This part does not apply to development under Part 13.

### [2] Chapter 3 Diverse housing

Insert after Part 12—

## Part 13 Accommodation for renewable energy zone construction workers

### 141D Definitions

In this part—

**approved electricity infrastructure development** means electricity infrastructure development that is—

- (a) State significant development in relation to which a development consent is in force, or
- (b) State significant infrastructure in relation to which an approval of the Minister is in force.

**campervan** has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

**caravan** has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

**construction workers accommodation** means a place that is—

- (a) used to provide at least 5 dwellings for relevant workers in moveable dwellings, other than campervans, caravans or tents, and
- (b) ancillary to the construction of approved electricity infrastructure development.

**electricity infrastructure development** means development for the following purposes that is carried out in a renewable energy zone—

- (a) electricity generating works, within the meaning of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 4,
- (b) electricity transmission or distribution networks, within the meaning of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 5.

**Guidelines** means the *Guidelines For Construction Workers Accommodation* published by the Department in December 2024.

**relevant worker** means a worker employed or engaged in connection with the construction of approved electricity infrastructure development, including a construction worker or other worker providing services to construction workers.

*renewable energy zone* has the same meaning as in the *Electricity Infrastructure Investment Act 2020*.

**141E Application of part**

This part applies to development for the purposes of construction workers accommodation on land in a local government area specified in the following table—

**Local government areas**

Armidale Regional, Balranald, Cabonne, Carrathool, Central Coast, City of Cessnock, Dubbo Regional, Dungog, Edward River, Gilgandra, Glen Innes Severn Shire, Hay, Inverell, Kiama, City of Lake Macquarie, Liverpool Plains, City of Maitland, Mid-Western Regional, Murray River, Murrumbidgee, Muswellbrook, Narromine, City of Newcastle, Port Stephens, City of Shellharbour, Singleton, Tamworth Regional, Tenterfield, Upper Hunter Shire, Uralla, Walcha, Warren, Warrumbungle Shire, Wentworth, Wingecarribee and City of Wollongong

**141F Construction workers accommodation permitted with development consent**

- (1) Development for the purposes of construction workers accommodation is permitted with development consent on land to which this part applies that is—
  - (a) in a residential zone, or
  - (b) in another zone, if the consent authority is satisfied it is appropriate in the circumstances, having regard to the Guidelines.
- (2) Despite subsection (1)(b), development for the purposes of construction workers accommodation is not permitted on land in the following zones—
  - (a) Zone RU3 Forestry,
  - (b) a recreation zone,
  - (c) a conservation zone,
  - (d) a waterway zone.

**141G Duration of development**

- (1) Development consent must not be granted to development under this part unless the consent authority is satisfied that—
  - (a) all moveable dwellings and ancillary buildings installed or erected as part of the development will be removed from the land as soon as practicable after 2 years of being installed, and
  - (b) the development will not prejudice the subsequent carrying out of development on the land in accordance with any applicable environmental planning instrument.
- (2) Despite subsection (1)(a), development consent may be granted to development where all moveable dwellings and ancillary buildings will not be removed after 2 years if the consent authority is satisfied it is appropriate in the circumstances, having regard to the Guidelines.

**141H Transport, parking and other infrastructure**

Development consent must not be granted to development under this part unless the consent authority is satisfied there will be—

- (a) adequate transport infrastructure and parking for relevant workers and visitors, and
- (b) adequate infrastructure for the relevant workers, including electricity, water and sewerage.

#### **141I Consideration of impact of development**

Development consent must not be granted to development under this part unless the consent authority is satisfied—

- (a) the development is designed, and will be located and managed, to avoid a significant adverse impact on the following—
  - (i) the land or adjacent land, including the impact on biodiversity, stormwater, run-off, contamination and groundwater,
  - (ii) the capacity of the existing road network, including in relation to the movement of livestock,
  - (iii) agriculture on the land or adjacent land,
  - (iv) the local character and scenic quality,
  - (v) the amenity of adjacent residential development, and
- (b) the risk of hazards, including bush fires and flooding, will be appropriately minimised and managed, and
- (c) the adverse impact on existing utilities infrastructure, including electricity, water and sewage, will be minimised.

#### **141J Location of construction workers accommodation**

In deciding whether to grant development consent, the consent authority must consider whether—

- (a) the development is located within a reasonable distance from the relevant workers' place of employment, and
- (b) there is adequate access to the development for emergency services vehicles.

#### **141K Development on bush fire prone land and grasslands**

- (1) Development consent must not be granted to development on bush fire prone land or on grasslands unless the consent authority has considered the following matters—
  - (a) access to and egress from the development if there is a bush fire,
  - (b) any additional measures or emergency procedures required for the site, if the site is not in an urban area or is otherwise remote.
- (2) In this section—

*grasslands* has the same meaning as in *Planning for Bush Fire Protection*, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department and dated November 2019.

#### **141L Subdivision of land**

Development consent must not be granted to the subdivision of the following land—

- (a) land on which construction workers accommodation is erected,
- (b) land in relation to which there is a development consent in force for the erection of construction workers accommodation,

- (c) land in relation to which a development application for development for the purposes of construction workers accommodation has been made but not finally determined.

## **Schedule 2      Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

### **Clause 2.32K Specified development**

Insert after clause 2.32K(2)—

- (2A) This clause does not apply to development under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 13.