



SHIRE OF  
**MANJIMUP**

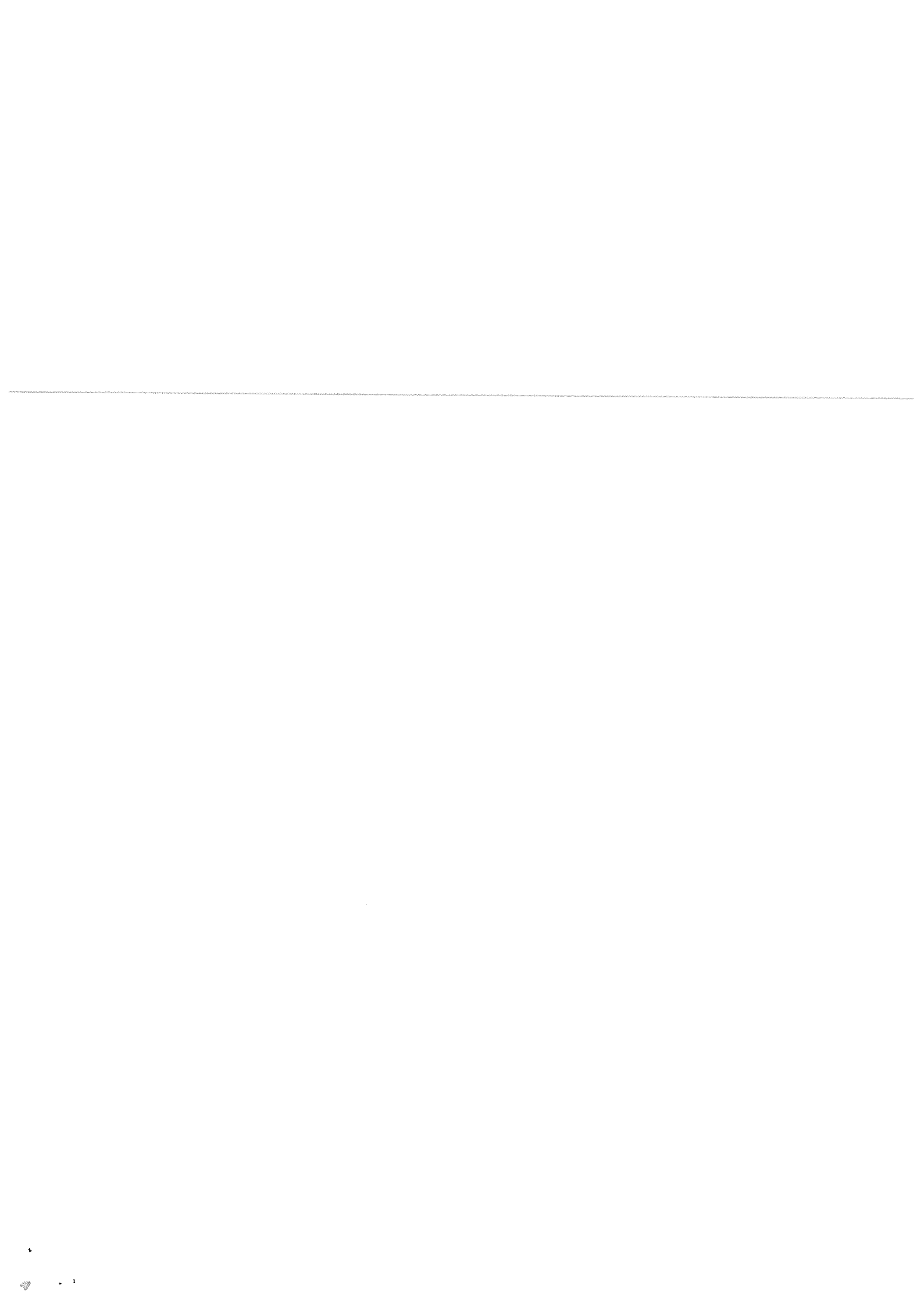
**LOCAL PLANNING SCHEME NO.4**

**AMENDMENT NO. 29**

**AMENDMENTS ON SCHEME PROVISIONS RELATING TO  
RURAL WORKERS ACCOMMODATION**

Prepared by Shire of Manjimup

July 2023



**PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)**  
**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**  
**SHIRE OF MANJIMUP LOCAL PLANNING SCHEME NO. 4**  
**AMENDMENT NO. 29**

Resolved that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amends the above local planning scheme by amending the definition and applicable clauses related to Rural Workers Accommodation

Dated this 8 day of December 2022



Chief Executive Officer

21 August 2023

Date

## PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

<b>1. LOCAL AUTHORITY:</b>	Shire of Manjimup
<b>2. DESCRIPTION OF LOCAL PLANNING SCHEME:</b>	Local Planning Scheme No. 4
<b>3. TYPE OF SCHEME:</b>	Local Planning Scheme
<b>4. SERIAL NUMBER OF AMENDMENT:</b>	29
<b>5. PROPOSAL:</b>	<ol style="list-style-type: none"><li>1. Amend the definition of Rural Workers Accommodation as stated within Schedule 1 of the Scheme to delete reference to the term "short stay" and modify reference to "working on that landholding", resulting in the definition reading as follows: <i>"Means a building or building(s) located on a rural landholding, which are used for accommodating seasonal, temporary or migratory workers employed for agriculture/horticulture activities in the district and is to be incidental to the agricultural use of that land"</i></li><li>2. Amend clause 5.34.2.7 relating to Rural Workers Accommodation, to remove the words "for short-stay purposes", resulting in the clause reading as follows: <i>"Where, on a property which has been developed for intensive agricultural purposes, it can be demonstrated to the satisfaction of the local government that a demand exists for the provision of rural workers' accommodation for transitory or seasonal works on the holding, the local government may approve proposals for such accommodation on</i></li></ol>

*the basis that it will be used to accommodate workers employed for agriculture/horticulture activities in the district.”*

## SCHEME REPORT

### 1 INTRODUCTION

Shire of Manjimup Local Planning Scheme No.4 (the Scheme) was gazetted in December 2010 and has provided orderly and proper planning since that time. However, the Shire of Manjimup (the Shire) has identified a number of process improvements it believes will ensure the Scheme continues to operate effectively.

The Scheme currently restricts the occupation of “Rural Workers’ Accommodation” to “Short Stay”, meaning that no person may occupy the accommodation for a period of more than 3 months within any 12 month period.

More recently this restriction has proven to be problematic for the following reasons:

- a) Generally speaking, greater areas of land are now being used for horticulture and a wider range of crops are now grown and harvested by farmers, who are diversifying their economic base. This results in longer periods of harvesting and associated crop maintenance periods (extending throughout the year), often overlapping with various crops grown on the same property;
- b) Workers are being trained and utilised for a wider range of tasks including pruning, training or vines etc. requiring them to remain on site for longer periods;
- c) Particularly since the commencement of the COVID-19 pandemic, the availability of a transient workforce has been significantly reduced and employers are sponsoring foreign workers and are seeking to retain those they have been able to employ;
- d) Requirements associated with Temporary Work (403) Visa’s, most specifically the Pacific Australia Labour Mobility Scheme stream (PALM Scheme); and
- e) Strictly speaking, given the current definition a farm business operating over several properties must provide accommodation on each property.

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### 2 PROPOSAL

It is proposed to amend the definition of Rural Workers Accommodation to delete reference to the term “short stay” to reflect farm crop diversification which has extended produce growing seasons and to reflect that farm work is not only associated with picking but consists of other tasks including pruning and maintenance.

Schedule One of the Scheme defines Rural Worker’s Accommodation as *“a building located on a rural land holding which is used for short stay, sleeping quarters for seasonal, temporary or migratory workers working on that landholding and is to be incidental to the agricultural use of that property.”*

To resolve the other issue with regards requirement that the workers are to be accommodated on the landholding that they are working, rather than provide the flexibility to work anywhere in the district the proposed definition enables seasonal workers the ability to commute between landholdings.

### **3 CONCLUSION**

As farming practises evolve, the Local Planning Scheme needs to be flexible to accommodate the evolution. By removing the timeframe associated with the Rural Workers Accommodation land use, as well as removing the restriction related to property, farmers will be able to provide housing for workers for a longer period of time and across multiple farms.

**PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)**

**SHIRE OF MANJIMUP LOCAL PLANNING SCHEME NO. 4**

**AMENDMENT NO. 29**

That the Council, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme by:

- a) Amend the definition of Rural Workers Accommodation as stated within Schedule 1 of the Scheme to delete reference to the term "short stay" and modify reference to "working on that landholding", resulting in the definition reading as follows:

*"Means a building or building(s) located on a rural landholding, which are used for accommodating seasonal, temporary or migratory workers employed for agriculture/horticulture activities in the district and is to be incidental to the agricultural use of that land"*

- b) Amend clause 5.34.2.7 relating to Rural Workers Accommodation, to remove the words "for short-stay purposes", resulting in the clause reading as follows:

*"Where, on a property which has been developed for intensive agricultural purposes, it can be demonstrated to the satisfaction of the local government that a demand exists for the provision of rural workers' accommodation for transitory or seasonal works on the holding, the local government may approve proposals for such accommodation on the basis that it will be used to accommodate workers employed for agriculture/horticulture activities in the district."*

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**PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)**  
**SHIRE OF MANJIMUP**  
**LOCAL PLANNING SCHEME NO. 4**  
**AMENDMENT No. 29**

**ADOPTION**

Adopted by resolution of the Council of the Shire of Manjimup at the meeting of the Council held on the 8 day of December 2022.

	21/8/23
SHIRE PRESIDENT	Date

	21/8/23
CHIEF EXECUTIVE OFFICER	Date

**FINAL ADOPTION**

Adopted by Resolution of the Shire of Manjimup at the meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and pursuant to that Resolution was hereunto affixed by the authority of a resolution of the Council in the presence of:

SHIRE PRESIDENT	Date

CHIEF EXECUTIVE OFFICER	Date

**RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

DELEGATED UNDER S.16 OF THE PLANNING AND DEVELOPMENT ACT 2005	Date

**FINAL APPROVAL GRANTED**

MINISTER FOR PLANNING	Date

