

Short-term accommodation and non-resident worker accommodation



The Bundaberg Region relies heavily on the tourism, agricultural and horticultural farm sectors for its economic prosperity. To help service these sectors, the region has long been an attraction for backpackers and itinerant farm workers. **Accommodating backpacker and itinerant farm workers in safe and appropriate forms of accommodation has become a major issue within the Bundaberg Region.**

The unfortunate events surrounding the Childers Backpackers Fire in 2000, resulted in change to State Government legislation aimed at protecting backpackers and itinerant farm workers from unsafe living conditions. Council has a regulatory responsibility to ensure that visitors to our region are safely and appropriately housed.

What is short-term and non-resident worker accommodation?

Backpackers are travellers who carry their personal belongings with them. They are usually, but not always, younger adults and they usually stay in lower priced accommodation. Many backpackers are overseas visitors, travelling on working holiday or similar visas. Itinerant farm workers are people who travel to different areas for work on farms, usually in connection with the seasonal requirements of the region they move to.

Short-term and Non-resident Worker Accommodation is any form of lodging provided for backpackers or itinerant farm workers. How this form of development is defined will depend on the exact nature of the use.

Often this accommodation is provided in the form of a hostel, that is a supervised place of accommodation providing board and lodging at comparatively low cost, and there are many examples of this type of accommodation within Bundaberg.

However, there are many other forms of accommodation being provided that do not fit this traditional mode, such as accommodation within single detached houses and unit complexes.

Can backpackers and itinerant farm workers be accommodated in houses and residential unit complexes?

The *Bundaberg Regional Council Planning Scheme 2015* does not include backpacker and itinerant farm worker accommodation within the standard dwelling house or multiple dwelling land use definitions.

Generally, the planning scheme requires a dwelling house to be occupied by one domestic household, with a "household" being defined as:

"One or more individuals who live in a dwelling, with the intent of living together on a long-term basis; and make common provision for food and other essentials for living."

Backpackers and itinerant farm workers do not constitute a single household for a variety of reasons, including:

- there is often a fluctuating character of occupancy (e.g. constant change of residents);
- there is a lack of domesticity and permanence (e.g. short term letting to travelling Backpacker/Itinerant Farm Workers whose occupancy does not align with those of a domestic household);
- there is a lack of common organisation (e.g. the occupants do not make long term arrangements for the essentials for living such as utilities); and
- occupants do not have right of exclusive use of the premises as with a regular domestic household (e.g. the letting of a property on a per bed / room basis).



Whilst a single person may constitute a household, as soon as there are two or more backpackers or itinerant farm workers then they would fall outside the definition of a single household.

In most circumstances, backpackers and itinerant farm workers can only be accommodated in houses and units if you have first obtained a development approval to do so.

However, in the medium density residential zone, short-term accommodation and non-resident workforce accommodation for not more than five residents within an existing dwelling house will not require a planning approval where it meets the applicable requirements for accepted development, and does not involve any assessable building work against the Building Act, other than a change of classification.

Do I need an application for short-term or non-resident worker accommodation?

Regardless of the type of building involved or the mode of accommodation provided, in most circumstances accommodating backpackers and itinerant farm workers is identified as assessable development in the *Bundaberg Regional Council Planning Scheme 2015* and requires approval by Council. It will be necessary to obtain a development permit for a material change of use of the subject premises to allow the accommodation use. This includes providing accommodation within houses and/or units.

Carrying out assessable development without an approval represents a development offence under the *Planning Act 2016*. Landowners/Operators can be liable to prosecution in court or issued penalty infringement notices in excess of \$2000. In all cases Council will work with owners/operators to ensure approvals are in place prior to a new use commencing.

Budget Accommodation Buildings

Under the *Building Act 1975*, six or more occupants are necessary to trigger the definition of "Budget Accommodation Building".

For more information on building requirements for budget accommodation buildings, please refer to a building certifier or to the Queensland Fire and Emergency Service.

What happens after I lodge my application?

After your application is lodged Council will assess it in accordance with the procedures outlined in the *Planning Act 2016*. The stages and duration of the assessment process vary depending on whether the application is subject to code or impact assessment.

Do I need further approvals?

A range of additional development approvals may be required before a proposed use can lawfully commence. Development approval for building works, operational works (e.g. excavation or filling, placing an advertising device on premises) or plumbing and drainage works may be required.

In relation to Building works, special requirements for Budget Accommodation may apply pursuant to the *Building Act 1975*, including specific fire safety requirements. You should seek specialist advice from a building certifier about any additional requirements that may be applicable to your development under this legislation.

Can I provide accommodation for rural workers on my farm rather than do a short-term and non-resident worker accommodation development?


On-site rural workers accommodation is supported within the Bundaberg Region and farmers are generally able to provide accommodation to workers engaged in rural pursuits on the same land subject to appropriate approvals. A material change of use application will be required and Council Officers can assist potential applicants through any required assessment process.

For further information

Please visit Council's website at:
bundaberg.qld.gov.au

or contact the Duty Planner, Development Assessment on:

 1300 883 699

 duty.planner@bundaberg.qld.gov.au

