

Seasonal Workers' Accommodation

Guide to Council requirements for Ancillary Use

What is Ancillary Use?

The term “ancillary” has been used frequently in recent times following a number of VCAT decisions that granted permission for existing or new accommodation in the Farming Zone for seasonal workers without the need for a Planning Permit, subject to a number of conditions (as per below).

The definition of “Ancillary Use” under the Victorian Planning Provisions as “where a part of land is used for the purpose which is subordinate to the purpose for which another part is used, the whole of the land is regarded as being used for the dominant purpose. The subordinate purpose is merely incidental or ancillary to the dominant purpose”.

In the context of having accommodation in the Farming Zone, it means that the accommodation is ancillary to the use of the land because it is solely used by seasonal workers for the purpose of being able to work on the land on which the accommodation is situated.

What are the requirements to be considered an ancillary use?

There is no particular type of accommodation specified under the ancillary type of accommodation. It must however conform to the criteria listed below:

1. Only persons working upon the agricultural use upon the site can stay within the workers' accommodation.
2. No rent will be charged to the persons staying within the workers' accommodation.
3. No persons who do not work upon the agricultural use upon the land are permitted to stay within the workers' accommodation.
4. The workers' accommodation must not be used for a commercial business in any form, for example, providing workers to operate upon other agricultural properties.
5. The workers' accommodation must only be used during the harvest period.
6. A site plan showing where the accommodation is to be located, dimensions and relevant boundary setbacks needs to be submitted to Council.
7. A floor plan of the accommodation (building/s) needs to be submitted to Council.

Building Requirements

Ancillary accommodation does not require a Planning Permit; it will however require a Building Permit.

Details can be found on Council's website:

<https://www.swanhill.vic.gov.au/building-and-planning/building/forms/>

Public Health Requirements

Registration is required for any accommodation or land in which a person (including employees) are using as a place of temporary or permanent abode for payment of consideration.

Payment of consideration includes:

- Money for rent
- Work/s required in exchange for accommodation
- Any accommodation provided to an employee in accordance with a term of an Award governing the employment of the employee, or a term of the employee's contract of service, for use by the employee during that employment or service.

For more information on prescribed accommodation contact the Public Health Services Department on 5036 2591 or email health@swanhill.vic.gov.au.

Further information

For further information, please contact:

Council's Economic Development Department on 50323033 or email ecodev@swanhill.vic.gov.au

Council's Planning Department on 50362352 or email planning@swanhill.vic.gov.au

Council's Building Department on 50362396 or email building@swanhill.vic.gov.au