

Seasonal Workers' Accommodation

Guide to Council requirements for Existing Use

What is an existing use?

Any use that can be demonstrated as having been established for 15 years or more.

What are the planning scheme requirements for existing uses?

The use of a land or a building for a purpose which would not be approved under the current planning legislation may continue provided:

- The use has been existing for 15 years or more and can be proven.
- No new building or works are constructed or carried out without a permit. A permit will not be granted unless the building or works complies with any other building or works requirement in the Planning Scheme.
- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

Expiration of existing use rights

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.

Building Requirements

A building permit will be required if buildings are altered.

Public Health Requirements

If you are charging your employees, or any other persons, for accommodation then you may be required to register with Council under the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing (Prescribed Accommodation) Regulations 2009.

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.

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

Council's Public Health Services Department on 5036 2591 or email health@swanhill.vic.gov.au