

Caravans for Temporary Accommodation

Local Planning Policy

VERSION 2

December 2015

town planning services

Version	Adoption	Comment
1	12 May 2009 Council Item SC067	Final – No objections received during advertising.
1	1 July 2001 Council Item SC001	Final – Readopted under the new City of Greater Geraldton.
2	15 December 2015 Council Item DRS242	Readopted under the new LPS No. 1.

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1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No. 1 ('the Scheme'). It may be cited as the *Caravans for Temporary Accommodation local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 BACKGROUND

Historically, local governments within regional Western Australia have (as a general practice) supported residential habitation of outbuildings (or sheds) in certain areas through a development approval. Such approvals are usually for periods of between 12 to 18 months to afford landowners the opportunity to temporarily reside on their property whilst constructing a permanent residence, subject to the minimum health and building standards being met.

With increasing concern over a level of non-compliance (i.e. people simply residing in sheds on a permanent basis and not building a residence) legal advice was sought on the legitimacy of using sheds for temporary accommodation purposes.

The advice detailed the status of an outbuilding (or shed) under the National Construction Code series (NCC) as a non-habitable (Class 10) structure and emphasised that even where minimum health and building standards were met these measures are still not adequate to achieve compliance with the standards prescribed by the NCC for a habitable (Class 1) building, such as a house.

The advice concluded that a development approval for temporary residential use of a Class 10 building such as a shed would, in effect, amount to an authorisation by the local government for a proponent to breach building legislation.

3.0 OBJECTIVES

- a) To provide for and regulate the use of caravans for temporary accommodation purposes whilst building a residence.
- b) To ensure that outbuildings are not used for habitable purposes.
- c) To ensure that this type of temporary accommodation does not compromise the amenity of the area.
- d) To ensure an acceptable standard of development (by way of applicable building and health standards) is achieved.

4.0 POLICY MEASURES

- 4.1 Based on legal advice, development approval will not be granted for a Class 10 building (such as a shed) to be used for habitable purposes, even on a temporary basis, as it contradicts the NCC.
- 4.2 It is considered that the use of caravans for temporary accommodation purposes in residential areas (even if located within an outbuilding) could have a detrimental impact on the amenity of the area and would be contrary to resident's expectations for development in the locality. Therefore the use of caravans for temporary accommodation purposes in residential areas should not be approved.
- 4.3 Within rural residential areas the local government may approve the occupation of 1 caravan on-site for up to 12 months pursuant to regulation 11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997*, subject to:
- a) A building permit having been issued for the construction of the residence on the property with written evidence of a signed building contract with a registered builder for the construction of the residence, and a commitment date that is within 6 months by that builder for the commencement of construction of the residence; or
 - b) In the case of an owner builder, a building permit for a residence has been issued by the local government and the applicant shall lodge with the local government a Statutory Declaration providing a commitment to construct a residence and an accompanying commencement date that is within 6 months; and
 - c) A Statutory Declaration acknowledging the use of a caravan on-site is for temporary accommodation purposes only in accordance with regulation 11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997*; and
 - d) Provision of adequate ablution and washing facilities connected to an approved water supply and effluent disposal system to the satisfaction of the local government; and
 - e) The caravan being located within an outbuilding.
- 4.4 Within rural areas the local government may approve the occupation of 1 caravan on-site for up to 12 months pursuant to regulation 11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997*, subject to the above clause 4.3 requirements with the exception that the caravan need not be located within an outbuilding but is to be located in an inconspicuous position, generally to the side or rear of the property.

5.0 DEFINITIONS

Outbuilding (or shed) has the meaning given in the R-Codes.

Non-habitable (Class 10 building) has the meaning given in the NCC.