

# Temporary Accommodation

## Introduction

This policy is designed to provide a framework for the assessment and determination of applications for approval of temporary accommodation, more than 3 days on properties other than a caravan park or camping ground, and up to 12 months during building work on a dwelling, within the Shire of Toodyay.

## Objective

The objective of this policy is to:

- Enable legal, safe, and approved camping or caravanning for more than three days on property people have legal rights to occupy.
- Facilitate a consistent approach to the determination of applications for extended use of land other than caravan parks and camping grounds for camping and caravanning.
- Ensure temporary on-site accommodation is of a reasonable standard.
- Ensure structures not for the purposes of habitation are not used as such.
- Protect future property purchasers' and occupants' health and safety.
- Minimise the impact of temporary on-site accommodation on the local amenity.
- Give guidance for staff and the public regarding the use of caravans outside of caravan parks and camping grounds in the Shire of Toodyay, for the purpose of temporary accommodation.
- Limit/discourage periods of extended and unapproved camping and habitation.
- Minimise the number of administrative matters being placed before Council.

## Definitions

Term	Definition
Ablution	The act of washing or cleaning oneself
Amenity	All those factors which combine to form the character of an area and the comfort and convenience of its use.
Camp	Any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;
Caravan	A vehicle that is fitted or designed for habitation in accordance with the <i>Caravan Parks and Camping Grounds Regulations 1997</i>

Term	Definition
Temporary on-site accommodation	Facilities to live on-site during the construction or modification of a dwelling in accommodation of a temporary nature including a caravan.
Workers	Employees, contractors, and volunteers of the Shire as per the Work Health and Safety legislation (WHS) and regulations.
Shire	Shire of Toodyay

## Policy Statement

Applications for approval must be made in writing to the Shire with any provided form and any prescribed fee.

### 1. Applications / Approval

- (a) A letter supporting the reason for the application must accompany an application.
- (b) Each application may be considered by delegated authority and may only be approved within the requirements of this policy. Approval may be granted with added conditions. If an application falls outside this policy, and is complex in nature, approval will only be given at the discretion of Council.
- (c) Approval may require photos, property access, or other supporting information.
- (d) Written comments from the neighboring properties must be available to the Shire. If written objection is received and is not unsubstantiated, mischievous, or vexatious approval will only be given at the discretion of Council.
- (e) The Shire may withdraw an approval at any stage if given reason or if non-compliant or misleading information was supplied.
- (f) Electricity must be supplied by a means that does not create any noise nuisance for neighboring properties or affect the local amenity.
- (g) Enough potable water meeting Australian Drinking Water Guidelines must always be available on-site for the purposes of drinking and ablutions.
- (h) The property must be kept in a good state of upkeep.
- (i) There must be no compliance issues regarding the property.

### 2. Camping or caravanning other than in a Caravan Park or Camping Ground

Approval to camp for more than 3 months must be obtained from the Minister for Local Government.

- (a) Adequate toilet, sink, ablution, and laundry facilities must be available for the use of those camping. Details of these must be provided.

- (b) The property must have an approved onsite effluent treatment system or sewage connection for any period longer than the caravans' internal capacity would allow.
- (c) A maximum of one caravan per property may be approved, unless approved for the same event in past years with no complaints or an adequate management plan is submitted. If an application falls outside this condition approval will only be given at the discretion of Council.
- (d) **Table 1: Added requirements for cases.**

A resident's visitor, or an owner camping on their property - 3 nights to 2 weeks	
Added requirements:	<ul style="list-style-type: none"> <li>• Caravan or camp location and use must not interfere with the local amenity, safety, or use of neighboring properties.</li> <li>• There must be enough parking for the residents of the dwelling plus the occupiers of the caravan/camp.</li> <li>• Unless a caravan is entirely self-contained, and no water or waste is discharged on the land:</li> <li>• Ablution and toilet facilities must be on-site and comply with the Building Code of Australia, Council's Local Laws, and State Health Laws.</li> </ul>
A resident's visitor, workers, or an owner camping on their property – up to 3 months.	
Added requirements:	<ul style="list-style-type: none"> <li>• A caravan must be located behind the front building line or out of road and neighbouring view unless impractical.</li> <li>• Enough toilet, ablution and laundry facilities must be available on-site and connected to an approved effluent disposal system. The provision of ablution and toilet facilities must comply with the Building Code of Australia, Council's Local Laws, and State Health Laws.</li> <li>• Properties <u>not</u> zoned "rural", "rural residential", and "rural living", and those under 5000m<sup>2</sup> must have an approved dwelling or development approval for one.</li> <li>• Any zoning setbacks must be complied with by caravans and temporary structures.</li> <li>• A caravan must contain a smoke detector and adequate fire safety equipment.</li> </ul>

### 3. On-site accommodation during the construction or modification of a Dwelling

Approval for temporary on-site accommodation for more than 12 months in a caravan or temporary mobile structure must be obtained from the Minister for Local Government.

- (a) Temporary on-site accommodation will only be approved for those who will occupy the completed dwelling or are named on the building permits and have legal rights to occupy the land.
- (b) The applicant must hold a current building permit for the construction or modification of a dwelling on the land before approval can be considered.
- (c) The cancellation of the building permit will end temporary on-site accommodation approval.
- (d) A schedule of works including timeframes must be submitted before approval can be considered.
- (e) Building work must start before temporary on-site accommodation begins.
- (f) Temporary on-site accommodation may be approved on properties zoned “Rural Residential”, “Rural Living” or “Rural” and more than 1,000m<sup>2</sup>.
- (g) The only form of temporary on-site accommodation that may be approved is a caravan in accordance with the *Caravan Parks and Camping Grounds Act 1995* or a structure a building surveyor has signed off as meeting the requirements of a Class 1 or Class 3 building under the Building Code of Australia (BCA).
- (h) If it is proposed to use a caravan in combination with a structure classed as anything other than Class 1 or Class 3 in the BCA: all facilities for the purposes of habitation must be approved for use prior to accommodation and be removed within 3 months of the temporary on-site accommodation approvals end. (Shower and toilet facilities may be approved to remain.)
- (i) Enough toilet, shower, warm hand wash, and laundry facilities must be available on-site and be connected to an approved effluent disposal system. Ablution and toilet facilities must comply with the minimum health standards of the Building Code of Australia, Shire’s Local Laws, *Health (Miscellaneous Provisions) Act 1911*, and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- (j) Approved water tanks for the final dwelling must be installed and usable prior to the temporary occupation beginning.
- (k) A caravan’s location and use must not interfere with the local amenity, safety, or use of neighboring properties.
- (l) Temporary on-site accommodation must meet the regular setback requirements of the active Local Planning Scheme.
- (m) Upon receiving approval for temporary on-site accommodation, the applicant must provide a statutory declaration where they acknowledge they will act in compliance with this policy and the conditions of approval.

- (n) Planning approval may be sought to keep temporary on-site accommodation that meets the requirements of a Class 1 or Class 3 building under the BCA. Otherwise, the structure must be removed or converted into a structure not for use as a dwelling at the end of the approval period.

#### 4. Class 10 buildings

The *Health (Miscellaneous) Act 1911* and the *Building Act 2011* prohibit the use of a Class 10 building as a habitable building. Before any occupation may occur, it must be amended to meet the Class 1 building requirements for a dwelling.

- (a) While the reclassification of Class 10 buildings to Class 1 habitable buildings is permitted by regulation 47 of the *Building Regulations 2012* under certain conditions, permitted under the *Building Act 2011*, and section 144 of the *Health (Miscellaneous Provisions) Act 1911* it is discouraged by Council.
- (b) Council officers may pursue regulatory action on non-permitted uses of structures as a dwelling. Following contact from officers, owners and occupiers must:
  - (i) provide a statutory declaration of the reason for the occupation of a structure, and its use as a dwelling; and
  - (ii) If intending to legally convert the structure to a Class 1 building:
    - a. The owner must demonstrate with evidence within 7 days a building surveyor has been contacted to assess the structure for conversion to a dwelling.
    - b. A building surveyor must confirm in writing within 28 days the conversion of the building in question can meet the necessary requirements of the BCA or give a reasonable period for such confirmation to happen.
    - c. The owner must demonstrate the ability to comply with any subdivision or development requirements, and the Shires Planning Scheme.
    - d. The structure may not be used as temporary on-site accommodation during its conversion.
- (c) Development Approval, Health Approval, and Building Approval are required for any conversion of a structure to a dwelling.
- (d) An approval must be in place for an onsite treatment unit under the *Health (Miscellaneous Provisions) Act 1911*, and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

#### Reference Information

Shire of Toodyay Local Planning Policies.

Local Planning Strategy

Local Planning Scheme

## Legislation

[Local Government Act 1995](#)

[Planning and Development Act 2005](#)

[Planning and Development Act \(Local Planning Schemes\) Regulations 2015](#)

[Caravan Parks and Camping Grounds Act 1995](#)

[Caravan Parks and Camping Grounds Regulations 1997](#)

[Bush Fires Act 1954](#)

[Bush Fires Regulations 1954](#)

[Environmental Protection Act 1986](#)

[Health \(Miscellaneous Provisions\) Act 1911](#)

[Health \(Treatment of Sewage and Disposal of Effluent and Liquid Waste\) Regulations 1974](#)

## Associated documents.

Application for Temporary Accommodation (12 months)

Application for camping on other grounds (3 months)

Caravan Checklist

## Version control information

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