



## Local Planning Policy 2.3 – Onsite Temporary Accommodation during Construction of a Dwelling.

### 1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and (Local Planning Schemes) Regulations 2015*. This Policy may be cited as LPP 2.3 Temporary Accommodation.

### 2.0 Introduction

This policy is to enable a person/s to reside in temporary accommodation on their property whilst building a dwelling.

Due to building legislation a shed (class 10 structure) is not able to be considered as temporary accommodation. The caravan parks and camping Grounds Regulations 1997 allows the occupation of a caravan on site for up to one year. This policy provides for person/s who wish to reside in a caravan as temporary accommodation on their property whilst a dwelling is being constructed.

Residing on site whilst a dwelling is being constructed can benefit property owners in financial and practical ways. Meeting the costs of a mortgage whilst also paying rent can be avoided if residing on the mortgaged property, whilst works to the property, such as fencing, landscaping, internal road and drainage can be more readily achieved if living on site. This is particularly so for owner builders who can reside on site whilst undertaking the construction of their home as well as for those residents whom are relocating from another region or locality.

### 3.0 Objectives

This policy seeks to:

- a) Allow some property owners to reside in on site temporary accommodation during the construction of their dwelling;
- b) Ensure that the temporary accommodation achieves prescribed building, health and wellbeing standards and;
- c) Ensure that the temporary accommodation will not conflict with the amenity of locality or land use on adjacent lots.

### 4.0 Application of this Policy

Applications for Temporary Accommodation will only be considered for land which is over 8,000m<sup>2</sup> in area and zoned Rural 1, Rural 2, Rural Residential, or Residential Development.

### 5.0 Application requirements

- 5.1 Applications for Temporary Accommodation will only be considered for land upon which a Building Application for a Class 1a dwelling has been granted.
- 5.2 When lodging a development application, applicants are required to complete and submit:



- An Application for Development Approval Form;
- Completion and submission of Attachment No. 1 'Statutory Declaration';
- Building Application Form for Class 10a shed (if forming a part of the temporary accommodation);
- Application for approval to install a septic system (if septic required);
- All required photographs, images and or plans;
- Payment of required application fees; and
- A letter stating the reasons for requesting permission for temporary accommodation on the property. This letter should also detail:
  - i. the size of the caravan (including annexe if applicable);
  - ii. the proposed number of occupants;
  - iii. How effluent disposal will be achieved and the type of system proposed;
  - iv. A site plan showing the position of the caravan or shed on the property, including distance to boundaries;
  - v. How a potable water supply will be achieved and type of system;
  - vi. Connection to a power supply; and
  - vii. How the premises is to be provided with a laundry, shower, toilet facilities and kitchen sink.

## 6.0 Policy statement

- 6.1 Temporary accommodation will only be permitted in a caravan and not an outbuilding. The following conditions apply:
- a) The caravan must remain in a condition that readily permits its removal from the site at all times;
  - b) Sleeping must be confined to the caravan; and
  - c) Toilet, bathroom and laundry facilities must be provided to the minimum health standards required by the Building Code of Australia and the Health Act. These facilities may be in a shed constructed on-site and alongside which the caravan is parked.
- 6.4 Approval will only be granted for a period of up to twelve (12) months.
- 6.5 A temporary accommodation approval will only be extended for a further period of six months if substantial progress in the construction of the permanent dwelling has and continues to occur, or in any other extenuating circumstances deemed suitable by the local government to warrant an extension of time.
- 6.6 The temporary accommodation must be inspected by Shire of Collie building and health officers prior to occupation.
- 6.7 The commencement of any period of temporary accommodation can only commence once planning approval has been granted.
- 6.8 Expiration or cancellation of the building permit for the dwelling will void the temporary accommodation approval.



- 6.9 Setbacks for temporary accommodation are the same as prescribed for buildings within that zoning, as determined by the Town Planning Scheme.
- 6.11 In the event of the applicant's inability to proceed with the construction of a dwelling on the site, the applicant and other occupants should be required to cease occupation of the temporary accommodation at the expiration of the twelve month period approved by the local government.
- 6.12 The approval for temporary accommodation is not transferable. The new owner would have to seek fresh temporary accommodation approval, limited in the first instance to any unexpired portion of time granted to the previous owner and the submission and approval of plans for a permanent dwelling on the site.
- 6.13 . Toilet, shower and hand basin installations may be retained.
- 6.14 The local government has the right to revoke temporary occupation approval if it is at any time dissatisfied with the amenity of the site or the general terms of the approval not being complied with.

## 7.0 Consultation

A proposal that is not in accordance with one or more clauses of this Policy may be advertised in accordance with the provisions of cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertising may include:

- notification by post, email or other means of communication to property owners and occupiers that the Shire considers to be affected by the granting of development approval;
- publishing of a notice of the proposed development in a local paper;
- onsite signage;

The cost of any advertising in a paper and/or signage shall be met by the applicant.

## 8.0 Definitions

**Outbuilding** means an *enclosed* non-habitable structure that is detached from any dwelling, but not a garage. It also includes any **roofed attachments** such as car ports and leans toos.

**Temporary Accommodation** means a caravan in accordance with the *Caravan Parks and Camping Grounds Regulations 1997* for a period of up to 12 months for the purpose of construction a dwelling. Ablution and kitchen facilities may be contained within a Class 10a Building (shed) for which a building license has been issued.

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|---------------------------|----------------------|
| Responsible Business Unit | Development Services |
| Adoption Date             | 15 December 2020     |
| Next Review Date          | November 2023        |



**APPENDIX 1 – STATUTORY DECLARATION**

I, (insert name)

.....

Of (insert residential address)

.....

Occupation

.....

do solemnly and sincerely declare that:

1. I am the registered proprietor or entitled to be the registered proprietor of the land, or have a legal right to occupy the land situated at  
  
Lot ..... Street ..... Suburb ..... (“the Land”).
2. I am currently building/having a dwelling built (strike out whichever is not applicable) on the Land.
3. I shall not occupy the temporary accommodation before the date of issue of my temporary accommodation approval.
4. I shall not occupy the temporary accommodation otherwise than in accordance with the Shire’s approval of such occupation and any condition of such approval.
5. That construction of the main residence will be substantially commenced within 3 months of the approval date for my temporary accommodation application.
6. I acknowledge that Temporary Accommodation approval shall only be issued for a period of up to twelve (12) months. An extension for Temporary Accommodation maybe considered should the Shire be satisfied that substantial progress of the dwelling has been undertaken. Substantial progress of the dwelling is considered to be ‘lock up stage’ (e.g. outer walls and roof completed).
7. On completion of the dwelling I will reside in the house.
8. I acknowledge and accept that the Shire of Collie reserves the right to revoke the approval based on any non-compliance with conditions of approval. Complaints received that in the opinion of the Shire, unduly affects people’s amenity, or on any other grounds that the Shire deems necessary to protect peoples health, safety and wellbeing.



9. I am aware that it is on the basis of my above declarations that the Shire may grant approval of my application to occupy the Temporary Accommodaton. In the event that I occupy the temporary accommodation otherwise than in accordance with the terms of my approval to occupy or any extension of it then I may be prosecuted by the Shire and the statements I have made in this statutory declaration may be tendered in evidence against me.

**SCHEDULE**

And I make this solemn declaration by virtue of the Oaths, Affirmations and Statutory Declarations Act 2005

Declared at )  
This day of ..... )  
Before me: )

.....

Justice of the Peace OR

Authorised Witness (Accountant, Architect, Bank Manager, Chemist, Dentist, Doctor, MP, Engineer, Insurance Broker, Lawyer, LG CEO or Dept CEO or Councillor, Minister or Religion, Nurse, Optometrist, Physio, Podiatrist, Police, PO Manager, Psychologist, Public Servant, Real Estate Agent, Settlement Agent, Surveyor, Teacher, Vet).