

## 5.5 – Temporary Accommodation - Caravans

Adoption		
Date	Meeting	Council Decision
17/05/12	OCM	08-0512-10.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
Delegation		
No.	Title	

### POLICY

The purpose of this policy is to enable people to temporarily use caravan accommodation for short stays with relatives and friends or for accommodation whilst constructing a dwelling.

### DEFINITIONS

“Camp” as per the Oxford Dictionary;

‘Noun: Temporary accommodation of huts, tents etc. for detainees, holiday makers etc.

Verb: Lodge in temporary quarters or in the open’

Caravan Parks and Camping Grounds Regulations 1997, Part 2 – Caravanning and camping generally, 8A, Definition of “camp” in this Part;

‘In this Part “camp” when used as a verb, includes to camp in a vehicle.’

Legislative Requirement:

Caravan Parks and Camping Grounds Regulations 1997, Part 2 – Caravanning and camping generally, Regulation 11 – Camping other than at a caravan park or camping ground:

- (1) A person may camp –
  - a) For up to 3 nights in any period of 28 consecutive days on land which he or she owns or has legal right to occupy, and may camp for longer than 3 nights on such if he or she has written approval under sub regulation (2) and is complying with that approval;
  - b) For up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
  - c) For up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene and other written law with respect to the use of road reserve;
  - d) On any other land which is –
    - i.) Held by a State instrumentality in freehold or leasehold; or
    - ii.) dedicated, reserved, or set apart under the Land Administration Act 1997 or any other written law, and placed under the care, control or management of a State instrumentality, in accordance with the permission of that instrumentality; or

- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the Land Administration Act 1997, or a person authorised by the Minister to give permission under this paragraph.
- (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
  - b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
  - c) despite paragraph (b), by the local government of the district where the land is situated —
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'

In each instance:

1. Application for approval must be made to the Shire of Exmouth by completing in full the Application to Camp Other Than in Caravan Parks & Camping Grounds.
2. Approval may be granted for a maximum of one camp per property at any one time. This does not prevent approval being granted for another camp provided the aggregate time does not exceed three (3) months in any twelve (12) month period.

Approval will not be granted for persons to camp on any vacant land.

Approval for in excess of 3 months will need to be obtained from the Minister for Local Government and Regional Development. The Shire of Exmouth will not support applications made to the Minister to camp for in excess of 3 months other than in conjunction with the construction of a dwelling.

3. The dwelling of the premises subject of the application is to have toilet, ablution and laundry facilities, available for use by the person/people camping that comply with the Building Code of Australia, Council's Local Laws and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. Details of these services are required to be provided as part of the application.
4. The camp is to be located wholly on the property, and be at least one (1) metre from the property boundary. Tents used for camping purposes must be located at the rear of the dwelling.
5. All caravans are to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the Caravan Parks and Camping Grounds Regulations 1997.

It should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.

6. Approval, in writing, is to be obtained from owners of the property. Occupiers of adjacent properties will be consulted in relation to the application unless the applicant has done so and provided written responses with the application for consideration by the Shire.

7. Council reserves the right to withdraw the approval at any stage.

## ADDITIONAL REQUIREMENTS FOR CAMPING OUTSIDE OF CARAVAN PARKS FOR PERIODS UP TO (12) MONTHS DURING THE CONSTRUCTION OF A DWELLING.

It is Council's policy that the following conditions be imposed on persons wishing to occupy a caravan as temporary accommodation during the construction of a residence dwelling in a residential, marina, rural, special rural, pastoral, mixed use or special use zone or the construction of a caretaker's residence in a light industrial, industrial zone or special use zone.

1. In all instances an application must be made to the Council and approval received before any caravan is used for residential occupancy outside an approved caravan park or camping area.
2. The plans and specifications for the proposed residence or caretaker's cottage, including details of waste water treatment/disposal must be approved, a building licence issued and the concrete slab or equivalent works completed. In unsewered areas an Application to construct or install an Apparatus for the Treatment of Sewerage (eg septic system) must be approved and a Permit to Install an Apparatus for the Treatment of Sewerage issued.
3. The application for temporary accommodation shall include the following details.
  - 3.1 A plan of the temporary accommodation depicting the layout of the caravan and ablution facilities indicating the location of the following:
    - a) Water Closet
    - b) Shower
    - c) Wash Trough
    - d) Kitchen Sink
    - e) Hot water System
  - 3.2 A drainage plan depicting how the fixtures and fittings are to be connected to the on site waste water treatment system or sewerage system.
  - 3.3 A Programme of Works specifying progress target dates for the construction of the permanent dwelling including completion of the following milestones:- Floor; Wall Framing/Construction; Roof Framing and Cladding; Completion of required Wet Areas (ie kitchen, laundry and bathroom (or ensuite); and at least one bedroom to habitable standards.
4. Should Council give its consent to establish temporary accommodation it would be for an interim initially for a period of six (6) nine (9) months. A possible extension to nine (9) no more than twelve (12) consecutive months may be granted by the Executive Manager of Health and Building or Chief Executive Officer, subject to satisfactory progress being maintained on the permanent dwelling. Note:
  - 'Satisfactory progress' meaning progress in accordance target dates specified in the approved Programme of Works.
5. Should the progress of construction on the permanent dwelling not be meeting the approved target dates, the applicant shall provide a revised Programme of Works. Should the Council approve the revised Programme of Works and grant an extension of the Temporary Accommodation Permit, the

permit shall only be extended to a maximum of six (6) twelve (12) months from the original expiry initial approval. Note:- Pursuant to the Caravan Parks and Camping Ground Regulations 1997, the Council may only grant approval for temporary accommodation in a caravan on land relating to a building license permit that has been issued for no more than twelve (12) consecutive months.

6. Subject to approval being granted by Council in writing, the applicant may proceed to:
  - 6.1 Assemble/locate the temporary accommodation in compliance with the conditions of approval.
  - 6.2 Install the on-site sewerage treatment system or sewer connection in accordance with approved plans.
7. Upon completion of the above, the Council's Environmental Health Officer shall be contacted in order to arrange inspection of the temporary accommodation.
8. Upon all conditions being met, a certificate notice shall be issued permitting the temporary accommodation to be occupied.