

Scheme Provisions:

LPS #11
3.2 Zoning and Development Table
4.8.18 Use of Caravans or
Outbuildings for Temporary
Accommodation
LPS #10
4.1 Zoning and Development Table

Other References:

Shire of Northampton Local
Planning Scheme No. 10
Shire of Northampton Local
Planning Scheme No. 11
Planning and Development Act
2005
Caravan Parks and Camping
Grounds Regulations 1997

Special procedural considerations:

1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('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 OBJECTIVE

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

3.0 POLICY STATEMENT

3.1 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.

3.2 Definition

An “Outbuilding” (or shed) is defined in the Residential Design Codes as “*an enclosed non-habitable structure that is detached from any dwelling.*”

“Non-habitable” means a Class 10 building as defined under the NCC.

3.3 Policy

3.3.1 Based on legal advice, it is not possible for a development approval to 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.

3.3.2 It is considered that the use of caravans for temporary accommodation purposes in residential areas (even 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.

3.3.3 Within Rural Residential and Rural Smallholdings 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

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 a bond of \$10,000.00 with the local government and a Statutory Declaration providing a commitment to construct a residence and an accompanying commencement date that is within 6 months;

- b. 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*;
- c. 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
- d. The caravan being located within an outbuilding.

3.3.4	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 <i>the Caravan Parks and Camping Grounds Regulations 1997</i> , subject to the above requirements (Clause 4.3.3) 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).		
4.0 RESPONSIBILITY	The Chief Executive Officer as per the Delegations Policy and Register and further authority is delegated to the Chief Executive Officer to determine the location of a caravan (Clause 4.3.4).		
5.0 ADOPTION	22 February 2013	Final Adoption	
	V2 16 June 2014	Advertising / Final Adoption	(Minutes 6.8.1)
	V3 15 June 2018	Advertising / Final Adoption	



EXTRACT FROM THE 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 a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (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 any other written law with respect to the use of the road reserve;
 - (d) on any 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.