



Shire of York

Temporary Accommodation Policy

1. INTRODUCTION

Living in a caravan or camping for a period of time greater than (3) days in any 28 day period on land that you own or are legally entitled to occupy is not permitted without written approval from the Council.

Council may grant permission for a period not exceeding 3 months however, upon request for an extension of time, up to 12 months may be conditionally granted.

Council may consider allowing temporary accommodation while building a house with the condition that the applicant must be in possession of a building permit for a residence.

Monetary penalties of up to \$1000.00 may be applied to offences involving camping and or occupying a caravan without permission.

2. OBJECTIVES

To give approval for temporary residence in a caravan provided it can be demonstrated basic health and safety requirements can be achieved and a defined time limit is in place (2 years).

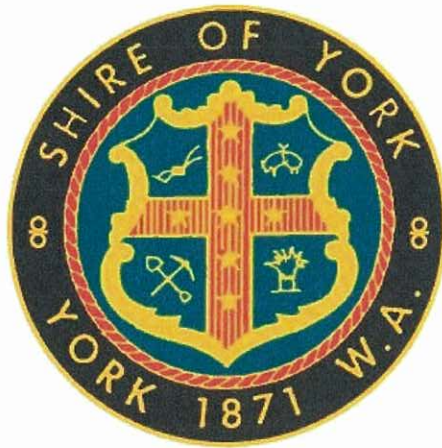
3. STATUTORY POWERS

- Caravan Parks & Camping Ground Regulations 1997
- Building Regulations 2011

4. POLICY PROVISIONS

The only form of temporary accommodation to be approved shall be within a caravan in accordance with the Caravan Parks and Camping Grounds Regulations 1997 for a period up to 12 months.

Applicants and occupiers must own or have a legal right to occupy the land. Applications for temporary accommodation shall only be considered for land in the Special Residential; Rural Small Holdings and Agricultural Local zones as identified in the Shire of York Town Planning Scheme.



INFORMATION TEMPORARY ACCOMMODATION

"Temporary Accommodation during Construction of a Dwelling"

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TEMPORARY ACCOMMODATION POLICY

Aim

The aim of this policy is to permit the use of temporary accommodation on site to assist home builders to construct a dwelling on their land.

Summary

Approval from the Shire is required to occupy Temporary Accommodation in the Shire of York. Approval will only be granted in the following circumstances:

- Application forms are completed and submitted together with applicable fees;
- Approval to construct a permanent dwelling on the site has been approved, and
- Approval will only be granted for a period of up to 12 months. The Shire may consider an application to extend the approval period of up to a further 12 months, but extensions will only be granted if substantial progress has been made on the construction.

Legislation

This policy includes the provisions of the Building Code of Australia, *Caravan Parks and Camping Ground Act 1995*, the *Health Act 1911* and Council's Planning Scheme.

What is Temporary Accommodation?

The only form of Temporary Accommodation to be approved shall be:

- A caravan in accordance with the *Caravan Parks and Camping Grounds Regulations 1997* for a period up to 12 months for the purpose of constructing a dwelling.

Application Forms

The applicant is to complete the following forms (as attached) and submit to the Shire together with the applicable fee:

- Completed "Application For Temporary Accommodation During Construction of a Dwelling" form, including information requested in the application;
- Signed Statutory Declaration;
- Application Fee (as per Council's Fees and Charges)

Conditions for approval

- Applicants must own or have a legal right to occupy and build on the land.
- Approval will be for a period of up to 12 months. The Shire may consider an application to extend the approval period of up to a further 12 months, but extensions will only be granted if substantial progress has been made on the construction.

Substantial progress of the dwelling is considered to be “lock up stage” (eg: outer walls and roof completed).

- Approval will only be considered on land in the following zonings:
 - Rural Townsite;
 - Rural Residential;
 - Rural Small Holdings; and
 - General Agriculture.
- The following minimum facilities are to be completed before occupation and they are conditional upon any approval:
 - An effluent disposal system to be installed and “Permit to Use” issued.
(Application to Construct or Install an Apparatus for the Treatment of Sewerage” required to be submitted.)
 - Provision of suitable ablutions including flushable toilet or approved chemical toilet, hand basin, shower and trough.
 - Toilet and ablution facilities must be connected to an adequate supply of potable water and all waste water disposed of to an approved effluent disposal system.
 - Chemical toilets may only be emptied at an approved waste disposal facility.
- Set backs for temporary accommodation are the same as prescribed for buildings within that zoning, as determined by the Town Planning Scheme.

Compliance issues

- All Temporary Accommodation facilities are to be decommissioned within 6 months of practical completion of the dwelling or should the Temporary Accommodation approval become invalid. Toilet and hand basin installations are permitted to be retained.
- Expiration or cancellation of the building license for the dwelling will void the applicable Temporary Accommodation approval.
- No extension of approval will be considered if building of the dwelling has not substantially commenced.
- The Shire may revoke any Temporary Accommodation approval should it be determined that the approval is not being carried out within the provisions of this policy or any other relevant legislation that falls within the jurisdiction of the Local Government.
- The Shire reserves the right to revoke the approval based on any complaints received that in the opinion of the Shire, unduly affects amenity, or on any other grounds that the Shire deems necessary to protect the health, safety and wellbeing of people.

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 built a dwelling (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. I acknowledge that Temporary Accommodation approval shall only be issued for a period up to twelve (12) months. An extension for Temporary Accommodation may be considered should the Shire be satisfied that substantial progress of the dwelling has been undertaken. Substantial progress of the dwelling is considered to be to 'lock up stage' (E.g.; outer walls and roof completed).
6. On completion of the dwelling I will reside in the house and within six (6) months of residing in the dwelling I will ensure all Temporary Accommodation facilities are decommissioned unless otherwise approved.
7. I acknowledge and accept that the Shire of York reserves that 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 people's health, safety and wellbeing.
8. 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 Accommodation. And that 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 section one hundred and six (106) of the Evidence Act, 1906.

Declared at _____)
this day of 20 _____)
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 of Religion, Nurse, Optometrist, Physio, Podiatrist, Police, PO Manager, Public Servant, Real Estate Agent, Settlement Agent, Surveyor, Teacher, Vet)



APPLICATION FOR TEMPORARY ACCOMMODATION DURING CONSTRUCTION OF A DWELLING

To the Chief Executive Officer

*This application is for a request to reside in Temporary Accommodation whilst
Undertaking the construction of a dwelling in the Shire of York.*

Applicant Details

Name: _____

Property Address: _____

Postal Address: _____

Tel: _____ Mobile: _____

Fax: _____ Email: _____

Temporary Accommodation Details

1. Property Address: _____

2. Proposed Date of Occupation: _____

3. No. Persons Residing On Site: _____

4. Toilet Facilities: Hand Basin
 Flushable Toilet
 Chemical Toilet

5. Bathroom Facilities: Shower
 Bath

6. Laundry Facilities: Wash Trough
 Washing Machine

7. Effluent Disposal System: Septic Tanks and Leach Drains
Alternative Treatment System (ATU)
Date - Approval to Construct System _____
Date - Permit to Use System _____
8. Potable Water Source: Scheme Water
 Rain Water - Tank Capacity _____ (Ltrs)
 Other (provide details) _____
9. Setbacks for Accommodation: Yes
(not established closer to any property No (variation requested)
boundary than setbacks prescribed for
buildings under the applicable zoning)
10. Site Plan: Location and Setback Distances for all Development
(two copies required) (Eg; dwelling, outbuildings, effluent disposal)
 Location of Natural Features (contours, waters
courses)
11. Floor Plan: Location of Bathroom, Toilet and Laundry Facilities
(two copies required)
12. Dwelling Building Licence Approval No: _____

Applicant Take Note

- *I hereby certify that I have read and will comply with the provisions of the Shire of York 'Temporary Accommodation during the Construction of a Dwelling Policy'.*
- *I hereby certify that I have completed the application 'Temporary Accommodation during the Construction of a Dwelling Policy', attached all requested plans and that the information I am submitting in this application is accurate and true.*
- Attached is a cheque / cash to the amount of \$ _____ to cover the application fee.

Applicant Name: _____

Signature: _____ Date: _____