

## Introduction

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This Policy establishes the Shire's position in relation to the use of land for temporary and time-limited residential purposes, to allow flexibility for residents to live in the Shire whilst building a home or finding a permanent place to live.

The Policy details the Shire's approach to the permissibility of this scenario in certain zones and matters to be addressed to ensure amenity and environmental health standards are addressed.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## Purpose

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The objectives of this Policy are to:

1. Enable people to live in temporary residential accommodation whilst they find a permanent residence.
2. Define specific areas within the Shire of Capel where temporary residential accommodation may be permitted and any conditions that may be imposed on that approval.
3. Ensure that temporary residential accommodation does not cause nuisance or have any adverse impact on the residential character, amenity, or environment of adjoining properties and/or the surrounding area.

## Application

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For the purposes of this Local Planning Policy, Temporary Residential Accommodation is defined as:

*"Residential use of a vehicle or a building for a temporary period no longer than 12 months in duration."*

This Policy applies only to land zoned under the Shire of Capel Local Planning Scheme No.8. Temporary Residential Accommodation is not permitted on land reserved under Local Planning Scheme No.8.

In addition, development approval for Temporary Residential Accommodation is not permitted where:

- a) the land is identified as a heritage-protected place; or
- b) the land is in a Bushfire Prone Area, where the provisions of Deemed Provisions clause 78D(3) would apply.

Prior to the commencement of a Temporary Residential Accommodation use, landowners and applicants are encouraged to discuss all development proposals with Shire officers to determine whether the terms and requirements of this policy apply.

# Policy Statement

Development approval for temporary residential accommodation is not required where the criteria listed in Table 1 below is satisfied, provided it does not vary any standards or requirements prescribed in the Shire of Capel Local Planning Scheme No.8 or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Table 1 –Criteria for exemption from Development Approval for Temporary Residential Accommodation**

| Zone   | Exemptions  |
|--|---|
| Residential<br>Mixed Use Residential<br>Urban Development <sup>1</sup><br>Private Community Purposes | <ul style="list-style-type: none"> <li>• Development approval is not required for Temporary Residential Accommodation where it has been demonstrated that:               <ul style="list-style-type: none"> <li>○ The lot size has an area greater than 2000m<sup>2</sup></li> <li>○ There is an approved building permit for a permanent residential dwelling or a residential dwelling is already constructed on the site.</li> <li>○ There is an appropriate potable water supply available to all residents.</li> <li>○ There is an approved effluent disposal system available with sufficient capacity.</li> <li>○ Household waste can be disposed of properly;</li> <li>○ Other essential services such as electricity, gas or telecommunications are available.</li> <li>○ The Temporary Residential Accommodation is in sound condition and is not in the form of a tent or other structure without solid walls.</li> <li>○ The Temporary Residential Accommodation does not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;</li> <li>○ Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity;</li> <li>○ On-site car parking spaces are provided in accordance with the requirements for Ancillary Dwellings as outlined in the <i>Residential Design Codes</i>.</li> <li>○ Pets can be contained on-site and will not impact local amenity.</li> <li>○ No more than 1 unit of temporary residential accommodation is proposed.</li> </ul> </li> </ul> |
| Rural Residential<br>Rural<br>Priority Agriculture<br>Cultural and Natural Resource Use              | <p>Development approval is not required for Temporary Residential Accommodation where it has been demonstrated that:</p> <ul style="list-style-type: none"> <li>○ The lot size has an area greater than two hectares.</li> <li>○ There is an approved building permit for a residential dwelling or a residential dwelling is already constructed on the site.</li> </ul> <ul style="list-style-type: none"> <li>○ There is an appropriate potable water supply available to all residents.</li> <li>○ There is an approved effluent disposal system available with sufficient capacity.</li> <li>○ Household waste can be disposed of properly;</li> <li>○ Other essential services such as electricity, gas or telecommunications are available.</li> <li>○ The temporary residential accommodation is in sound condition.               <ul style="list-style-type: none"> <li>○ The temporary residential accommodation is in sound condition and is not in the form of a tent or other structure without solid walls.</li> <li>○ The Temporary Residential Accommodation does not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding rural area;</li> </ul> </li> <li>○ Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity;</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>○ On-site car parking spaces are provided in accordance with the requirements for Ancillary Dwellings as outlined in the <i>Residential Design Codes</i>.</li> <li>○ No more than 2 units of temporary residential accommodation is proposed on any one lot.</li> </ul> |
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Notes:

<sup>1</sup> only where identified as Residential in an approved Local Structure Plan;

Any exemption from the need for development approval for Temporary Residential Accommodation applies for a maximum period of 12 months. The use of temporary residential accommodation for a period longer than 12 months will require a further exemption in writing from the Shire.

## Procedure

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Before carrying out any development, any other licences, permits or approvals required must be obtained in accordance with any other law.

Prior to temporary accommodation being supported, it is necessary to obtain approval under clause 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997.

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| Department:   | Development Services | Next review: |  |
| Reviewer:     |                      | Legislation: | Local Government Act 1995<br>Planning and Development Act 2005<br>Planning and Development (Local Planning Schemes) Regulations 2015 |
| Adopted:      | 31 January 2024      | Delegation:  | 166  |
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