



Temporary Accommodation

FACT SHEET

Living on site during construction of a dwelling has a number of benefits, especially for owner builders on rural properties.

An owner of a property for which development consent for a dwelling has been granted may apply to Council to occupy a shed or caravan on site during the construction process. Approval will only be granted on the following basis:

1. The property is located in a rural or rural residential location. Living on site in an urban area is generally not encouraged but will be considered on its merits.
2. The period of occupation is two (2) years or less;
3. A shower, basin, toilet and temporary kitchen sink connected to either sewerage or an approved on-site effluent disposal system is to be installed on the site (Note that prior approval is required to install sanitary facilities in a shed);
4. Town water is connected, or an adequate tank water supply is available;
5. A working smoke alarm/s is installed in the shed/caravan.
6. Construction of the dwelling must be substantially commenced; and
7. If located in a bush fire prone area, adequate measures are to be in place for safe evacuation in case of bushfire and any required asset protection zones are established.
8. Adequate construction progress as assessed by a Council Building Surveyor is maintained during the period of occupation.

Council will not grant approval for the occupation of any shed, caravan or other structure on any property on which development consent for a dwelling has not been granted, nor on any property where construction of the dwelling has not substantially commenced (i.e. pouring of footings or slab).

Within thirty (30) days of occupation of the completed dwelling, any temporary kitchen and laundry facilities are to be totally removed from the shed and plumbing and drainage pipes capped off/removed/concreted. Council will only permit a toilet, shower and hand basin to remain in a shed after it has been de-commissioned.

For rural properties, should it be likely that a dwelling will not be completed within a period of two (2) years, owners may consider submitting a development application for a small or transportable dwelling initially. This dwelling can then be occupied without any time constraints. A further development application can then be submitted at a later time for a larger dwelling. Upon completion of the larger dwelling, the small dwelling will need to be removed or converted to another approved use which may include a secondary dwelling. Conversion to another approved use will require the submission and approval of a DA. Secondary dwellings under 60m² floor area do not attract developer contributions.

To apply to Live on Site during construction of a dwelling, complete the application form available from the Clarence Valley Council website.

Approval is granted for a 12 month period initially, which can be extended for a further 12 months provided reasonable progress is being made on the construction of the dwelling.

Council approval not required for some camping and temporary accommodation on private land

Clause 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 allows some camping activities and temporary accommodation without council approval.

Installation of moveable dwellings on land other than land in caravan parks or camping grounds

77 Installations for which approval not required

- (1) The approval of the council is not required for the installation of the following—
- (a) 2 caravans or tents if they are not occupied for—
 - (i) more than 2 consecutive days, and
 - (ii) more than 60 days in a 12 month period,
 - (b) 1 caravan on land occupied by the owner of the caravan in connection with the owner's dwelling house if the caravan is—
 - (i) used for habitation only by the owner or members of the owner's household, and
 - (ii) maintained in a safe and healthy condition,
 - (c) a caravan on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
 - (d) a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is—
 - (i) maintained in a safe and healthy condition, and
 - (ii) removed within—
- (A) 2 years after it is installed, or
- (B) if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period—the longer period.

- (2) In this section—

caravan includes campervan.

relevant local approvals policy, for a moveable dwelling or associated structure, means the local approvals policy adopted in accordance with the Act, Chapter 7, Part 3 by the council of the local government area within which the moveable dwelling or associated structure is installed, as in force from time to time.

Definitions

moveable dwelling is defined in the Local Government Act as:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

campervan means a moveable dwelling (other than a caravan) that is designed so as to be capable of being registered (within the meaning of the Road Transport Act 2013) as a motor vehicle, and includes a camper trailer.

caravan means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the Road Transport Act 2013) as a trailer, but does not include a camper trailer.

Further information is available from Council's Development and Land Use Planning section on (02) 6643 0200.