

## 8.5 Policy Review - Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT  
TO 16 NOVEMBER 2022 ORDINARY MEETING  
GOV400098, A0100021

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Building and Development on the Policy Review - Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land;
2. place the revised Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy on public exhibition for 28 days; and
3. adopt the revised Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy if no submissions are received.

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### Executive summary

The existing Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

### Disclosure of Interest

Nil

### Detailed report

The existing Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy provides guidance to enable Mid-Western Regional Council (Council) to permit the temporary occupation of caravans, mobile homes and other temporary residential structures on private land in conjunction with the construction of an approved dwelling.

Minor updates to the Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy are shown as "track changes" within the copy of the Policy included as **Attachment 1** and simply seek to provide clarity on the approval requirements.

### Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy (existing).  
Mid-Western Local Environmental Plan 2012  
Mid-Western Development Control Plan 2013

### **Legislation**

Local Government Act 1993  
Environmental Planning and Assessment Act 1979

## Financial implications

Not Applicable

## Associated Risks

Without an appropriate policy in place to regulate temporary use of such buildings and structures, unauthorised use may occur and compliance action may be required.

TY ROBSON  
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR  
DIRECTOR DEVELOPMENT

31 October 2022

*Attachments:* 1. Policy - Occupation of Caravans, Mobile Homes and Temporary Structures on Private Land - Amended Version October 2022.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY

### Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land

*A prosperous  
and progressive  
community.*

ADOPTED	VERSION NO
COUNCIL MEETING MIN NO 176/17	REVIEW DATE <b>October 2026</b>
DATE: <b>October 2022</b>	FILE NUMBER <b>A0100021</b>

## Objective

To provide guidance to enable Mid-Western Regional Council (Council) to permit the temporary occupation of caravans, mobile homes and other temporary residential structures on private land in conjunction with the construction of an approved dwelling.

## Legislative requirements

Local Government Act 1993

Environmental Planning and Assessment Act 1979

## Related policies and plans

- Mid-Western Local Environment Plan 2012
- Mid-Western Development Control Plan 2013

## Policy

This policy applies to the Mid-Western Region Local Government Area.

1. A person shall not use or occupy a caravan or structure (other than an approved dwelling) for residential purposes on any land without prior consent and obtaining approval from Council.
2. Approval will not be issued unless the following have been complied with:
  - a. A Development Application for the erection of a permanent dwelling ~~has been approved by Council or a Principal Certifying Authority~~ and the temporary occupation of a caravan, mobile home or residential structure has been lodged and approved by Council.
  - b. Adequate sanitary and ablution facilities have been provided to the satisfaction of Council. This may be by way of a temporary connection to Council's sewer infrastructure or installation of an On Site Sewer Management System. Approval pursuant to Section 68 of the Local Government Act 1993 is to be obtained from Council.
  - c. Adequate all weather internal access road is provided (rural areas only).
  - d. The caravan or structure is to be inspected and an approval will not be issued for any caravan or structure unless Council is satisfied that it is suitable for habitation.
  - e. All dwellings not connected to town water supplies shall be provided by the owner/occupier with water storage facilities with a minimum capacity of 45,000 litres. The storage facilities shall be designed so that 20,000 litres are reserved at all times for fire fighting purposes.

**POLICY: OCCUPATION OF CARAVANS, MOBILE HOMES AND TEMPORARY RESIDENTIAL STRUCTURES ON PRIVATE LAND**

3. The following conditions shall apply to the approval:
  - a. The approval shall be for an initial period of six months and commence from the first day of occupation of the temporary structure. The occupier may apply in writing to Council, to extend the period of the approval for a further six months where it is demonstrated that the erection of the permanent dwelling on the land is proceeding satisfactorily. The combined time period shall not exceed twelve months in total.
  - b. The property and particularly the area immediately surrounding the temporary living site shall be maintained in a clean and tidy state at all times. Building materials shall be stacked and stored in an orderly fashion.
  - c. No nuisance whatsoever is to be caused by virtue of the occupation.
  - d. The caravan and structure is maintained in a habitable state at all times to the satisfaction of Council.
  - e. The approval is not transferable.
  - f. Council reserves the right to revoke any approval given if the conditions are not complied with.
  - g. The applicant agrees to vacate the site within one month of approval being revoked and the applicant understands that legal proceedings will be instituted if a direction to vacate is not complied with.
4. Council may not require compliance with Clause 3a above and allow extended occupation of a caravan, mobile home and other temporary residential structures, if medical and financial evidence substantiates that there is no alternative.