

Strategic Outcome Supported: The built environment is responsibly planned and well maintained.

OBJECTIVE

1. Enable people to live in temporary residential accommodation whilst they find/establish a permanent residence.
2. Define specific areas within the Shire of Donnybrook Balingup 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 a nuisance or have any adverse impact on the amenity or health of adjoining properties and/or the surrounding area.
4. Minimise the health and safety risks for the occupants of the temporary residential accommodation.

SCOPE

5. This policy communicates the Shire's position in relation to the use of land for temporary residential purposes, to allow flexibility for residents to live in the Shire whilst building a home or finding a permanent place to live.
6. This policy outlines the permissibility within Shire of Donnybrook Balingup Local Planning Scheme No. 7, the *Planning and Development (Local Planning Schemes) Regulations 2015* and attempts to respond to recent changes to the *Caravan Parks and Camping Grounds Regulations 1997*.

DEFINITIONS

7. **Designated Bushfire Prone Area** means land designated by an order made under the Fire and Emergency Services Act 1998 as depicted on the Map of Bushfire Prone Areas.
8. **DPLH** means the state government Department of Planning, Lands and Heritage.
9. **LPS7** means Local Planning Scheme No. 7.
10. **Map of Bushfire Prone Area** means the map designated under the *Fire and Emergency Services Act 1998* and available at the website:
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>
11. **R-Codes** means Residential Design Codes, set by DPLH.
12. **Temporary Residential Accommodation** means camping outside of caravan parks usually in a caravan or tiny home on wheels.

POLICY STATEMENTS

Exclusions

13. Development Approval is required where the proposal:
 - a. Proposes a variation to any of the policy standards under the *Development Standards* (item 4.2 of this policy).
 - b. Is for land in a designated Bushfire Prone Area with an established Bushfire Attack Level of more than BAL-LOW.
 - c. Is for land that is identified as a heritage protected place.

Development Standards

14. Development approval is not required for the development of Temporary Residential Accommodation where the following criteria is demonstrated:

Zone	Criteria	Maximum timeframe
Residential Rural Residential Priority Agriculture Clubs and Institutions	<ul style="list-style-type: none"> • The lot size has a land area greater than 2000m². • There is an approved building permit for a permanent residential dwelling or a residential dwelling is already constructed on the site. • Where an approved building envelope exists on a property, and the temporary residential accommodation is wholly contained within the approved building envelope. • If no building envelope exists, then the temporary residential accommodation shall meet the minimum setback requirements under LPS7: <ul style="list-style-type: none"> ○ For Residential zoned lots – in accordance with the relevant Code ○ For Rural Residential zone: <ul style="list-style-type: none"> - 15m from road boundary. - 10m from other boundaries. - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land. ○ For Priority Agriculture zone: <ul style="list-style-type: none"> - 30m from road boundary. - 20m from other boundaries. - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land ○ For Clubs and Institutions zone: <ul style="list-style-type: none"> - Guided by the boundary setbacks of buildings in the adjacent areas. 	12 months

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	<ul style="list-style-type: none"> • There is an appropriate potable water supply available to all residents. • There is an approved onsite effluent disposal system available with sufficient capacity or the property is connected to sewer. • Household waste can be disposed of appropriately. • Power is available. • The temporary residential accommodation is in sound condition and fitted with a smoke detector and a carbon monoxide detector. • Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity. • Onsite car parking is available. • No more than 1 unit of temporary residential accommodation is proposed. • Pets can be suitably contained. 	
<p>Rural Smallholdings</p> <p>General Agriculture</p> <p>Commercial</p>	<ul style="list-style-type: none"> • The lot size has a land area greater than two hectares. • There is an approved building permit for a permanent residential dwelling or a residential dwelling is already constructed on the site. • Where an approved building envelope exists on a property, and the temporary residential accommodation is wholly contained within the approved building envelope. • If no building envelope exists, then the temporary residential accommodation shall meet the minimum setback requirements under LPS7: <ul style="list-style-type: none"> ○ For Rural Smallholdings zone: <ul style="list-style-type: none"> - 20m from road boundary. - 10m from other boundaries. - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land. ○ For General Agriculture zone: <ul style="list-style-type: none"> - 30m from road boundary. - 20m from other boundaries. - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land ○ For Commercial zone: <ul style="list-style-type: none"> - Nil setbacks to all boundaries. • There is an appropriate potable water supply available to all residents. 	<p>24 months</p>

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	<ul style="list-style-type: none">• There is an approved onsite effluent disposal system available with sufficient capacity or the property is connected to sewer.• Household waste can be disposed of appropriately.• Power is available.• The temporary residential accommodation is in sound condition and fitted with a smoke detector and a carbon monoxide detector.• Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity.• Onsite car parking is available.• No more than 2 units of temporary residential accommodation is proposed.• Pets can be suitably contained.	
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15. On expiry of the exemption period a further exemption in writing from the Shire will be required.

16. In all cases, the applicant is to complete an application for Temporary Residential Accommodation for the Shire to consider prior to using their temporary accommodation. If granted, approval will be provided to the applicant in writing.

DELEGATION AND AUTHORISATION

17. All proposals not meeting the policy provisions will be considered in accordance with existing delegations and authorisations.

LEGISLATION

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Residential Design Codes*
- *State Planning Policy 2.5: Rural Planning*
- *State Planning Policy 3.7: Planning in Bushfire Prone Areas*

APPENDIX

Nil.

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GOVERNANCE

Related Policy(s):

- Town Planning Policy 9.16 Transportable Structures

Related Procedure(s):

Nil.

Revision Requirements and Version Control:

Responsible Department(s):	Development Services (Planning)			
Review to be conducted by:	Planning Officer			
Revision Frequency:	<input checked="" type="checkbox"/> Annual (1yr)	<input type="checkbox"/> Biennial (2yr)	<input type="checkbox"/> Triennial (3yr)	
Current Version Date:	11/2024	Next Due:	08/2025	
Policy Version Details and Information:				
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