

Policy title:	TEMPORARY RESIDENTIAL OCCUPATION OF LAND POLICY
Policy number:	5.2.23
Objective:	To permit landowners to legally occupy their land for residential purposes while they have a permanent dwelling being erected upon their land.
Link to community vision/service:	Quality of Life
Program Area:	Building Services
Policy created: 12/11/80	Council reviewed: 5/9/95, 14/7/98, 10/03/09
Last reviewed by staff: 10/03/09	TRIM Ref: ED10/15907 & ED16/33321

DEFINITIONS:

Urban land - all land with urban zoning and includes village zoned lands.

Rural land - includes all other land and may include land in urban areas which is remote from built up areas and having a rural character.

Council may approve, through the issue of a Temporary Residential Occupation Permit, the temporary residential occupation of rural and urban land in accordance with the following requirements.

A. Rural Land

1.
 - a) The land must have an ability to obtain development consent for the erection of a dwelling on the land and Council must be satisfied that the issue of a consent is likely; and
 - b) Where the land is a site on an approved multiple occupancy development with an active Development Consent, all infrastructure works and other relevant matters required by the Development Consent must be completed or be complied with.
2. Development Consent /or Construction Certificate and all ancillary approvals must be obtained within twelve (12) months from the date of issue of a Temporary Residential Occupation Permit. The dwelling must be completed to approved occupation stage on or before the expiry of the permit.
3. Bush fire safety measures required by any Multiple Occupancy Development Consent conditions must be complied with. Where bush fire safety measures are not addressed in the Multiple Occupancy Development Consent or the proposed site is not on a multiple occupancy, appropriate bush fire safety measures must be undertaken to comply with the recommendations of the local Fire Brigade Captain.
4. A Temporary Residential Occupation Permit be granted for a period of two (2) years from the date of issue. The Permit may be renewed for a further period not exceeding one (1) year where the General Manager is of the opinion that there is sufficient justification to do so.

5. All waste water generating facilities must be connected to:
 - a) Council's reticulated sewerage where same is available; or
 - b) An approved on site sewerage system where reticulated sewerage is not available, prior to any occupation of the temporary structure.

B. Urban Land

1. Development Consent and/or Construction Certificate for the erection of a permanent dwelling on the land must be issued by Council and work directly related to the approval must be physically commenced on site prior to the temporary occupation of the land commencing.
2. Only moveable dwellings (eg caravans); permanent shed like structures; or other permanent structures complying with Building Code of Australia requirements for human habitation may be used for temporary occupation in urban areas.
3. All waste water generating facilities must be connected to:
 - a) Council's reticulated sewerage system where same is available; or
 - b) An approved on site sewerage system where reticulated sewerage is not available.
4. A Temporary Residential Occupation Permit be granted for a period of one (1) year from the date of issue. The permit may be renewed for a further period not exceeding one (1) year where the General Manager is of the opinion that there is sufficient justification to do so.

C. General Requirements Relating to both Urban and Rural Land

1. The issue of a Temporary Residential Occupation Permit must be consistent with the intent of any planning or other regulatory requirements relating to the construction of a dwelling on the land.
 2. Applications must be submitted on Council's approved form and all information provided.
 3. A Temporary Residential Occupation Permit may only be issued to the owner of the land, who must also be the formal occupant of the temporary accommodation.
 4. The Temporary Residential Occupation Permit is not transferable to any person except with written concurrence of Council.
 5. Adequate cooking facilities; potable and other water supplies; laundry and clothes drying facilities; and sanitary facilities must be provided and be properly maintained.
 6. A Temporary Residential Occupation Permit may be issued subject to conditions and the requirements of the permit must be complied with at all times.
 7. A Temporary Residential Occupation Permit may be revoked by the General Manager if the occupation does not comply with all the requirements of the permit.
 8. That the application fee be in accordance with Council's fees and charges. The fee is non-refundable following the issue of a permit. If the application is refused 50% of the fee is refundable.
 9. Hardwired smoke alarms shall be installed by a licensed electrical contractor and certification thereof be submitted upon completion.
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