



FACT SHEET – NATURAL DISASTER TEMPORARY ACCOMMODATION

Lismore City Council understands that it will take our community a long time to recover from the 2022 floods. To assist, our Built Environment team has prepared this Natural Disaster Temporary Accommodation Fact Sheet for residents who have been displaced from their homes as a result of the flood.

DEVELOPMENT CONSENT NOT NEEDED

1) Moveable Dwelling

People who have been displaced from their homes as a result of the flood (or any other natural disaster) can install a moveable dwelling, such as a caravan, on land without Council's approval for **up to two (2) years** in accordance with s77 *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

A moveable dwelling is defined under the Local Government Act and may include a *tent, caravan or van* or other *portable device* (whether on wheels or not), used for human habitation. This can also include a *manufactured home*, **but this is not our preferred option on flood prone land, unless it has mobility on a trailer (or something similar) that allows for its timely relocation in the event of a flood emergency.**

Example: *Peter and Sue are unable to live in their home after it was significantly damaged in the flood. Peter and Sue can install and stay in a moveable dwelling, such as a caravan, on their own or their neighbours, friends or family members land (provided they have given owners consent) without Council approval for up to two years while they repair or rebuild their own home. If Peter and Sue wish to stay beyond two years, they will need to get Council approval.*

The installation of a moveable dwelling shall be subject to the following requirements:

1. the moveable dwelling shall be removed within 2 years after it is installed.
2. the moveable dwelling shall be maintained in a healthy and safe condition, not negatively affecting the amenity of adjoining properties.
3. the moveable dwelling shall be relocated off flood prone land in the event of a flood. In particular:
 - a. any moveable dwelling with wheels (i.e., caravan or van) shall be maintained in a road worthy condition and be able to be moved at short notice (i.e., have its tyres inflated).
 - b. any moveable dwelling with wheels shall have access to a vehicle with a tow bar to facilitate removal in the event of a flood; and
 - c. any manufactured home must have a plan in place for its removal in the event of a flood.
4. the moveable dwelling shall have installed at least one battery-operated smoke alarm, which is operational at all times.
5. a licenced plumber shall be engaged to connect any moveable dwelling to the sewer.
6. if the moveable dwelling is proposed to be located on an unsewered property with an existing on-site sewage management system (OSSMS) – **prior to occupation** a suitably qualified NSW licenced plumber shall undertake a site assessment of the existing OSSMS to determine that the system design is adequate to manage the additional wastewater flow. A copy of the plumbers OSSMS site assessment is to be submitted to Council for record purposes. If drainage works are undertaken the licenced plumber is to submit a Notice of Completion of Works. **Please Note:** If the licenced plumber's site assessment determines that the existing OSSMS requires

7. upgrading or a new system is recommended a Section 68 Application, supported by technical reporting in accordance with Councils On-site Sewage and Wastewater Management Strategy, will be required to be submitted to Council for assessment and approval **prior to the undertaking of any work.**
8. The moveable dwelling shall not be located on the road reserve and/or public land without Council permission.

2) Moveable Dwelling in a Caravan Park or Camping Ground

A manager of a caravan park or camping ground is authorised to permit a person/s displaced as a result of natural disaster or pandemic to stay in a moveable dwelling, such as a caravan, within the caravan park or camping ground for up to two (2) years (continuously) in accordance with s73 *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

A moveable dwelling is defined under the *Local Government Act 1993* and may include a *tent, caravan* or *van* or other *portable device* (whether on wheels or not), used for human habitation.

3) Temporary use of Sheds or Garages for Emergency Accommodation

Council may also consider the temporary occupation / habitation of sheds or garages as a form of emergency accommodation for a person/s displaced by natural disaster. Please phone Council's Built Environment team on 66 250 500 if you are considering this option.

Note: If the temporary use of the shed or garage as a dwelling is proposed on an unsewered property with an existing on-site sewage management system (OSSMS) – **prior to occupation** a suitably qualified NSW licenced plumber shall undertake a site assessment of the existing OSSMS to determine that the system design is adequate to manage the additional wastewater flow. A copy of the plumbers OSSMS site assessment is to be submitted to Council for record purposes. If drainage works are undertaken, the licenced plumber is to submit a Notice of Completion of Works. If the licenced plumber's site assessment determines that the existing OSSMS requires upgrading or a new system is recommended a Section 68 Application, supported by technical reporting in accordance with Councils On-site Sewage and Wastewater Management Strategy, will be required to be submitted to Council for assessment and approval **prior to the undertaking of any work.**

DEVELOPMENT CONSENT NEEDED

Development consent is required for a variety of accommodation structures that could also be used to provide temporary accommodation for a person/s displaced by a natural disaster; or used on a permanent basis. The following development requires development consent and is permissible within certain zones.

4) Change of use of Sheds or Garages for Accommodation

A Development Application is to be lodged if a landholder seeks to convert an existing shed or garage to provide accommodation. Such a structure, if approved by Council, could then be used for permanent accommodation, and is not just limited to accommodating a person/s displaced by natural disaster.

5) Secondary Dwellings or Dual Occupancies

Secondary dwellings and dual occupancies require the lodgement of a development application. For all intents and purposes, a secondary dwelling is a small dual occupancy and is limited to either 60m² or 25% of the total floor area of the principal dwelling (whichever is greater). Secondary dwellings are permissible with consent in all residential zones and the mixed use zone.

Dual occupancies do not have a numeric limit on floor area and are permissible with consent in the following zones: residential (except low density residential), village, mixed use and primary production.

Such structures, if approved by Council, could then be used for permanent accommodation and are not just limited to accommodating a person/s displaced by natural disaster.

6) Caravan Parks and Camping Grounds Caravan Parks

Caravan parks and camping grounds (including primitive camping grounds under s131 *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*) are permissible with development consent in several zones including Zone RU1 Primary Production. Caravan parks and camping grounds can accommodate visitors at higher densities than primitive camping grounds and permit short term visitor stays of 150 – 180 days per year. Caravan parks and camping grounds can also be used for persons displaced by natural disasters as detailed in Item 2 of this Fact Sheet.

Primitive camping grounds can accommodate caravans, campervans and tents at low densities (2 per hectare) and are potentially more suited to rural areas with the consent of Council. Primitive camping grounds ordinarily permit short term stays up to 50 days per year. Council's consent for a primitive camping ground could also extend to the provision of emergency accommodation for displaced persons after a natural disaster if such a use is sought by the landholder.

Should you require further information or wish to discuss the above, please do not hesitate to contact Council's Built Environment team on 6625 0500.