



**Tablelands Regional Council
Local Law No. 5 (Temporary Homes) 2018**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Temporary Homes) 2018*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law is to regulate the use of a temporary home that is not regulated under the planning scheme.
- (2) The purpose is to be achieved by making it an offence to use a temporary home without a permit and to provide for an application and approval process.

3 Relationship with other laws

This local law:

- (a) is to be read in conjunction with *Local Law No.1 (Administration) 2018* which contains provisions and definitions that apply to all local laws;
- (b) has appeals in relation to temporary homes dealt with under the planning act;
- (c) is otherwise in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (d) is made under Chapter 3 of the LGA.

Part 2 Temporary homes establishment or occupation

4 Prescribed activity

- (1) Establishment or occupation of a temporary home is a category 1 prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2018* and this local law.
- (3) Permits granted are not transferable.

5 Activities that do not require a permit

- (1) An approval under the authorizing local law is not required for establishment or occupation of a temporary home-
 - (a) For less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
 - (b) For less than 10 weeks in any 52 week period if-

- (i) The temporary home is sited on an allotment occupied by the existing dwelling house; and
 - (ii) The location of the temporary home does not distract from the amenity of the area.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation or left on site after departure.
- (3) Subsection (1) applies to a maximum of two temporary homes on any allotment.
- (4) Subsection (1)(b) only applies to the owner, immediate family and personal friends of the owner.

6 Additional criteria for the granting of a Permit

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:
 - (a) that:
 - (i) the temporary home is not intended to be used as a permanent or indefinite place of habitation; and
 - (ii) there is a current development approval to erect a dwelling on the relevant land which dwelling (or a part of which dwelling) will be used as a permanent or indefinite place of habitation.
 - (b) the temporary home has a sufficient source of water supply and sufficient means of disposal of effluent and refuse to ensure that minimum standards of health and hygiene for safe human habitation can be established and maintained the total time taken or proposed to be taken for the construction of the permanent dwelling;
 - (c) whether adequate screening of the temporary home will be provided to ensure reduced impact on visual amenity;
 - (d) whether a plumbing compliance permit has been obtained, to enable the fixtures to be installed and the liquid wastes to be removed;
 - (e) whether the proposed temporary home has, as a minimum, a toilet, shower, kitchen sink and hand basin and access to laundry facilities;
 - (f) whether the proposed dwelling will be suitable for temporary occupation;
 - (g) the application demonstrates an ability to meet the requirements for ventilation, ceiling and lighting as required by MP3.3 A3(b) of the Queensland Development Code;
 - (h) separation distances are compliant with the Queensland Development Code and the Planning Act; and
 - (i) for a renewal:

- (i) whether there has been substantial progress towards the completion of the permanent dwelling; and
- (ii) demonstrated compliance with the conditions of the approval.

7 Conditions that must be imposed on permits

The following types of conditions that must be imposed on permits that state:

- (a) the temporary home is to be maintained in good order and not allowed to become unsightly or unhygienic;
- (b) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the land;
- (c) the date by which habitation of the temporary home must cease which must be the earlier of the 12 month term of the permit or the date on which the dwelling may be lawfully occupied;
- (d) ablution, toilet and laundry facilities which must be provided as part of the temporary home;
- (e) where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity;
- (f) where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained;
- (g) the installation of a smoke alarm adjacent to the sleeping accommodation area shall be provided;
- (h) prior to one (1) month of the expiry of the approval, the applicant may make written application for a further renewal approval stating reasons for the extension; and
- (i) if approval not renewed on expiry occupation of the temporary home must cease

8 Conditions that will ordinarily be imposed on permits

The following types of conditions that will ordinarily be imposed on a permit where applicable may state:

- (a) the construction materials and methods of construction of the temporary home or any part thereof; and
- (b) painting and other external treatment of the temporary home or any part thereof, either at the stage of construction or at any later time.

CERTIFICATION

This and the preceding 3 pages bearing my initials is a certified copy of Tablelands Regional Council *Local Law No. 5 (Temporary Homes) 2018* made in accordance with the provisions of the *Local Government Act 2009*, by Tablelands Regional Council by resolution dated 2018.

Justin Commons
Chief Executive Officer
Tablelands Regional Council