

APPLICATION FOR APPROVAL OF A PRESCRIBED ACTIVITY
Establishment or occupation of temporary accommodation
Local Law No. 1 (Administration) 2018 section 8

THIS FORM MUST BE COMPLETED BY THE OWNER/OCCUPIER OF THE PERMANENT RESIDENCE OF THE PROPERTY

Please refer to the Fact Sheet Establishment or Occupation of Temporary Accommodation.

PERMANENT RESIDENCE OWNER/OCCUPIER DETAILS

Applicant Name			
Postal Address			
Contact Name			
Contact Phone Number/s			
Email Address			

PROPERTY DETAILS

Property Address			
Description of Location			
Property Description (Lot and Plan)			

SUPPORTING INFORMATION

The details of the relationship between the applicant and property owner

The details of the proposed period of stay (the application is only permitted for 6 months in a 12-month period)

The reason for which the use of the temporary accommodation is required

Details of the number of persons to be accommodated in the temporary accommodation

SUPPORTING DOCUMENTS ATTACHED

Please complete the checklist in full¹. Tick or indicate N/A where the item is not applicable.

Site Plan illustrating –

- The location of the temporary accommodation.
- The location of the other buildings on the site; and
- The location of neighbouring buildings.

If the applicant is not the owner of the residence, the written consent of the owner.

Confirmation that there is no commercial arrangement, or other consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;

Details of the type of caravan proposed to be used for the temporary accommodation and the condition of the temporary accommodation;

The proposed floor plan of the temporary accommodation, including details of the proposed fit out of the kitchen, bathroom, toilet and laundry;

Intended method of water supply for the temporary accommodation;

Intended method of disposal of waste material, including blackwater and greywater, from the use of the temporary accommodation.

CONDITIONS

1) The following are the conditions that must be imposed on an approval²

- ensure that the existing dwelling house situated on the property will remain on the property during the term of the approval;
- ensure that the sanitary and laundry facilities are only used in the existing dwelling or in the temporary accommodation;
- not dispose of, and ensure that no other person disposes of, any blackwater and/or greywater from the use of the temporary accommodation on the ground or in any other way, other than as lawfully permitted for the disposal of such blackwater or greywater;
- ensure that the temporary accommodation remains moveable at all times and must not be permanently affixed to the ground or other structure;
Example
The wheels of the caravan must not be removed, so that the caravan can be removed when required.
- ensure that the condition of the temporary accommodation is appropriately maintained to prevent deterioration and keep it in good order and repair;
- ensure that the temporary home is not, and does not become, unsightly or unhygienic;
- ensure that the separation and set back distances between the approved placement of the temporary accommodation and property boundaries is maintained as specified in the approval;
- ensure that there is no commercial arrangement, or consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;
- provide all evidence reasonably requested by an authorised person to enable the authorised person to be satisfied that there is no commercial arrangement or other consideration that passes between the approval holder and the property owner for the use of the temporary accommodation, when requested throughout the term of the approval;
- ensure that only the person, or persons, including the specified number of people, approved pursuant to the approval stay in the temporary accommodation;
- ensure that only the temporary accommodation approved by the local government and specified in the approval is used on the property;
- ensure that the period approved for the temporary accommodation to be used on the property is only used for that period;
- ensure that on the expiry of the approval, the temporary accommodation is removed from the property on which it was located;
- ensure that any lighting used in or as part of the temporary accommodation is angled or shaded in such a manner so that the light does not cause an unreasonable nuisance in the opinion of an authorised person; and
- ensure that the temporary accommodation does not detrimentally affect the amenity of neighbouring properties or create an unreasonable nuisance, including noise and odour, in the opinion of an authorised person.

The following are conditions that will ordinarily be imposed on approvals³

- ensure that water intended for use for domestic purposes is from an approved water source;

¹ See Subordinate Local Law No. 1 (Administration) 2018 sch 9A(3).

² See Subordinate Local Law No. 1 (Administration) 2018 sch 9A(5).

³ See Subordinate Local Law No. 1 (Administration) 2018 sch 9A(6).

- (b) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
- (c) maintain all water supply connections in accordance with applicable legislative requirements; and
- (d) any other condition the local government considers is reasonably necessary to ensure the protection of public health, safety and/or amenity is maintained by the approval holder in using the temporary accommodation.

APPLICANT DECLARATION

- I declare the information provided by me in this application is true and correct.
- I will adhere to the conditions related to this application.

Name			
Signature		Date	

Privacy Notice: Mareeba Shire Council is collecting applicant details in accordance with Council's Local Law in order to assess your application for approval. This information will only be accessed by Council employees and other persons authorised under the *Local Government Act 2009*. Your information will not be given to any other person or agency unless you have given us permission, or we are required by law.

RELEASE AND INDEMNITY

In consideration of Mareeba Shire Council ("Council") issuing me/us with an approval ("the Approval") for the purpose described or allowed under the Approval ("the activity/activities"),

I/we: _____

1. Release and discharge Council and Council's agents, servants, officers, and insurers ("the Related Parties") from and in respect of all liability, claims, losses, damages, or proceedings which I/we may have (either now or accruing in the future) against Council and/or the Related Parties in respect of, or arising out of, or in connection with the activity/activities;
2. Agree that the release and discharge given under clause 1 may be pleaded by Council and the Related Parties as a bar to any action, suit or proceeding commenced now or taken at any time by Council and/or the Related Parties, against Council and/or the Related Parties, or to which Council and/or the Related parties is or are joined as a party or parties; in respect of, or arising out of, or in connection with the activity/activities; and
3. Agree that I/we am/are liable for and shall indemnify Council and the Related Parties against any liability, claim, loss, damage, or proceeding in respect of, or arising out of, or in connection with the activity/activities.

The covenants given under this document are binding upon me/us and my/our heirs, executors, successors and permitted assigns.

If the Approval Holder is **an individual**:

SIGNED by:

(print name of approval holder)

(signature of approval holder)

in the presence of:

(print name of witness)

(signature of witness)

on this _____ day of _____ 20____.

If the Approval Holder is **a Corporation**:

SIGNED for and on behalf of:

(print name of corporation)

by:

(print name and position of representative person)

(signature of representative person)

by:

(print name and position of representative person)

(signature of representative person)

in the presence of:

(print name of witness)

(signature of witness)

On this _____ day of _____ 20____.