

FACT SHEET



Establishment or Occupation of a Temporary Home

Throughout Queensland, building work is regulated by the *Building Act 1975* and *Sustainable Planning Act 2016*, and its subordinate legislation. Copies of this legislation and the Standard Building Regulation can be downloaded from the Office of the Queensland Parliamentary Council website at www.legislation.qld.gov.au.

Mareeba Shire Council's **Subordinate Local Law No. 1 (Administration) 2018, Schedule 9** provides the opportunity for occupants to reside on the property while the permanent dwelling is being built or major repairs or renovations undertaken, provided the following criteria is met and approval is given by Council.

What is considered suitable temporary housing

A suitable temporary home is:

- shed or Class 10a building (prior building approval required) for no longer than 12 months. *
- caravan or mobile home for no longer than 12 months. *
- * a wastewater system must be approved by Council's Building and Plumbing Compliance Service and installed on site before temporary occupation approval will be granted.

A tent or a camper trailer is **not** considered suitable for temporary housing.

What must be provided to Council

An application for approval must be accompanied by—

- a) a site plan illustrating—
 - i. the location of the temporary home; and
 - ii. the location of the other buildings on the site; and
 - iii. the location of the proposed permanent residence; and
 - iv. the location of neighbouring buildings; and
- b) if the applicant is not the owner – written consent of the owner; and
- c) details of the type of temporary home proposed; and

Examples for paragraph (c)– A shed; a caravan with an awning.

- d) the proposed floor plan of the temporary home; and
- e) details of the proposed fit out of the temporary home's kitchen, bathroom, toilet and laundry; and
- f) intended method of water supply; and
- g) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct or renovate the permanent residence.

Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- a) where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity; and
- b) a building permit has been issued for the construction of a new permanent residence on the property prior to the issue of the approval; and
- c) a plumbing compliance permit has been obtained prior to the issue of the approval, to enable the fixtures to be installed and the liquid wastes to be removed; and
- d) an adequate source of water will be available to the proposed temporary home; and
- e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- f) the proposed temporary home has, as a minimum, a toilet, shower, laundry tub, kitchen sink and hand basin; and
- g) the proposed dwelling will be suitable for temporary occupation; and
- h) separation distances are compliant with the Planning Act; and
- i) the applicant is able to demonstrate an ability and capacity to construct, repair or renovate a permanent dwelling within the term of the approval.

Conditions that must be imposed on approvals

For all approvals, where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained.

Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- a) keep the temporary home in good order and repair; and
- b) ensure that the temporary home is not unsightly or unhygienic; and
- c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance; and
- d) ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance; and
- e) ensure that water intended for use for domestic purposes is from an approved water source; and
- f) 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; and
- g) maintain all water supply connections in accordance with applicable legislative requirements; and
- h) ensure that the temporary home is only occupied by those persons whose names have been given to the local government in the application for approval; and
- i) ensure that there is an adequate means of waste disposal, including wastewater, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, wastewater disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained; and
- j) ensure waste containers provided at the temporary home are sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept so as not to attract pests; and
- k) not incinerate waste; and
- l) dispose of human wastes from the temporary home at a dedicated sanitary facility, the sewerage system or an approved on-site sewerage facility; and

- m) connect all plumbing or drainage facilities to the temporary home as soon as practicable, but in any case no later than 90 days of the day a person first occupies the temporary home, so as to comply with plumbing and drainage requirements; and
- n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder—
 - i. must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term; and
 - ii. ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
 - iii. dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

Activities that do not require approval under the Local Law

- 1) An approval under the authorising 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 4 weeks in any 52-week period if—
 - i. the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - ii. the temporary home is located to the rear of the existing dwelling house.
- 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.

Further information

For more information, contact Council on 1300 308 461 or visit www.msc.qld.gov.au.