

## Schedule 8      Establishment or occupation of a temporary home

section 13

### 1      Prescribed activity

Establishment or occupation of a temporary home.

### 2      Activities that do not require approval under the authorising local law

- (1) An approval under the authorising local law is not required for the establishment or occupation of a temporary home—
- (a) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment; or
  - (b) for less than four weeks in any fifty-two 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—
- (a) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and

(b) ~~(b)~~—the temporary home is not a Class 10a building or structure.

(3) Also, an approval under the authorising local law is not required for the establishment or occupation of a temporary home if the activity complies with each of the following requirements—

- (a) the activity is limited to the positioning, or placement, of 1 caravan on premises; and
- (b) the caravan is used, or intended, for temporary use as a place of residence; and
- (c) the use of the caravan as a place of residence is not undertaken, cumulatively, or from time to time, for more than 6 months in a 12 month period; and
- (d) a permanent residence is situated on the premises at all times whilst the caravan is used as a place of residence; and
- (e) the permanent residence is permanently occupied during the undertaking of the activity; and
- (f) the permanent residence is provided with sanitary and laundry facilities and each person who uses the caravan as a place of residence is able to access the sanitary and laundry facilities in the permanent residence; and
- (g) the caravan is situated on the premises—
  - (i) at least 6 metres from the front boundary of the permanent

- residence; and
- (ii) not less than 3 metres from any boundary fence of the premises; and
- (h) if the caravan is fitted with sanitary or laundry facilities—all waste from the sanitary and laundry facilities is—
- (i) subject to paragraph (ii), contained within the caravan; and
- (ii) regularly collected, and disposed of, in accordance with any applicable laws; and
- (i) no consideration is paid, or payable, by any person who uses the caravan as a place of residence; and
- (j) the owner or occupier of the permanent residence only permits the use of the caravan as a place of residence by family or friends of the owner or occupier of the permanent residence; and
- (k) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and
- (l) the caravan is, during the undertaking of the activity—
- (i) not fixed to the premises; and
- (ii) not fixed to any building, wall, fence or other structure on the premises; and
- (iii) fitted with wheels; and
- (iv) not designed for permanent attachment to the premises; and
- (m) an adequate source of potable water is available at the permanent residence and will be available to each person who uses the caravan as a place of residence; and
- (n) the permanent residence is provided with an adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene at the premises can be maintained; and
- (o) the caravan must be maintained in good working order and condition and in a good state of repair; and
- (p) the caravan must be maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
- (q) the caravan must only be used as a place of residence by no more than the number of persons which the caravan is designed to accommodate.

### **3 Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by

- (a) the name, address, telephone number and email address of the applicant and the person to whom the temporary home application relates; and
- (b) if applicable, the trading name, address, telephone number and email address of the business under which the temporary home approval is to be issued; and

- (c) details of the application including –
  - (i) the purpose for which occupation is required; and
  - (ii) the number of occupants, adults and children, to be normally accommodated; and
  - (iii) toilet, bathing, water storage and refuse facilities; and
  - (iv) a drawing showing the design and dimensions of the proposed temporary home; and
- (d) the materials out of which the temporary home is constructed and other structural details of the temporary home; and
- (e) the location of the temporary home; and

- (f) details of current building and plumbing approvals for the construction of a permanent Class 1a dwelling and evidence of financial capacity and ability to construct the dwelling; and
- (h) if the applicant is not the owner of the land on which the establishment of the temporary home is or is to be located – the written consent of the owner.

#### **4 Additional criteria for the granting of approval**

- (1) For all approvals, the additional criteria are that
  - (a) the applicant holds a current development permit for the erection of a permanent Class 1a dwelling, or conversion of an existing building or structure into a permanent Class 1a dwelling; and
  - (b) an adequate source of potable water will be available to the proposed temporary home; and
  - (c) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
  - (d) the temporary home can be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
  - (e) the temporary home conforms with 1 of the following structural criteria in the circumstances described
    - (i) in the case of a tent – the approval is sought for a term of less than 3 months; or
    - (ii) in the case of a bus designed or modified as a place of residence
      - (A) the bus is adequate size; and
      - (B) the facilities are adequate for the term of occupation for which the approval is sought, which must be no more than 18 months; or
    - (iii) in the case of a caravan or mobile home – the approval is sought for a term of no more than 18 months; or
    - (iv) in the case of a shed or other class 10a building on the premises – the shed or building is not intended to be used permanently as a habitable building; or
    - (v) in the case of any other proposed temporary home – the applicant can demonstrate to the local government’s satisfaction that health, safety and aesthetic standards will not be adversely affected for the term of approval sought; and
  - (f) The owner is able to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

*Example –*

*The applicant has a contract with a registered builder and sufficient funds are available. However, this criterion may not be satisfied if*

- *a genuine application has not been made for building approval of a proposed permanent Class 1a dwelling; or*
- *the proposed erection of a permanent Class 1a dwelling has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.*

## **5 Conditions that must be imposed on approvals**

The conditions that must be imposed on an approval are that the approval holder must

- (a) not cease construction of the permanent Class 1a dwelling mentioned in section 4(1)(a) for a period greater than three calendar months; and
- (b) ensure the provision of the basic amenities required for living such as kitchen facilities, bathing facilities, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and water supply are adequate; and
- (c) keep the temporary home in good order and repair; and
- (d) ensure that the home is not unsightly or unhygienic.

## **6 Conditions that will ordinarily be imposed on approvals**

(1) The conditions that will ordinarily be imposed on an approval are that the approval holder must

- (a) ensure that only the owner/s of the property and their immediate family will reside in the temporary home; and
- (b) ensure that no more than 2 adults will reside in the temporary home; and
- (c) ensure that the temporary home must not be occupied as a place of permanent Class 1a dwelling for an indefinite period; and
- (d) construct a permanent Class 1a dwelling on the allotment within the timeframe specified in the approval; and
- (e) ensure that the temporary home must be is designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be –
  - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
  - (ii) maintained in good working order and in a good state of repair; and
  - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
  - (iv) provided with adequate shower, toilet and ablution facilities; and

- (v) provided with potable water for drinking purposes; and
- (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking facilities that form part of the temporary home; and
- (f) ensure that the temporary home does not adversely impact on community health or constitute a nuisance and must –
  - (i) be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) be screened by means of screens, natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
- (g) ensure that the temporary home accommodates no more than the number of persons specified in the approval; and
- (h) ensure that in the case of a Class 10a building the temporary home is dismantled and decommissioned to the extent that it no longer constitutes a temporary home including (but not limited to) the removal of the kitchen fixtures and facilities comprising the kitchen sink and facilities for the preparation and cooking of food, by the date specified in the approval; and
- (i) ensure that the development approval for a permanent dwelling remains current; and
- (j) ensure that a refuse or recycling collection service is provided; and
- (k) ensure that any permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within the period of the development approval and the term of the temporary home approval; and
- (l) ensure that in the case of Class 10a building, within 3 months of occupation of the temporary home all required plumbing and drainage facilities must be provided and a Plumbing Compliance Certificate from the local government is obtained.

*Example for paragraph (k) –*

*Extensions will only be granted where significant progress is made toward the construction of the permanent dwelling.*

## **7 Term of approval**

The approval commences on the day it is issued and concludes on the sooner of:

- (a) the expiry date, which will not exceed the term approved under paragraph 6(1)(d) of this Schedule or 18 months from the date of issue stated in the approval; or

- (b) the date that the permanent Class 1a dwelling or proposed permanent Class 1a dwelling becomes fit for occupation as a place of residence.

## **8 Term of renewal of approval**

The term of a renewal of the approval will be stated in the renewal but must not extend beyond the expected completion date of the permanent Class 1a dwelling unless exceptional personal circumstances exist.