

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure or a caravan, bus or other vehicle which is used or capable of being used as a place of temporary residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

Examples—

- *a caravan;*
- *a car, bus, van or other vehicle used, or capable of being used, as a place of residence;*
- *a tent;*
- *a prefabricated structure used, or capable of being used, as a place of residence;*
a structure designed to be readily assembled and disassembled and used, or capable of being used, as a place of residence.

³⁷ See the definition of **Planning Act** in the Act, schedule 4.

³⁸ See footnote 36.

Schedule 10 Establishment or occupation of a temporary home

Section 11

1 Prescribed activities

Establishment or occupation of a temporary home.

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

- (1) A temporary home in a camping ground or caravan park; and
- (2) A temporary home which is unoccupied and merely being stored on land.

3 Documents and materials that must accompany applications for approval

- (1) A person may apply for an approval by lodging with the local government—
 - (a) a completed application on the prescribed form; and
 - (b) payment of the prescribed fee; and
 - (c) details of the site plan showing the location of the proposed temporary home to an acceptable scale e.g. (1:100) including plans and specifications of the proposed temporary home where applicable; and
 - (d) a copy of the building approval for the temporary dwelling where applicable; and
 - (e) written consent of the land owner for the installation and use of the temporary home; and
 - (f) details of the water supply source, sanitary facilities and effluent disposal; and
 - (g) details of the number of persons intended to occupy the temporary home; and
 - (h) a copy of the development approval for the permanent residence, together with the expected date of completion; and
 - (i) written assurance from the lending authority that sufficient funds are available to the applicant for the completion of the permanent residence.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

4 Additional criteria for the granting of an approval

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
 - (a) the minimum lot size is 3,000 square metres; and
 - (b) the temporary home will not be occupied as a permanent place of residence or for an indefinite period; and
 - (c) the applicant proposes, within the period for which the approval is granted;

- (i) to erect, or convert an existing structure into a permanent residence; or
 - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
 - (d) the proposed location of the temporary home does not adversely impact on the visual amenity of adjoining neighbours.
- (2) Any other criteria the local government considers relevant to determine the application.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are-

- (a) an approval ends when—
 - (i) the term of the approval ends; or
 - (ii) the permanent residence or proposed permanent residence becomes fit for occupation; and
- (b) a temporary home must be kept in good order and repair and not become the source of valid complaint to the local government; and
- (c) the area surrounding a temporary home must be maintained in accordance with the visual amenity of surrounding homes; and
- (d) upon expiration, cancellation or surrender of the approval, the temporary home must be altered, dismantled or removed to render the temporary dwelling no longer habitable; and
- (e) a temporary home must not be used without a current approval; and
- (f) a temporary home must be of a size adequate and suitable for the proposed use; and
- (g) be compliant with the provisions of the *Building Act 1975*, including all relevant fire safety provisions; and
- (h) be located at least 1.5 metres from any property boundary and comply with the local planning scheme; and
- (i) the number of people approved to occupy the temporary home must not be exceeded; and
- (j) approved ablution facilities at the ratio of 1 hand wash basin, 1 shower or bath and 1 toilet to each 8 people housed in the temporary home; and
- (k) provision of suitable laundry facilities to the satisfaction of the authorised person; and
- (l) provision of internal kitchen, food storage and preparation facilities of a standard to the satisfaction of an authorised person; and
- (m) an approved supply of potable water is to be provided to the temporary home; and
- (n) all effluent is to be disposed of to the reticulated sewer system, or an on-site sewerage facility (OSSF); and
- (o) a standard domestic refuse service must be provided for the disposal of

household waste, otherwise the refuse is to be stored and removed from the property on a weekly basis in a manner approved by an authorised person; and

- (p) a certificate of compliance for all plumbing works, must be obtained prior to occupation; and
- (q) a certificate of compliance with AS 3000 for all electrical installations must be obtained prior to occupation.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are -
 - (a) the temporary home is to be sited wherever possible, at the rear of the proposed permanent residence; and
 - (b) be shielded from the general view from the front boundary of the property.

7 Term of approval

- (1) An approval may be granted for a term not exceeding 6 months.
- (2) An extension may be granted on application to the local government.

8 Term of renewal of approval

An approval for this prescribed activity is renewable.

9 Transfer of approval

An approval for this prescribed activity is issued to the person nominated on the application form and is not transferable.

10 Dictionary

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