

## Establishment or Occupation of a Temporary Home

### Purpose for a Temporary Home

- The purpose of the Subordinate Local Law No 1.3 - Establishment or Occupation of a Temporary Home 2011 is to assist owners to live on site and protect their assets while building their permanent residence.
- A permit will generally be initially granted for a period of 6 months. Subsequent six-month extensions (up to 18 months) will be granted provided progress has been made on the permanent dwelling and other conditioned matters are considered satisfactory.
- The term of the temporary home approval cannot precede or exceed the lawful period of the building development approval for the construction of the permanent residence.
- It is the applicant's responsibility to re-submit the application and receive an extension to the term of an approval, prior to the date on which the current term of approval ends.
- The temporary home is to be decommissioned or removed at the end of the approved use.

### Documents and information to accompany an application:

- A drawing showing the location, design and dimensions of the proposed temporary home.
- Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.
- Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage and refuse facilities.
- If the applicant is not the owner of the land on which the temporary home is to be located - the written consent of the owner.
- Details of the name of each person who is to occupy the temporary home.
- Details of the development approval for the permanent residence including the details of the registered builder or your Owner Builder No with the Queensland Building and Construction Commission.

### Financial Documents to accompany an application:

- An independent itemised valuation of the construction cost (of both the proposed temporary home and the permanent residence or permanent structure). This is to include an itemised valuation based on recognised current building industry rates, i.e. (a builder's contract or a statement by a quantity surveyor), covering all areas that are applicable to the construction of the temporary home and the permanent residence or permanent structure. Further this must include the outstanding cost of purchase of the land.
- Proof that the financial resources of the applicant are such that the applicant is capable of funding the construction of the temporary home and the permanent residence or permanent structure, (i.e. a statement from a financial institution).
- Verification that the cash flow of the applicant will be sufficient to fund the construction of each of the temporary home and the permanent residence (i.e. a statement from the applicant).
- A progress chart or similar timetable of construction and expenditure showing significant milestones during the process of construction of each of the temporary home and the permanent residence so as to enable the term of the proposed approval to be fixed by the local government.

### Additional criteria for the granting of an approval:

- The temporary home will not be occupied as a place of residence permanently or for an indefinite period.
- The applicant proposes, within the period for which the approval is granted:
  - to erect, or convert an existing structure into, a permanent residence; or
  - to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.

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- An adequate source of water will be available to the proposed temporary home.
- Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.
- The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.
- The Council may refuse an application for an approval on the ground that, the applicant has not made a genuine application for a development approval for:
  - the proposed erection of, or conversion of an existing structure into, a permanent residence; or
  - the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or
  - a development approval has been granted but is likely to expire before building work to be carried out under the approval has been completed.
- A Temporary Home approval cannot be renewed if it has lapsed or been withdrawn.

### Conditions that will ordinarily be imposed on an approval:

- The conditions of an approval may:
  - regulate the design, dimensions, construction, fire safety (smoke alarm) and external appearance;
  - require the provision of specified facilities for personal hygiene, sanitation, and laundry;
  - require the approval holder to provide adequate water supply;
  - regulate the disposal of waste water and refuse from the temporary home (Wheelie bin service will be required from the date of issue of the approval.);
  - require the approval holder to keep the temporary home in good order and repair;
  - require the approval holder to ensure that the temporary home is not unsightly or unhygienic;
  - restrict the number of persons who may occupy the temporary home;
  - require the approval holder to advise of any change of the name of the occupants;
  - require the approval holder to dismantle and remove the temporary home by a specified date.

### Scheduled Fees

(Current to 30/06/2022)

- Initial application (six months) - \$331
- First renewal (six months) - \$409
- Second renewal (six months) - \$485

### Disclaimer

The information contained in this handout has been prepared with due care. This handout is offered only for the purpose of providing useful information to assist those interested in lodging a temporary home application. Whilst every effort has been made to ensure that this handout is in accordance with current regulations, it is not intended as an exhaustive statement of all relevant data, and no responsibility is accepted for errors in, or omissions from this handout. Persons making decisions with financial or legal implications must not rely upon this handout for the purpose of determining whether any particular facts or circumstances exist and the Somerset Regional Council (and its officers and agents) expressly disclaim responsibility for any loss or damage suffered as a result of placing reliance upon this information.