



**Cassowary Coast Regional Council  
Local Law No. 5 (Temporary Homes) 2022**

# **Cassowary Coast Regional Council**

## **Local Law No. 5 (Temporary Homes) 2022**

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 5 (Temporary Homes) 2022*.

### 2 Purposes and how they are to be achieved

- (1) The purpose of this local law is to regulate the use of a **temporary home** that is not regulated under the planning scheme.
- (2) The purpose is to be achieved by making it an offence to use a **temporary home** without a **permit** and to provide for an application and **permit** process.

### 3 Relationship with other laws

This local law:

- (a) is to be read in conjunction with *Local Law No.1 (Administration) 2022* which contains provisions and definitions that apply to all local laws;
- (b) is otherwise in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (c) is made under Chapter 3 of the **LGA**.

## Part 2 Temporary homes establishment or occupation

### 4 Prescribed activity

- (1) Establishment or occupation of a **temporary home** is a **category 1 activity**.
- (2) To obtain a **permit** an application must be made to **Council** on:
  - (a) [Approved Form 1.7: Application Information \(\*What I want\*\)](#); and
  - (b) [Approved Form 5.4: Temporary Home](#).
- (3) **Permits** granted are not transferable.

### 5 Activities that do not require a permit

- (1) A **permit** under the authorising local law is not required for establishment or occupation of a **temporary home** for less than 10 weeks in any 52 week period for the purpose of renovating the existing dwelling if:-
  - (a) the **temporary home** is sited on **premises** occupied by the existing dwelling house;
  - (b) there is a current building approval for the renovation; and
  - (c) the location of the **temporary home** does not detract from the amenity of the area.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on the **premises** during occupation or left on the **premises** after departure.

(3) Subsection (1) only applies to the owner and immediate family of the owner.

## **6 Additional criteria for the granting of a Permit**

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:
  - (a) that:
    - (i) the **temporary home** is not intended to be used as a permanent or indefinite place of habitation; and
    - (ii) there is a current **development approval** to erect a dwelling on the **premises** which dwelling (or a part of which dwelling) will be used as a permanent or indefinite place of habitation.
  - (b) the **temporary home** has a sufficient source of potable water supply and sufficient means of disposal of effluent and refuse to ensure that minimum standards of health and hygiene for safe human habitation can be established and maintained the total time taken or proposed to be taken for the construction of the permanent dwelling;
  - (c) whether adequate screening of the **temporary home** will be provided to ensure reduced impact on visual amenity;
  - (d) whether a plumbing compliance permit has been obtained, to enable the fixtures to be installed and the liquid wastes to be removed;
  - (e) whether the proposed **temporary home** has, as a minimum, a toilet, shower, kitchen sink and hand basin and access to laundry facilities;
  - (f) whether the proposed dwelling will be suitable for temporary occupation;
  - (g) the application demonstrates an ability to meet the requirements for ventilation, ceiling and lighting as required by MP3.3 A3(b) of the Queensland Development Code;
  - (h) separation distances are compliant with the Queensland Development Code and the Planning Act; and
  - (i) dates by which the following constructions steps, where applicable, are to occur:
    - (i) footings;
    - (ii) slab;
    - (iii) frame;
    - (iv) final inspection.

## 7 Conditions that must be imposed on permits

The following types of conditions that must be imposed on a **permit**:

- (a) the **temporary home** is to be maintained in good order and not allowed to become unsightly or unhygienic;
- (b) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the **premises** including;
  - (i) footings;
  - (ii) slab;
  - (iii) frame; and
  - (iv) final inspection.
- (c) the date by which habitation of the **temporary home** must cease which must be the earlier of the 12 month term of the **permit** or the date on which the dwelling may be lawfully occupied;
- (d) ablution, toilet and laundry facilities which must be provided as part of the **temporary home**;
- (e) where necessary, adequate screening of the **temporary home** is planned to ensure reduced impact on visual amenity;
- (f) where the **temporary home** is in an area serviced by the **Council's** waste contractor, a **waste** service must be obtained;
- (g) the installation of a smoke alarm adjacent to the sleeping accommodation area shall be provided; and

## 8 Conditions that will ordinarily be imposed on permits

The following types of conditions that will ordinarily be imposed on a **permit**, where applicable, may state:

- (a) the construction materials and methods of construction of the **temporary home** or any part thereof; and
- (b) painting and other external treatment of the **temporary home** or any part thereof, either at the stage of construction or at any later time.

## CERTIFICATION

This and the preceding 3 pages bearing my initials is a certified copy of Cassowary Coast Regional Council *Local Law No. 5 (Temporary Homes) 2022* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 28 July 2022.

A handwritten signature in black ink, appearing to read 'Andrew Graffen', is positioned above the printed name.

Andrew Graffen  
Chief Executive Officer  
Cassowary Coast Regional Council