

## **Schedule 9      Establishment or occupation of a temporary home**

Section 11

### **1. Prescribed activity**

Establishment or occupation of a temporary home.

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

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

An application for an approval must be accompanied by –

- (a) the prescribed fee; and
- (b) a drawing showing the design and dimensions of the proposed temporary home; and
- (c) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (d) details of the location of the temporary home; and
- (e) details of the builder engaged or proposed to be engaged to undertake the construction works; and
- (f) a copy of the development approval for the permanent residence, together with the expected date of completion; and
- (g) the intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process; and
- (h) details of the names of persons who are to occupy the temporary home; and
- (i) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner; and
- (j) if the land upon which the temporary home is to be established is subject to Native Title, the written consent of the Native Title holder(s); and
- (k) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are –

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- (c) 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; and
- (d) 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 temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (g) that reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

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

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

- (a) compliance with the public liability insurance condition; and
- (b) not cease construction of the permanent residence for a period greater than three (3) calendar months; and
- (c) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
- (d) provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
- (e) keep the temporary home in good order and repair; and
- (f) ensure that the temporary home is not unsightly or unhygienic.

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

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

- (a) dismantle and remove the temporary home within one (1) month of

- occupation of the permanent residence or the expiry of the approval; and
- (b) connect all plumbing and drainage facilities to the temporary home as soon as practicable or within 3 months of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage regulations.

## **7. Term of approval**

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

- (a) the expiry date, not exceeding 18 months from the date of issue, stated in the approval; or
- (b) the date that the permanent residence or proposed permanent residence 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 term stated in the renewal but must not extend beyond the expected completion date of the permanent residence unless exceptional personal circumstances exist.