

**WARWICK SHIRE COUNCIL
LOCAL LAW POLICY NO. 13
(TEMPORARY HOMES)**

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This Local Law Policy is to be read with Local Law No. 13 (Temporary Homes) made by Council resolution on 27 May 1997.

Citation

1. This local law policy may be cited as Local Law Policy No. 13 (Temporary Homes).

Objects

2. The objects of this local law policy are to assist the detailed implementation of Local Law No. 13 (Temporary Homes).

Definitions

3. For the purposes of this local law policy, unless inconsistent with the context -

“the local law” means Warwick Shire Council Local Law No. 13 (Temporary Homes);

“waste area” means the same meaning as in the Environmental Protection (Interim Waste) Regulation 1996 and any regulation replacing that regulation;

“residential caretaker” means a person living in a temporary home on a site while caretaking, supervising or participating in the construction of their permanent dwelling at that site;

“site caretaker” means a person living in a temporary home on a site while caretaking new facilities or structures under construction at that site for the purposes of reducing theft, vandalism or damage to those facilities.

Application for permit (Local Law Section 6)

4.
 - (1) For the purposes of section 6(e) of the local law the following information and details shall be included when submitting an application for a permit -
 - (a) the purpose for which occupation is required;
 - (b) the number of occupants, adults and children, to be normally accommodated;

- (c) details of toilet, bathing, laundry, water storage, waste water disposal and refuse storage/disposal facilities;
- (d) where a temporary home is to be occupied by a residential caretaker, details of a current building approval for the construction of the permanent residence and evidence of a financial capacity and ability to construct the permanent residence;
- (e) where a temporary home is to be occupied by a site caretaker, demonstration of the need for a caretaker (this may include any previous history or theft or vandalism.

Grant of permit (Local Law Section 7)

- 5.
- (1) For the purposes of Section 7(2) of the local law a temporary home must comply with the following criteria -
 - (a) a temporary home must not adversely affect the health or safety of any occupants for the term of permit sought or issued;;
 - (b) the temporary home shall be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area;
 - (c) toilet facilities shall be provided by means of an approved connection to sewer, an approved septic tank installation, an approved chemical type toilet installation or other facilities approved by the local government.

Restriction on granting a permit

6. Except under exceptional circumstances a permit will not be granted for a temporary home on any land within a settled area.

Example: Exceptional circumstances may include an approval during the reconstruction of a dwelling damaged as a result of an act of nature - eg storm or fire damage.

Conditions of permit (Local Law Section 9)

- 7.
- (1) The following conditions will ordinarily be imposed on a permit applied for by a residential caretaker -
 - (a) the permit lapses if the building permit for the permanent dwelling lapses;

- (b) the owner shall progressively construct the dwelling at a rate that it can be reasonable expected to be completed within the period of the building permit and the term of the temporary home permit;
 - (c) the term of the permit initially not to exceed twelve (12) months, however a shorter term may be imposed in line with the assessment criteria specified in section 5(a) of this local law policy for the type of temporary home structure to be occupied. Extensions only to be issued where significant progress is made towards the construction of the permanent dwelling;
 - (d) the permit does not give authority for a garage, farm building or other non-habitable structure to be occupied;
 - (e) only the number of persons specified on the permit may permanently occupy the temporary home;
 - (f) the owner shall maintain a minimum capacity of 4,500 litres of potable water on site;
 - (g) toilet facilities shall be provided in accordance with section 5(1)(c) and be maintained in a clean condition and satisfactory operation during the occupation of the temporary home;
 - (h) the site to be kept in a clean and tidy condition at all times;
 - (i) screening as specified in section 5(1)(b) shall be maintained in a satisfactory condition during the occupation of the temporary home.
- (2) The following conditions may be imposed on a permit applied for by a site caretaker -
- (a) the permit lapses if the building permit for a building to be erected on the land lapses;
 - (b) the building shall be progressively constructed at a rate that can be reasonably expected to be completed within the period of the building permit and the term of the temporary home permit.
 - (c) the permit is granted for a period of twelve (12) months or lesser period stipulated on the application or permit and cannot be extended. A new application will need to be lodged if the temporary home is required after that period. In assessing the term of permit, the temporary home structure shall be considered in line with the assessment criteria specified in this local law policy;
 - (d) the permit does not give authority for a garage, farm building or other non-habitable structure to be occupied;
 - (e) only the number of persons specified on the permit may permanently occupy the temporary home;

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- (f) the owner shall maintain a minimum capacity of 4.500 litres of potable water on site;
 - (g) toilet facilities shall be provided in accordance with section 5(1)(c) and be maintained in a clean condition and satisfactory operation during the occupation of the temporary home;
 - (h) the site to be kept in a clean and tidy condition at all times;
 - (i) screening as specified in section 5(1)(b) shall be maintained in a satisfactory condition during the occupation of the temporary home.
- (3) Where a proposed temporary dwelling is - -
- (a) a van or other vehicle designed or modified as a place of residence, a permit may be granted for a term not exceeding 6 months;
 - (b) a bus designed or modified as a place of residence, a permit may be granted for a term not exceeding 12 months;
 - (c) a caravan or mobile home, a permit may be granted for a term not exceeding 12 months.
- (4) Where the site for a temporary dwelling is a waste area, the permit will ordinarily require the owner to provide a refuse collection service.
- (5) Where the site for a temporary dwelling is outside a waste area, the permit will ordinarily require that the owner make arrangements to the satisfaction of the local government for the storage and disposal of refuse.

Refusal of Permit

8. The local government may refuse to grant a permit for a bus designed or modified as a place of residence unless in the opinion of the local government the bus -
- (a) is of adequate size;
- has facilities suitable for the length of the permit the local government proposes to grant.