



**Cairns Regional Council
Local Law No. 5 (Temporary Homes) 2016**

Current as at 1 March 2016

Cairns Regional Council

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Temporary Homes) 2016*.

2 Purposes and how they are to be achieved

- (1) The purposes 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 approval process.

3 Relationship with other laws

This local law:

- (a) is to be read in conjunction with *Local Law No.1 (Administration) 2016* which contains provisions and definitions that apply to all local laws;
- (b) has appeals in relation to temporary homes dealt with under the planning act;
- (c) is otherwise in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (d) 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 prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2016* and this local law.
- (3) Permits granted are not transferable.

5 Activities that do not require a permit

Nil

6 Additional criteria for the granting of a permit

The following types of criteria that must be considered for the granting and renewal of a permit:

- (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 relevant land 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 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;
- (c) the total time taken or proposed to be taken for the construction of the permanent dwelling; and
- (d) for a renewal:
 - (i) whether there has been substantial progress towards the completion of the permanent dwelling; and
 - (ii) demonstrated compliance with the conditions of the approval.

7 Conditions that must be imposed on permits

The following types of conditions that must be imposed on permits state:

- (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 land;
- (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) the dimensions of the temporary home or any part thereof;
- (e) ablution, toilet and laundry facilities which must be provided as part of the temporary home;
- (f) the method by which water is to be supplied to the temporary home;
- (g) the date by which the temporary dwelling is to be removed or demolished; and
- (h) the method by which waste water and refuse are to be disposed of from the temporary home.

8 Conditions that will ordinarily be imposed on permits

The following types of conditions will ordinarily be imposed on a permit where applicable:

- (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 Cairns Regional Council *Local Law No. 5 (Temporary Homes) 2016* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

Peter Tabulo

Chief Executive Officer

Cairns Regional Council