

Background

We are proposing a new draft to replace Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2016 Schedule 7 Establishment or occupation of a temporary home. That the new local law be a trial for 5 years during this housing affordability crisis and reviewed at the end of the trial to develop a new permanent local law. While the proposed local law is not ideal, it is an attempt to offer something that Sunshine Coast Council will consider and open up a dialogue for change.

Establishment or occupation of a temporary home

1. Prescribed activity

Establishment and permanent occupation of a temporary home

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

- A. An approval under the authorising local law is not required for the establishment and permanent occupation of a temporary home –
 - i. The temporary home is sited on a property occupied by an existing dwelling house; and
 - ii. Only one (1) temporary dwelling may be placed on a property without permit for a maximum duration of three (3) months from the date of arrival or placement, and
 - iii. After three (3) months, the temporary dwelling must be removed, or the resident must obtain a permit for permanent living to continue residing in a temporary dwelling beyond the three-month period.
- B. However, subsection (1) applied only if –
 - i. No waste materials, including grey water and black water, are deposited on site during occupation or left on site after departure; and
 - ii. The temporary home is not a class 10A building under the Building Code of Australia.

3. The number of temporary dwellings allowed on a single property shall be determined based on the size of the land and shall follow the scale outlined below:

- A. Land size -
 - i. For land size up to 800 square metres: One (1) temporary home is permitted.
 - ii. For land size between 801 square metres and 20000 square metres: Two (2) temporary homes are permitted.
 - iii. For land size between 20001 square metres and 41000 square metres: Three (3) temporary homes are permitted.
 - iv. For land size between 41001 square metres and 81,000square metres: Four (4) temporary homes are permitted.
 - v. For land size above 81,000 square metres: Five (5) temporary homes are permitted.

- B. The size of the land shall be determined by a search from Titles Queensland.
- C. Sunshine Coast Council may review and amend the scale described in this clause as deemed necessary, subject to relevant legal procedures and community consultation.

4. Documents and material that must accompany applications for approval -

A. Land

- i. If the applicant is not the owner of the land on which the establishment and permanent occupation of a temporary home is or is to be located, consent is required from the owner; and
- ii. Address of the land; and
- iii. The size of the land; and
- iv. Number of temporary homes currently on the property.

B. Waste

- i. Adequate and continuous supply of water for all toilet, bathroom, kitchen, laundry and drinking water facilities; and
- ii. Secure waste storage facilities to prevent access by pests and animals, and constructed to prevent leakage, seepage, or spillage and designed to minimise and adverse impact on the environment and public health; and
- iii. Adequate facilities to accommodate all types of waste, including but not limited to general household waste, recyclables, greywater, blackwater and green waste; and
- iv. Adequate management of greywater in an environmentally responsible manner by implementing suitable treatment systems that meet relevant health and safety standards. Acceptable greywater treatment methods may include filtration, disinfection, and recycling for non-portable uses; and
- v. Adequate and self-contained and environmentally friendly toilet systems that meet the required standards for blackwater treatment and containment. Composting toilets, incinerating toilets, or other approved technologies may be used; and

C. Amenity

- i. The temporary home can be suitably screen by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
- ii. Adhere to noise regulations to prevent excessive noise and the appropriate use of outdoor lighting fixtures to minimise any potential nuisances on neighbours; and
- iii. Be kept free of pests and vermin and conditions offering harbourage for pests and vermin.

5. Conditions that must be imposed on approvals

- A. Proof that a photoelectric smoke alarm has been installed outside any sleeping areas in the temporary home; and
- B. The area around the temporary home is safe and easily accessible.

6. Conditions that will ordinarily be imposed on approvals

- A. The temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be –
 - i. Maintained in good working order and in a good state of repair; and
 - ii. Maintain in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture; and
 - iii. Provided with potable water for drinking purposes; and
 - iv. Provided with adequate shower, toilet and ablution facilities; and
 - v. Provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and

7. For an approval relating to a residential caretaker or site caretaker, additional conditions that will ordinarily be imposed include that –

- i. details of the current building approval for the construction of a permanent residence; and
- ii. in the case of the site caretaker, demonstration the need for a site caretaker; and
- iii. the ability to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval; and
- iv. the development approval for a permanent dwelling remains current; and
- v. the permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within the development approval and the term of the temporary home permit.

Example –

The applicant has a contract with a Registered Building and sufficient funds are available. However, this criterion may not be satisfied if –

- A genuine application has not been made for building approval of the proposed permanent residence; or
- The proposed erection of a permanent residence has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.

8. Approval and Issuance of Permits

- A. Sunshine Coast Council shall review permit applications in a timely manner and grant approvals based on compliance with this local law and all applicable regulations.
- B. Permits shall be issued to applicants who demonstrate adherence to the waste management requirements, greywater and blackwater management standards, and the allowable number of temporary dwellings based on the size of the land.

- C. The permit shall be non-transferable and will be issued only for the specified temporary dwelling and the land address mentioned in the application.
- D. A new permit will be required if the temporary dwelling is moved to another property.

Definitions

"Caravan" means a vehicle designed for human habitation that is capable of being towed and includes motorhomes and camper trailers.

"Tiny Home on Wheels" means a dwelling that is constructed on a trailer chassis and designed for permanent living with minimal square footage.

"Bus on Wheels" means a converted bus intended for human habitation.