

# Establishment and/ or Occupation of Temporary Homes

## Information for occupiers

There are a range of reasons why people want to live in a temporary home. To help understand what is required to lawfully occupy a temporary home this fact sheet has been developed to assist you.

Gympie Regional Council *Local Law No. 1 (Administration) 2011* ('the Local Law') provides that the "establishment or occupation of a temporary home" is a **Prescribed Activity**.

The intent of the Local Law is to provide an approval process for a temporary home to be established and occupied on a property during the construction of a permanent residence.

**Please be advised that council's local laws prohibits occupation and/or establishment of temporary home without an approval issued under *Local Law No. 1 (Administration)*.**

### Temporary home that does not require an approval

An exemption for an approval exists for the use of a caravan as a temporary home on an urban property for a period of up to two (2) weeks in any eight (8) week period.

The exemption may allow the property owner to have visitors stay at their property or allow an absentee owner to attend their property for maintenance purposes. In these circumstances, the temporary home occupiers must have access to facilities (water supply, toilet, bathing and waste and wastewater disposal) to prevent public health risks, nuisance, and environmental impacts.



### What is prohibited

Unapproved occupation of a temporary home – a tent, a car, a caravan, a motor home or similar (e.g., tiny home not on wheels or on wheels fixed to the ground) in any other circumstances on private or council controlled property.

Class 10a buildings, for example a private garage, carport, shed, or similar (e.g., unapproved shipping container) are defined as non-habitable buildings as per the Building Code of Australia (BCA) and are not permitted to be used for residential purposes without approval from the Local Government (refer Section 119 of the *Building Act 1975*).

For enquiries regarding the use of Class 10a buildings as temporary homes please contact council's Building Section on 1300 307 800.

## Submitting a temporary home application

To submit a temporary home application you will need to:

- Hold a current development / building permit for the erection of a new permanent residence or conversion of an existing building or structure into a permanent residence at the nominated property.
- Complete an *Application for Approval of a Prescribed Activity – Establishment or Occupation of Temporary Home*.
- Pay the application fee as noted on the application form.

Applications can be made either in person at 29 Channon Street, Gympie (8:30am – 4:30pm) or via email to [council@gympie.qld.gov.au](mailto:council@gympie.qld.gov.au). Invoices are issued to applicants upon receipt of the application and payment can be made on-line at [payments.gympie.qld.gov.au](http://payments.gympie.qld.gov.au)

## Approvals

Approvals are subject to the following conditions:

- The approval holder must comply with any applicable standards for the approved activities outlined in the Gympie Regional Council's *Standards for the Conduct of Prescribed Activities*; and
- Not cease construction of the permanent residence on the property for a period greater than three (3) calendar months; and
- Ensure the provision of the basic amenities required for living, such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, wastewater disposal, refuse disposal, safe and adequate water supply; and
- Keep the temporary home in good order and repair; and
- Ensure the temporary home is not unsightly or unhygienic.

## What happens when a complaint is received by council?

When a complaint is received by council regarding alleged unlawful establishment and/or occupation of a temporary home, an Environmental Health Officer will contact the property owner/occupier when a complaint has been received, discuss the circumstances of the allegation and endeavour to resolve the matter without enforcement action.

For further information regarding the enforcement action process refer to the Establishment or Occupation of Temporary Homes – Complaint Guide.

## Additional information

- Gympie Regional Council *Local Law No. 1 (Administration) 2011* ('the Local Law') provides that the "establishment or occupation of a temporary home" is a prescribed activity ([Local Laws – Gympie Regional Council](#)).
- Gympie Regional Council Subordinate *Local Law No. 1 (Administration) 2011* ([Local Laws – Gympie Regional Council](#))
- Gympie Regional Council's *Standards for the Conduct of Prescribed Activities* ([Local Laws – Gympie Regional Council](#))
- [Establishment and/or Occupation of Temporary Homes – Compliant Guide](#) (HEF357)

## Lodging a complaint with council

*By phone:*

1300 307 800

*By email:*

[council@gympie.qld.gov.au](mailto:council@gympie.qld.gov.au)

*In person:*

at one of council's customer contact points

