

Temporary Occupation



1 JULY 2019

REGIONAL COUNCIL

Temporary Occupation of a Building

Section 119 of the *Building Act 1975* prohibits the use of a Class 10 building (shed, container or other similar structure) for residential purposes unless the use is approved by the Local Government. The Council will stipulate the terms and conditions if an approval is given.

As a guide, approval to live in a building (use a building for residential purposes) is usually only granted under the following circumstances:

1. Where the applicant is a 'residential caretaker' who is supervising or participating in the construction of their own home while living in the Class 10a building; or
2. Where the applicant is a 'site caretaker' who is caretaking facilities from theft, vandalism or damage to those facilities for a builder constructing a dwelling on the land. (e.g. the registered builder or contractor building dwelling for the owner).

2019/2020 FEES AND CHARGES

Application Fee: \$520

Approval - if granted - will be for a period of six (6) Months maximum

If the dwelling is nearing completion and will not be finalised within the six (6) month temporary occupation permit, a written application for an extension may be made to Council with the appropriate fee before the temporary permit is due to expire.

This application will need to demonstrate substantial progress including photographic evidence and an estimated timeframe for completion. Extension applications are not always successful, and action would then be taken to enforce legislative requirements when the temporary permit expires if occupation of the Class 10 structure continues.

Council's preferred method of lodgement is via email to:

mailbox@lvrc.qld.gov.au

Please supply email addresses for applicant/owner or builder where possible.

REQUIREMENTS

You must apply to Council for a permit by supplying the following information and paying the application fee:

1. DA Form 2 - Building Work Details - this form is available at the Council Office or online at Department of Housing and Public Works
2. Supporting Information Form (Attached)
3. Details of an approved current building approval for a permanent dwelling on the allotment
4. Details of the building application for the structure or building approval for the structure (if no approval has been given for the building, a building application would need to be lodged and the current application fee would apply in addition to the temporary occupation fee)
5. Evidence of a moisture barrier underneath the footings and slab
6. Details on method of termite protection
7. A floor plan is to be provided showing the location of any toilet, shower, kitchen, laundry and hard-wired smoke alarm/s
8. If the building is existing, a copy of the original approved building plans and final inspection certificate for the building (and plumbing if applicable)
9. A site plan showing the proposed location of building or structure proposed to be used for residential purposes, water storage, waste water disposal facilities, fall of the land in approx. degrees and any other structures on the property
10. Written consent of the owner of the property (if the applicant is not the property owner)
11. In the case of site caretakers, evidence of the need for site security
12. The number of occupants, including adults and children, to be accommodated
13. Wet area certification for wet areas
14. Glazing certificates for windows, doors, shower screens
15. Details of vermin proofing, lining to walls and ceiling and insulation to walls to living portion of the building
16. Details of bathing, laundry, cooking, sink, water storage, waste water disposal and service as follows:
 - proposed toilet facilities (e.g. septic; chemical)
 - proposed kitchen facilities and waste water disposal
 - proposed laundry facilities and waste water disposal
 - proposed bath/washing facilities and waste water disposal
 - supply of potable water – source of water or volume of storage and connection to facilities
17. Period of time that the building is to be occupied
18. In some cases, a Plumbing/Drainage application may also be required which will involve extra fees
19. In some cases, a bushfire assessment may also be required which will involve extra fees

IMPORTANT NOTES

Please note that penalties may apply if the proper approvals are not in place prior to occupying Class 10a buildings.

Council has specific requirements for the use of some structures and may require further approvals to be obtained.

Your application may be referred to the Health and Plumbing Inspectors for comment.

Your building must also have a building approval

Further Information

For Water and Sewer Connections
Contact Qld Urban Utilities
13 26 57

For Driveway Access or work on the
Footpath
Contact Infrastructure Section
1300 005 872

For Plumbing & Drainage Applications
Contact Plumbing Section
1300 005 872

For a Planning Application
Contact Planning Section
1300 005 872

GUIDE CONDITIONS LIKELY TO BE IMPOSED

1. A Building Permit, Plumbing and Drainage Permit and in some cases a Planning approval will be required before any works are carried out. Refer to shed information pack.
2. The owner shall progressively construct the dwelling at a rate to ensure that the permanent dwelling is completed within the period of six (6) months.
3. The term of this approval shall not exceed that stated in the approval. Extensions will only be granted where significant progress is made towards the completion of the permanent dwelling.
4. The number of persons permitted to occupy the class 10a building is the maximum stated in the permit.
5. The owner may be required to maintain a minimum capacity of 10000 litres of potable water on site or an approved connection to the Council water supply.
6. The owner shall obtain a waste collection service in areas where this service is available or dispose of waste regularly at an approved waste disposal facility in other areas.
7. The site is to be kept neat and tidy at all times.
8. The class 10a building must be screened so as not to adversely affect the amenity of the area.
9. All sewage generated on site shall be disposed of in accordance with the Queensland Plumbing and Wastewater Code. Council must approve any system prior to installation.

Temporary Occupation of a Building other than A Class 1, 2, 3 or 4 (e.g. Shed) for Residential Purposes

Applicant Details

Title	<input type="text"/>	Surname	<input type="text"/>	Given Names	<input type="text"/>
Company Name	<input type="text"/>				
Postal Address	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>		
		Postcode	<input type="text"/>		