

1 July 2018

TEMPORARY OCCUPATION OF A BUILDING FOR RESIDENTIAL PURPOSES

(e.g. class 10a shed)

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).

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.

2018/2019 Fees and Charges

Application Fee: **\$500**

Temporary Occupation of a Building Requirements

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

-  DA Form 2 - Building Work Details - this form is available at the Council Office or online at Department of Housing and Public Works
-  Supporting Information Form (Attached)
-  Details of an approved current building approval for a permanent dwelling on the allotment
-  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)
-  Evidence of a moisture barrier underneath the footings and slab
-  Details on method of termite protection
-  A floor plan is to be provided showing the location of any toilet, shower, kitchen, laundry and hard-wired smoke alarm/s
-  If the building is existing, a copy of the original approved building plans and final inspection certificate for the building (and plumbing if applicable)
-  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
-  Written consent of the owner of the property (if the applicant is not the property owner)
-  In the case of site caretakers, evidence of the need for site security

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 Queensland
Urban Utilities
13 26 57

**For Driveway Access and Works
on the Footpath**
Contact Infrastructure Section
1300 005 872

**For Plumbing & Drainage
Applications**
Contact Plumbing Section
1300 005 872

**In case you require a Planning
Application**
Contact Planning Section
1300 005 872

Requirements continued



The number of occupants, including adults and children, to be accommodated



Wet area certification for wet areas



Glazing certificates for windows, doors, shower screens



Details of vermin proofing, lining to walls and ceiling and insulation to walls to living portion of the building



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



Period of time that the building is to be occupied



In some cases, a Plumbing/Drainage application may also be required which will involve extra fees



In some cases a bushfire assessment may also be required which will involve extra fees

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"/>
Home Phone	<input type="text"/>	Work Phone	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Email Address	<input type="text"/>		

Property Description

Lot Number	<input type="text"/>	Plan Reference Number (RP, SP)	<input type="text"/>
Building Permit Reference Number if applicable	<input type="text"/>		
Site Address	<input type="text"/>		

Purpose of Temporary Occupation

<input type="text"/>
<input type="text"/>

How many people are to be accommodated?	Adults	<input type="text"/>	Children	<input type="text"/>
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Please provide details of the following facilities (attach plans/design)

Toilet	<input type="text"/>
Bathing	<input type="text"/>
Vanity Basin	<input type="text"/>
Kitchen Sink	<input type="text"/>
Laundry	<input type="text"/>
Wastewater Disposal	<input type="text"/>

What amount of potable water storage do you propose to have available on site?	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

Privacy Statement

These details will only be used for the purpose for which they have been collected and will not be used for any other purpose. We will not disclose the information you provide outside of Council unless we are required by law or you have given your consent. To the fullest extent allowed by law Council, its officers and employees will not be liable for any claims in respect of any loss arising out of, or in connection with, the use of any of the supplied information.