

**WEIPA TOWN AREA**  
**LOCAL LAW NO. 10 (TEMPORARY HOMES)**

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**PART 1<sup>3</sup>/<sub>4</sub> PRELIMINARY**

**Citation**

1. This local law may be cited as Local Law No. 10 (Temporary Homes).

**Objects**

2. The objects of this local law are to—
  - (a) impose appropriate conditions and safeguards under which temporary structures may be occupied as places of residence; and
  - (b) protect the amenity of the area from adverse effects caused by the occupation of temporary structures as places of residence.

**Definitions**

3. In this local law—

"**authorised person**" means a person authorised by the local government to exercise the powers of an authorised person under this local law.

"**building approval**" means approval under the *Building Act 1975*.

"**camping ground**" means a place approved by the local government for use as a camping ground.

"**establish**" a temporary home includes to erect, construct, install, position or place.

- "**owner**" of a temporary home includes—

- (a) an occupier of the temporary home; and
- (b) if a permit has been granted under this local law for the establishment and occupation of the temporary home—the holder of the permit.

**"residence"** means human habitation on a short-term or long-term basis.

**"temporary home"** means a structure used, or intended for use, as a place of residence but does not include a residential structure for the erection of which building approval has been given, or is required.

*Examples—*

- a caravan;
- a car, bus, van or other vehicle used, or intended for use, as a place of residence;
- a tent;
- a prefabricated structure used, or intended for use, as a place of residence;
- a structure designed to be readily assembled and disassembled and used, or intended for use, as a place of residence.

**Exemption for camping grounds**

4. This local law does not apply to the establishment, or the occupation, of a temporary home—

- (a) on a camping ground; or
- (b) in a part of the area excluded by local law policy from the operation of this local law.

**PART 2<sup>3</sup>/<sub>4</sub> CONTROL OF TEMPORARY HOMES****Requirement to hold permit**

**5. (1)** A person must not establish a temporary home intending it to be used as a place of residence unless a permit authorising the establishment and occupation of the temporary home in the relevant location is in force under this local law.

Maximum penalty—200 penalty units.

**(2)** A person must not occupy a temporary home as a place of residence unless the occupation of the temporary home in the relevant location is authorised by a permit in force under this local law.

Maximum penalty—200 penalty units.

**Application for permit**

**6.** An application for a permit under this local law must include or be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed temporary home; and
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (c) details of the location of the temporary home; and
- (d) if the applicant is not the owner of the land on which the temporary home is located—the written consent of the owner; and
- (e) other information and materials required under local law policies.

**Grant of permit**

**7. (1)** The local government may grant a permit under this local law if satisfied that—

- (a) the temporary home is not to be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant proposes, within the period for which the permit is granted, to erect a permanent residence; and
- (c) an adequate source of water will be available to the proposed temporary home; and
- (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (e) the temporary home will comply with criteria specified by local law policy.

**(2)** A local law policy may specify criteria with which a temporary home must comply.

**(3)** Without limiting the grounds on which the local government may refuse an application for a permit, the local government may refuse an application on the ground that—

- (a) the applicant has not made a genuine application for building approval of a proposed permanent residence; or
- (b) 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.

### **Term of permit**

**8. (1)** A permit is granted for a term of up to 18 months specified in the permit.

**(2)** A permit cannot be renewed but the local government may extend the term to coincide with the expected completion date of a permanent residence that is, when the application for extension is made, under construction and likely to be finished within a reasonable time.

**(3)** A permit comes to an end when—

- (a) the term of the permit ends; or
- (b) the proposed permanent residence becomes fit for occupation as a place of residence;

(whichever happens first).

### **Conditions of permit**

**9. (1)** A permit may be granted on conditions the local government considers appropriate.

**(2)** The conditions of a permit may, for example—

- (a) regulate the design, dimensions, construction, and external appearance of the temporary home;
- (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes;
- (c) require the holder of the permit to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water;
- (d) regulate the disposal of waste water and refuse from the temporary home;
- (e) require the holder of the permit to dismantle and remove the temporary home by a specified date.

**(3)** The local government may, by local law policy, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit.

**Obligation to comply with conditions**

**10.** The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty—100 penalty units.

**PART 3<sup>3/4</sup> MAINTENANCE OF TEMPORARY HOMES****Duty to keep temporary home in good order and repair**

**11. (1)** The owner of a temporary home must keep the temporary home in good order and repair.

Maximum penalty—50 penalty units.

**(2)** The owner of a temporary home must ensure that the home is not unsightly or unhygienic.

Maximum penalty—50 penalty units.

**PART 4<sup>3/4</sup> ENFORCEMENT****Inspection**

**12.** If an authorised person believes on reasonable grounds that the owner of a temporary home is not complying with this local law or a condition of a permit, the authorised person may, enter<sup>1</sup> and inspect the temporary home to find out whether the requirements of this local law or the conditions of the permit are being complied with.

**Compliance notices**

**13. (1)** If the owner of a temporary home contravenes a provision of this local law, or a condition of a permit, an authorised person may give the owner a written notice (a "compliance notice") requiring the owner to take specified action, within the time specified in the notice, to remedy the contravention.

(2) The owner of a temporary home to whom a compliance notice is given must comply with the notice.

Maximum penalty—50 penalty units.

(3) However, the owner need not comply with the notice if the temporary home is dismantled and removed within the time allowed for compliance with the notice.

### **Notice to remove**

#### **14. (1) If—**

- (a) a compliance notice is not complied with within the time allowed for compliance in the notice; or
- (b) there is no permit in force for the occupation of a temporary home;

an authorised person may, by written notice given to the owner of the temporary home (a "removal notice"), require the owner to remove the temporary home within the time allowed in the notice.

(2) The owner of a temporary home to whom a removal notice is given must comply with the notice.

Maximum penalty—200 penalty units.

(3) However, if within the time allowed for compliance with a removal notice the owner of the temporary home obtains a permit for the temporary home, or takes other action required to remedy a contravention of this local law, the owner need not comply with the removal notice.

### **Local government's power to have work carried out**

15. If the owner of a temporary home fails to have work required by a compliance notice or a removal notice carried out, the local government may itself have the work carried out.<sup>2</sup>

### **Recovery of costs**

**16. (1)** The owner of a temporary home is liable to the local government for the cost of work carried out by the local government under this Part.

**(2)** The local government must give the owner an account for the amount for which the owner is liable under subsection (1).

**(3)** If the amount is not paid on or before a date for payment fixed in the account, the local government may recover the amount from the owner as a debt.

## **PART 5<sup>3/4</sup> LOCAL LAW POLICIES**

### **Local law policies**

**17.** The local government may make local law policies for the purposes of this local law.

<sup>1</sup>. See Chapter 11, Part 5 of the Local Government Act 1993.

<sup>2</sup>. See section 661 of the Local Government Act 1993.