

## POLICY MANUAL

<b>Title:</b>	<b>Relocated Second Hand Buildings</b>
<b>Previous No:</b>	
<b>File No:</b>	
<b>Statutory Environment:</b>	<b>Town Planning Scheme No. 3 Building Act 2011</b>
<b>Minute No:</b>	
<b>Last Updated:</b>	<b>21 March 2013</b>
<b>Review Date:</b>	<b>June 2013</b>

### Objective:

The primary objectives of this policy are to:

1. To ensure compliance with the relevant provisions of Council's Town Planning Scheme in a manner which is realistic and which ensures that the relocation of second-hand buildings is undertaken to an ***approved acceptable standard*** which pays regard to local amenity and aesthetics;
2. To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes; and
3. To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings in particular and the locality in general.

### Policy:

#### 1. PRELIMINARY

##### 1.1 Authority to Prepare and Adopt a Planning Policy

The Shire of Brookton, as enabled under Clause 8.7 of its Town Planning Scheme No.3, hereby makes this Town Planning Scheme Policy regarding Relocated Second-hand Buildings throughout the Shire of Brookton. This policy will be incorporated into future schemes when Town Planning Scheme No.3, or greater, is revoked.

This policy supersedes Town Planning Scheme Policy No.1 – Second Hand Dwellings/Buildings, which is hereby revoked.

##### 1.2 Relationship of a Town Planning Scheme Policy to the Scheme

Any Town Planning Scheme Policy prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A Town Planning Scheme Policy is not part of the Scheme and shall not bind Council

in any respect of any application for Planning Approval but Council shall take into account the provisions of the Policy and the objectives that the Policy is designed to achieve.

## **2. APPLICATION OF THE POLICY**

This policy applies to all proposals for the relocation of second-hand buildings on land situated within the Shire of Brookton.

This policy does not apply to new pre-fabricated buildings or other new transportable buildings that have not been previously installed on any other location.

The placement of relocated second hand buildings shall not be permitted on the following lots within the Brookton Townsite, or any subdivisions thereof: Lots 100 – 106, Brookton Highway.

## **3. REQUIREMENT FOR PLANNING APPROVAL**

### **3.1 Determination**

Applications for the relocation of second-hand buildings on property within the Shire of Brookton require Council Planning Approval prior to a Building Permit being issued and relocation taking place. All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

In determining the application, Council may:

- Approve the application; or
- Approve the application with conditions; or
- Refuse the application.

Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued or the approval is extinguished.

### **3.2 Information to be supplied with Application**

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration by Council:

- Signed and completed Application for Planning Approval Form;
- Signed and completed Application for Inspection and Report Form;
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice); and
- Certification from a registered pest control company that the building is free from termites.

### **3.3 Need for a Building Permit**

Notwithstanding that Council may grant Planning Approval, a Building Permit is required to be sought and issued prior to relocation commencing.

### **3.4 Advertising**

Council will require any application for a relocated second-hand building to be advertised in accordance with Clause 7.2 of its Town Planning Scheme where surrounding properties and/or residences may be affected by the relocation of the building taking place.

### **3.5 Building Inspection**

Council's Building Surveyor will be required to inspect the building prior to its relocation in order to ascertain its suitability for relocation. The inspection will be reported on by completion of the Relocated Second-Hand Building Inspection Report by the Building Surveyor.

## **4. GENERAL PROVISIONS**

### **4.1 Minimum Dwelling Standard**

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia.

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

### **4.2 Non-Residential Building Standard**

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

### **4.3 Asbestos**

Second-hand dwellings must have all asbestos materials removed prior to relocation taking place. Council will require documentation proving cement sheeting is asbestos free where the age of the building indicates asbestos may have been utilised in

construction.

#### **4.4 Amenity**

When giving consideration to an application for planning approval, Council shall give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Brookton Townsite, Council will not approve the relocation of non-brick buildings where the predominant building type in the locality in which it is proposed to be located is either brick and tile and / or brick and iron

Council will not grant planning approval for relocating any building if it is considered by Council to be in conflict with the age and design of buildings in the immediate vicinity of the proposed new location.

#### **4.5 Earthquakes**

The Shire Area is within the Zone 2 Seismic Zone. Consequently, all relocated structures must meet the appropriate standard of construction required by the Building Code of Australia.

#### **4.6 Works to be carried out**

Council will place any conditions on its planning approval it deems appropriate to ensure the relocated second-hand dwelling meets the objectives of this policy and preserves the amenity of the locality. These conditions will include:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings;
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings;
- The planting and ongoing maintenance of suitable landscaping to ensure the relocated building looks established on the new location;
- The connection to reticulated water (or appropriate potable water supply where reticulation is not provided), and an appropriate effluent disposal system;
- All plumbing and electrical wiring to meet the current BCA requirements and Australian Standards; and
- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

### **5. BOND**

#### **5.1 Payment**

As a condition of planning approval for a relocated second-hand building, a \$5,000 bond is to be lodged with the Shire. Bank or other guarantees are not acceptable. This money will be refunded where the following requirements have been satisfied:

- The relocated second-hand building is transported to the site and stumped, joined, all walls external and internal made good, all doors and windows in

working order and all external surfaces repainted to the satisfaction of Council's Building Surveyor, and the building complies with the relevant provisions of the Building Codes of Australia;

- All drains and plumbing are completed and the site cleared of debris including any broken wall cladding;
- Landscaping being planted to Council's satisfaction; and
- Any other conditions on the planning approval having been addressed.

## **5.2 Return of Bond**

The time for completion of all work is six (6) months from the relocation of the building. The external paintwork or appearance of the building in addition to the necessary works required to make the building habitable are to be completed to the satisfaction of the Shire Planner and Building Surveyor prior to occupation of the building if this occurs within the six (6) month period.

## **5.3 Forfeiture of Bond**

Failure to comply with all or any conditions placed by Council on the planning approval will result in forfeiture of the bond in total or in part and removal of the building unless otherwise determined by Council.

## **5.4 Bond Agreement**

By payment of the bond to Council, the applicant has confirmed that they agree to the conditions of return of the bond and accept Council's reservation to withhold return payment of the bond until it is satisfied that all conditions of planning approval have been fully met.

## **6. APPLICATION AND INSPECTION FEES**

The following fees are payable at the time of application:

- Planning Application Fee – in accordance with Council's current Town Planning Fees Policy.
- Building Inspection Fee (prior to relocation) – in accordance with the current Schedule of Fees and Charges.
- Building Permit Fee in accordance with current Building fees and charges, including BCITF Levy (if payable).