
LOCAL PLANNING POLICIES

Relocated Second Hand Dwellings



Policy Number:	P8
Relevant Delegation:	Not Applicable
Adoption Details:	19 November 2012
Last Review Details:	26 October 2023

Shire of York Local Planning Scheme No. 3

1. PRELIMINARY:

1.1. AUTHORITY TO PREPARE AND ADOPT A LOCAL PLANNING POLICY

Part 4, Section 32 of the Shire of York Local Planning Scheme No. 3 (the Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire of York.

1.2. RELATIONSHIP OF THIS POLICY TO THE SCHEME

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Policy is not part of the Scheme and does not bind Council in respect of any application for planning Consent. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

In addition to the provisions of this policy, Council will have due regard to the Scheme relating to transportable dwellings. Under this Clause, Council will not grant planning consent for transportable dwelling if the land is within a Heritage Precinct.

1.3. RELATIONSHIP OF THIS POLICY TO THE RESIDENTIAL DESIGN CODES

This Policy is to be read in conjunction with the Residential Design Codes where it relates to the use of Second-Hand Dwellings on properties zoned 'Residential' or otherwise provided with a density code by the Scheme.

2. APPLICATION OF THE POLICY:

2.1. APPLICATION AND EXEMPTIONS

The purpose of this Local Planning Policy is to control the development and use of relocated second-hand dwellings within the Shire of York.

This policy does not apply to:

- Newly constructed purpose built transportable dwellings;
 - Other new transportable dwellings that have not been previously installed on any other location;
 - Relocated buildings for non-habitable uses;
 - Sea and shipping containers (refer to separate Policy); and
 - Caravans and park homes (whether previously used as permanent accommodation or not).
-

Council will not support the relocation or use of buildings referred to as ‘dongas’ or ‘park homes’ for use as permanent residential dwellings.

2.2. DEFINITION OF RELOCATED SECOND-HAND DWELLINGS

For the purposes of this Policy, a relocated second-hand dwelling is defined as any building, either designed to be transportable or not, that has been previously installed at any other location either within or outside of the Shire of York and is either designed or will be equipped for habitation.

3. POLICY OBJECTIVES

The primary objectives of this policy are to:

- Provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used as a dwelling or for other habitable purposes;
- Ensure compliance with the relevant provisions of Council’s Local Planning Scheme No. 3 in a manner that is realistic and that ensures that the relocation of second-hand dwellings is undertaken to an approved standard that pays regard to local amenity and aesthetics; and
- Ensure the style, construction and design of relocated dwellings is in keeping with the character of the surrounding dwellings in particular and the locality in general.

4. APPROVAL REQUIREMENTS

4.1. REQUIREMENT FOR COUNCIL PLANNING CONSENT PRIOR TO RELOCATION

All proposals for the use of relocated second-hand dwellings require planning consent from the Shire of York **prior to relocation of the building onto the proposed site.**

Application is to be made on Council’s standard application form together with the following information:

- a site plan showing the proposed location of the building on the property;
- plans and details of the building;
- photographs of the building showing the external appearance; and details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc.
- Council’s standard Planning Application fee is payable in accordance with the current Shire of York Adopted Fees and Charges.

4.2. ENGINEERING ASSESSMENT

Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection is required to be lodged with the application for Planning Consent. The building is also to be certified in accordance with Australian Standard 1170.4 – Structural Design Actions – Earthquake Actions in Australia by a suitably qualified Structural Engineer.

4.3. NEED FOR A BUILDING PERMIT

Notwithstanding that Planning Consent may be granted by Council, a

Building Permit is required to be sought and issued prior to relocation commencing. The building will be classed as a new building and will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Standard Building Permit fees and levies are payable in accordance with the current Shire of York Adopted Fees and Charges.

4.4. APPROVAL TO TRANSPORT

Prior approval of Council's Engineering Services to transport relocated second-hand dwellings along local roads is required. Such approval shall be granted subject to any conditions Council's Manager of Works and Projects considers appropriate. This approval is in addition to any required Main Roads permits.

5. DEVELOPMENT GUIDELINES

5.1. MINIMUM DWELLING STANDARD

The following minimum dwelling standard applies:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge, meals and kitchen area (may be open plan); and
- A separate bathroom and laundry.

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 and the Building Regulations 2012.

5.2. ASBESTOS

Relocated second-hand dwellings that contain asbestos materials are to comply with the following:

- The dwelling and its transport and reinstallation is to comply with section 7A of the *Health (Asbestos) Regulations 1992* at all times; and
- The engineering assessment required by section 4.2 of this Policy to include assessment of the asbestos materials as being suitable for relocation in a safe manner.

5.3. AMENITY

When giving consideration to an application for Planning Consent, Council shall give consideration to:

- The dwelling in its relocated position being rendered visually acceptable by the use of verandahs, screening and / or landscaping; and
- The design, scale and bulk of the proposed dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.

Council will not grant Planning Consent for relocating any dwellings if it is considered to be in conflict with the age and design of dwellings in the immediate vicinity of the proposed new location.

5.4. APPEARANCE OF THE DWELLING

Council will place any conditions on the Planning Consent it deems appropriate to ensure the relocated second-hand dwelling meets the objectives of this policy in relation to the external appearance of the dwelling.

Council may require external repainting and/or re-cladding of the dwelling.

Where the dwelling does not currently have verandahs, Council will require an appropriate verandah to be constructed as a condition of Planning Consent.

Where the roof pitch of the dwelling is not consistent with surrounding dwellings, Council will require alterations to ensure the dwelling does not detract from the amenity of the locality.

5.5. LANDSCAPING

To ensure the relocated second-hand dwelling is established as quickly as possible in its new location, landscaping of the area between the street and building will be required as a condition of Planning Consent. This landscaping is to be planted and maintained to the satisfaction of Council.

5.6. PLUMBING AND ELECTRICAL WIRING

All plumbing and electrical wiring is to meet the current Building Code of Australia and relevant Australian Standards requirements.

5.7. OTHER REQUIREMENTS

All relevant requirements of Council's Local Planning Scheme No. 3

Residential Design Codes, and Council Policies are applicable to the development of relocated second-hand dwellings.

6. BOND

6.1. PAYMENT

In accordance with Schedule 4, Section 19, as a condition of Planning Consent for a relocated second-hand dwelling, a \$30,000 bond per individual building is to be lodged with the Shire of York **prior to issue of a Building Permit and relocation of the building taking place**. Bank or other guarantees are not acceptable.

Additionally, a signed statutory declaration outlining a bond agreement is to be entered into by the owner(s) prior to issue of a building permit. The agreement is to outline a staged repayment of the performance bond, as follows:

Stage 1 – 25% of bond returned

- Dwelling correctly positioned on site, as per approved site plan in accordance with the planning approval and building permit.
- Dwelling is correctly stumped and site filled, drained and graded satisfactorily, such as it is structurally adequate in accordance with the engineer's certification.
- Dwelling is to lock-up stage (all external windows, doors, fittings and fixtures installed and/or repaired).

Stage 2 – Further 25% of bond returned

-
- All gutters, fascia and downpipe work completed.
 - All roof end/roofing work is completed (flashings on ridge and gable ends installed).
 - All external surfaces to be painted to a tradesman like standard in accordance with the planning and building approvals (including wall, doors, window surrounds, sills, etc).

Stage 3 - Final 50% of bond returned

- Compliance with all conditions of planning approval.
- Approved effluent disposal system installed. System has been inspected by Council's Environmental Health Officer and a permit to use has been issued.
- Completion and certification of all electrical work.
- Completion and certification of all plumbing work.
- All wet area tiling completed in accordance with the Building Code of Australia.
- Kitchen fit-out completed (cupboards, benches, stove/hotplate installed).
- Building has reached practical completion stage.

Note: The agreement is to clearly state that should Stage 1 and Stage 2 completion not be reached within 90 days of the building's placement on site or Stage 3 completion not reached within 12 months of issue of a building permit, then the bond monies are to be forfeited to the Shire of York and the building removed from the site.

6.2. TIME LIMIT OF WORKS

The time for completion of all work is twelve (12) months from the relocation of the dwelling or prior to occupation, whichever comes first. Should Council not be satisfied with works undertaken to date at the time of expiry of the time limit, Council will take measures to ensure the works are completed as soon as is practicable. These measures may include the use of the bond to complete outstanding works.

6.3. FORFEITURE OF BOND

Notwithstanding Schedule 4, Section 19 of the Scheme, failure to comply with all conditions placed by Council on the planning consent will result in forfeiture of the bond and removal of the building unless otherwise determined by Council.

7. PENALTIES:

Not applicable.

8. KEY TERMS/DEFINITIONS:

Not applicable.

Responsible Officer:	Executive Manager Infrastructure & Development Services
Contact Officer:	Planner
Relevant Legislation:	Not applicable
Review History:	

Date Review Adopted:	Resolution Number
Reviewed – 19 November 2012	041112
Reviewed – 26 October 2023	021023
Former Policy No:	7
