

POLICY NUMBER	- 6.2
POLICY SUBJECT	- 6.2 Second-hand Moveable Buildings Local Planning Policy
DATE ADOPTED	- 20 October 2020 (CMRef 0292)
RESPONSIBLE OFFICER	- Executive & Governance Officer
REVIEWED	- 20 June 2023 (CMRef 0795)

Objective

The objectives of this Policy are to:

1. maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire;
2. ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality;
3. ensure that the moveable buildings established within the Shire do not use materials considered by Council to be unacceptable (i.e. asbestos);
4. avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas; and
5. prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.

Definitions

A **PERMANENT** building is generally not designed to be moved and includes the following:

1. **'Site Built'** structures are built on location as new permanent structures. They are of traditional appearance with pitched or skillion roofs and a typical house layout, designed to accommodate families.
2. **'Relocated'** dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A **MOVEABLE** building is generally any structure capable of being transported from one location to another. There are two basic types as follows:

1. **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
2. **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as ATCO, Western Portables units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

Policy

This policy does not refer to new transportable dwellings and will only apply to second-hand buildings. Generally Council is not in favour of the use of secondhand buildings, especially in the townsite areas, however Council will consider each application on its merits.

The Council shall not permit the establishment, occupation, or erection of ***donga type*** structures for residential purposes within a Townsite boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

The Council will only permit ***donga type*** structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

The Council will only permit ***site built*** and ***relocated*** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

Application Requirements

An application for building approval for a secondhand dwelling shall only be considered by Council if it is to be erected on a “residential”, “rural residential” or “rural” zoned lot considered acceptable by Council.

The building must be recently (within the last 6 months) certified by a structural engineer and to comply with Building Codes of Australia (BCA) requirements, photographs with date stamps to be provided in its current condition, no less than 3 months old.

All applications to develop a transportable or relocated dwelling within the Shire of Dowerin shall include the following information:

1. An Application for Development Approval and the payment of the required planning fees;
2. Details of where the transported or relocated dwelling is to be removed from;
3. Detailed plans of the subject building and a comprehensive site plan indicating the proposed location of the building;
4. Recent photographs not less than 3 months old of every external elevation of the proposed dwelling which shall clearly indicate the building’s current design and condition;
5. Certification from a practicing Structural Engineer stating that the structure is safe and suitable for relocation, appropriate for the condition of the Shire of Dowerin and is structurally sound;
6. Detailed specifications on the works to be undertaken to the building to render it compliant with the Building Code of Australia;
7. Specification on the works to be undertaken to the building including any modifications and additions to the dwelling and the materials and colours to be used;
8. Details of how it is proposed to transport and re-erect the building; and
9. A detailed timeframe for the relocation of the proposed dwelling and any proposed works.

Minimum Design Requirements

The approval of transported or relocated dwellings will only be considered if the following design standards can be achieved:

1. The dwelling has a minimum floor area of not less than 100m²; in some cases if this is an ancillary dwelling permissible under SPP 3.1 limits ancillary dwellings to a maximum floor area of 70m².
2. The roof pitch shall be compatible with streetscape.’

3. The exterior cladding and roof materials shall be in good condition and the proposal includes improvement works to the exterior of the building, including repainting, re-cladding as necessary and architectural detailing, such that the proposed dwelling will be sympathetic to the local environment; and
4. The external finishes, bulk, scale, and design of the house are such that it will not have a detrimental impact upon the amenity of the area or landscape into which it is being relocated.
5. The relocatable dwelling is not to have material containing asbestos.

Where any material containing asbestos remains in or on the dwelling, including cement asbestos roofing or cladding, roof insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Shire.

A transported or relocated dwelling will only be approved if certification is received from a practicing Structural Engineer that states the dwelling is structurally sound, is suitable for transport and is appropriate for the conditions of the Shire. This inspection shall occur at the proponent's expense.

Approvals and Bonds

As part of the Development Approval of a transported or relocated dwelling, the Council may impose conditions that require any works considered necessary to improve the appearance of the structure, including the addition of verandahs, painting, landscaping, and the cover of stump areas etc.

The approval of a transportable or relocated dwelling will require the lodgement of a cash bond to the value of \$15,000 prior to the issue of a building permit. This bond will be used to remove the dwelling in the event that the owner and/or builder default on the conditions of this policy, the Development Approval or any conditions of the Building Permit as well as providing the surety for the completion of the moveable building to a standard acceptable to the Council.

A signed statutory declaration outlining a bonding 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 One (Return of 25% of Bond)

1. Dwelling correctly positioned on site, as per approved site plan (setback correct etc.) in accordance with the Development Approval;
2. Dwelling is correctly stumped, and site filled, drained, and graded satisfactorily, such as it is structurally adequate in accordance with the Engineer's certification; and
3. Dwelling is to lock-up stage (all external windows, doors and fittings/fixtures installed/repaired).

Stage Two (Return of second 25% of Bond)

1. All gutters, fascia and downpipe work completed;
2. All roof end/roofing work is completed (flashings on ridge and gable ends installed); and
3. All external surfaces to be painted to a tradesman like standard in accordance with the Development & Building Approvals (including wall, doors, window surrounds, sills etc.).

Stage Three (Return of remaining 50% on Bond)

1. Compliance with all conditions of Development Approval;
2. Approved effluent disposal system installed. System has been inspected by the Shire's Environmental Health Officer and a permit to use has been issued;
3. Completion and certification of all electrical work;
4. Completion and certification of all plumbing work;
5. All wet area tiling completed in accordance with the Building Code of Australia;
6. Kitchen fit-out completed (cupboards/benches & stove/hotplate installed etc.); and
7. Building has reached practical completion stage.

Note: The agreement is to clearly state that should Stage One and Two completion not be reached within 120 days of the building's placement on site or Stage Three completion not reached within 12 months of the issue of a building license, then the bond monies are to be forfeited to the Shire of Dowerin and the building removed from the site.

Amendment & Other Legislation

The provisions of this policy shall not excuse compliance with any other legislation, policy or requirement that may apply to the proposed development.

The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical, or such variation is warranted in the circumstances of the case.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is responsible for implementing this policy

Staff

Staff have the responsibility of being aware of the policy and adhering to it in respect of all activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Related Delegation

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Next Review Due	This policy will be reviewed annually or more often where circumstances require.