



TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO.5

LOCAL PLANNING POLICY NO.1 - RELOCATED SECOND-HAND DWELLINGS

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Clause 5.1 of Town of Port Hedland Town Planning Scheme No.5 (the Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of the Scheme.

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 approval. 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 clause 6.11 of the Scheme relating to transportable structures and buildings.

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 Town of Port Hedland.

This policy does not apply to new pre-fabricated dwellings or other new transportable dwellings that have not been previously installed on any other location. This policy does not apply to the use of transportable buildings for non-habitable uses in zones other than the Residential and Rural Residential Zone, where this Policy will apply.

This policy does not apply to the use of sea containers, as this matter is dealt with by Council's Sea Container Policy.

This policy does not apply to mobile homes and moveable dwellings as defined by the Scheme, such as caravans and park homes. These will be assessed under the Scheme and Caravan Parks and Camping Grounds Act requirements. Moveable dwellings are not permitted in most residential areas in the Town of Port Hedland.

2.2 Definition of relocated second-hand dwelling

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 Town of Port Hedland and is either designed or will be equipped for habitation.

3. POLICY OBJECTIVES

The primary objectives of this policy are to:

1. 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;
2. Ensure compliance with the relevant provisions of Council's Town Planning Scheme No.5 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
3. 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 Approval prior to relocation

All proposals for the use of relocated second-hand dwellings require Council Planning Approval in accordance with Part IV of the Scheme **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 Development Application fee is payable in accordance with the current Town of Port Hedland 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 Approval. The building is also to be certified as being suitable for use in Severe Cyclonic Region D, Terrain Category 2.

Where the building is a purpose-built transportable building, sufficient documentation that the building meets engineering requirements for Severe Cyclonic Region D, Terrain Category 2 will suffice.

4.3 Need for a Building Licence

Notwithstanding that Planning Approval may be granted by Council, a **Building Licence 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 Licence fees and levies are payable in accordance with the current Town of Port Hedland 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 Engineering Services 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.

5.2 Energy Efficiency Requirements

As a relocated second-hand dwelling is considered a new building under the Building Code of Australia, it is required to meet the energy efficiency requirements for Climate Zone 1 contained in Part 3.12 of the Building Code of Australia. Assessment for compliance with Part 3.12 will occur at the Building Licence stage. However, a condition requiring compliance will be included in any Planning Approval.

5.3 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.

5.4 Cyclones

The Town of Port Hedland is located in Severe Cyclonic Region D, Terrain Category 2 as identified in Australian Standard AS1170.2-2002. All relocated

second-hand dwellings must comply with engineering requirements for this region and category.

5.5 Amenity

When giving consideration to an application for Planning Approval, 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 Approval 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.

5.6 Appearance of the Dwelling

Council will place any conditions on the Planning Approval 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 Approval.

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.

5.7 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 Approval. This landscaping is to be planted and maintained to the satisfaction of Council.

5.8 Plumbing and Electrical Wiring

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

5.9 Securing of Buildings During Cyclone Season

Any relocated second-hand dwellings are to be tied down at all times during Cyclone Season (1 November – 30 April inclusive) to the satisfaction of Council's Building Services.

5.10 Other requirements

All relevant requirements of Council's Town Planning Scheme No.5, Residential Design Codes, Council Policies and Local Laws are applicable to the development of relocated second-hand dwellings.

6. BOND

6.1 Payment

As a condition of Planning Approval for a relocated second-hand dwelling, a \$5,000 bond per individual building is to be lodged with the Town of Port Hedland **prior to issue of a Building Licence and relocation of the building taking place**. Bank or other guarantees are not acceptable. The bond will be held in trust by the Town until the following requirements are satisfied:

1. The relocated second-hand dwelling is transported to the site and stumped, joined, all external and internal walls made good, all doors and windows in working order and all external surfaces repainted and/or re-clad to the satisfaction of Council's Manager Building Services and Town Planner;
2. All required alterations to roof pitch and construction of verandahs have been completed to the satisfaction of Council's Manager Building Services and Town Planner;
3. All plumbing and electrical work has been completed to the satisfaction of Council's Manager Building Services; and
4. All other conditions on the planning approval have been appropriately addressed to the satisfaction of Council and/or its officers acting under Delegated Authority.

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 clause 6.2, 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.

6.4 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 the Planning Approval have been met fully.