

### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. OBJECTIVE

- 3.1 To ensure that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.
- 3.2 To address the issue of exposure risks from asbestos cement cladding.

### 4. POLICY STATEMENT

#### 4.1 Definition

A 'relocated building' is considered to be a dwelling or outbuilding that has previously been constructed on a different lot and has the ability to be dismantled in whole or in part for the purpose of being transported and sited on another property. A purpose designed, new transportable home is not considered a relocated dwelling for the purposes of this policy however Shire staff retain the right to request an application should it be considered appropriate.

## 4.2 General Requirements

- a. The use of second hand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a second hand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.
- b. Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.
- c. The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.

## 4.3 Application Requirements

An application for a relocated building shall include:

- a. Completed *Form of Application for Planning Approval* signed by the owner(s) of the property upon which the building will be located.
- b. Plans that have been drawn to scale and include at a minimum:
  - i. A site plan;
  - ii. Floor plan and elevations for the relocated building. These plans need to demonstrate any proposed works/upgrades that are required to be undertaken to the building (i.e. new cladding, additional verandahs etc.);
  - iii. A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;
  - iv. A detailed report on the structural integrity of the relocated building prepared by a qualified Building Surveyor or a certified structural engineer; &
  - v. A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required. This needs to include a clear timeframe over which it is proposed that the above works will be carried out.
- c. Planning Application fee based on the cost of the building plus any transportation, installation and upgrade costs. This is calculated per Item 1 of the Shire's current Planning Services Fees.

## 4.4 Post Application

Should a planning application be granted planning consent by the Shire the following conditions shall be imposed and required to be undertaken by the applicant prior to the lodgement of the necessary building licence:

- a. A bond, of at least 5% of the estimated value of an equivalent new building, to a maximum of \$5,000 and minimum of \$1000.
- b. A statutory declaration, signed by the applicant(s) and appropriately witnessed, indicating that the bond will be forfeited to Council if:
  - i. The works described in the application are not carried out within the timeframe indicated;
  - ii. Within 12 months of the date of the agreement, the development does not reach a point where externally it appears complete; and
  - iii. Any notice duly served upon the builder is not promptly complied with.
- c. Bond moneys will only be refunded (if not forfeited) after works required to prevent forfeiture have been carried out to the satisfaction of the Shire's Building Surveyor and/or Planning Officer.

#### **4.5 Delegation**

Should the application be considered to meet the requirements of this Policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the Policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination.

### **5. REFERENCES AND ADOPTION**

Shire of Chapman Valley Local Planning Scheme No.2  
*Planning & Development Act 2005*

*Adopted at the 19 February 2014 Ordinary Meeting of Council*