



Policy

36 LOCAL POLICY FOR THE RELOCATION OF PREVIOUSLY USED RESIDENCES

Version 02

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Strategic Outcome: Good government

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Responsible Officer: Development Manager

1. POLICY STATEMENT

This policy is to ensure the following:

- A consistent style of dwelling within an area.
- Some certainty to owners of existing properties that there is a minimum acceptable standard of dwelling development within an established streetscape.
- To prevent low cost; poor quality and inappropriate development.
- That genuine developers have the opportunity to undertake alternative residential construction in appropriate locations by re-using existing resources.
- That such projects are completed in an appropriate period of time with minimal impact on adjoining residents.
- To minimize potential exposure to previously used building products now banned from sale or use in residential construction (such as asbestos cement or lead paint) in the interests of environmental health.
- The protection of public interest.

2. PURPOSE

The purpose of this policy is to ensure that previously used residences should only be relocated to areas where upon completion they will be compatible with surrounding structures and be of a satisfactory quality, design, size and appearance which will positively contribute to the built environment of the proposed locality.



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3. SCOPE

This policy applies to the RU5 - Village Zones of Barooga, Berrigan, Finley and Tocumwal; and

to the R5 Large Lot Residential Zones throughout the Shire of Berrigan, under the provisions of Berrigan Local Environmental Plan 2013.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 1.1.1.3

In accordance with relevant legislation, codes and policies – process and approve / refuse development applications.

5. DEFINITIONS

Previously used residence– These are dwellings which have at some time been occupied. They may have been constructed as transportable buildings or conventionally constructed on a site with piers and platform floor.

Relocation - The physical moving of a residence from one site to another for the purposes of being used as a dwelling house.

6. POLICY IMPLEMENTATION

6.1 Application

Previously used residences must be compatible with the existing surroundings upon completion.

All residences must make a positive contribution to the built environment.

Previously used residences will generally only be considered appropriate as infill development in older established areas, not in newly established subdivisions or housing estates.

Where the proposed (previously used) residence is located on a site outside the Shire, the applicant must provide the Council with clear and current photographs of the structure and a written report from a suitably qualified and experienced building professional to state that the building is structurally sound and suitable for transportation by a competent person.

Any building which was constructed elsewhere more than five years previously will be carefully scrutinized by the Council and applicants will need to provide a compelling submission to support the proposal to relocate. Such buildings may not



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satisfy the present construction standards required by the Building Code of Australia (for water proofing; glazing; framing, etc); but must satisfy the performance requirements of the Code.

Any building constructed before 1987 may potentially contain asbestos building products. Work Health & Safety Regulations now prohibit the use of asbestos and lead based paint in residential construction work. The relocation of a previously used residence is considered to be construction work and may therefore require the safe treatment or removal of such products.

Developers will need to satisfy the Council that the project will be completed within an acceptable period of time. This will vary depending upon the age, style and location of the building and may involve the payment of a ten thousand dollar (\$10,000) refundable cash bond or provision of a bank guarantee prior to commencement of any work. In any event, the Council will require the structure to have the external appearance of a new dwelling within three months of its relocation to any site.

6.2 Concessions

It is expected that all development should positively contribute to the public domain. Buildings should be attractive when viewed from public places.

In developing policies, the Council hopes to provide guidance to potential developers and the general community as well as to development assessment staff.

The Council may choose to vary this plan at any time without further community consultation upon assessment of an individual development application. All proposals will be given a merit based assessment by authorised staff and proposals which fail to satisfy the requirements of this policy will be referred to the Council for final determination.

Applicants must satisfy the Council that there will be a positive community benefit gained from varying this plan.

Examples of this may include:

Dwellings which were constructed more than five years previously, that are to be relocated and modified by substantial additions or by cosmetic modernization such as brick veneering, replacement of windows, re-pitching and replacement of roofing.

A concession for relocation of a manufactured home from an approved caravan park or manufactured home estate onto a single residential allotment as a separate dwelling, granny flat, or accommodation for an additional member of the family



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A concession may also be granted by the Council on the grounds of genuine financial hardship, where alternative accommodation is unattainable and the proposal will be an improvement to existing circumstances. This may be seen to be in the public interest where it will result in an improvement to the neighbourhood.

6.3 Community Consultation

The relocation of previously used dwellings into residential areas of the Village zone can often be quite a sensitive matter to the existing residents. It is important for the Council to ensure that an informed assessment of the merits of each proposal is made in the public interest. In order to achieve this, every application for relocation of a used residence, which was constructed more than five years previously and is proposed within the Village zone, will be publicly advertised and adjoining landowners invited to make comment.

6.4 Council Requirements for submitting an Application

All development proposals for relocation of previously used residences are required to obtain development consent from the Council in accordance with the provisions of the *NSW Environmental Planning & Assessment Act 1979*.

If development consent is granted to the applicant, it will then be necessary to obtain a construction certificate and to appoint a Principle Certifying Authority, prior to the commencement of any work.

Failure to do so is an offence under the Act, for which substantial penalties apply.

6.5 Additional Requirements

Additional information to be submitted with application:

- Plans
- Photographs
- Professional building condition report
- Approximate age or year of original construction (Where a building is less than 5 years old a copy of the previous construction approval documents or occupation certificate must be provided).
- Detailed specification of materials used in construction (including linings and cladding materials)
- Details of any proposed modifications
- Expected time table for completion of specified work
- Written submission in support of the proposal
- Council requirements for submitting a development application are specified on the back of the development application form.



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7 RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*
- *Berrigan Shire Council Local Environmental Plan 2013*
- *Work Health and Safety Act 2011*

7.2 Council policies

- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Development Control Plan 2014