

LOCAL PLANNING POLICY

LPP3: SMALL HOMES, TRANSPORTABLE, REPURPOSED & SECOND- HAND DWELLINGS

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.4941
<i>Resolution Date</i>	24/01/2024
<i>Next Scheduled Review</i>	2026
<i>Related Shire Documents</i>	Local Planning Scheme No. 6
<i>Related Legislation</i>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 7.3 - Residential Design Codes

OBJECTIVES

- Ensure that no development adversely impacts upon the amenity of the area or upon vistas from public roads;
- Limit the impact of this type of development by specifying general guidelines for small homes, transportable, repurposed and second hand dwellings; and
- To promote high quality, diverse, affordable, sustainable housing within the Shire of Northam.

SCOPE

DEFINITIONS

The terms in this policy have the same meaning as the Local Planning Scheme No. 6 (LPS6), Residential Design Codes (R-Codes) and Caravan Parks and Camping Grounds Act 1995.

The following additional terms are defined for the purpose of this policy:

“**Donga**” means a transportable building typically utilised as workers’ accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

“**Small home**” is an umbrella term in the context of this LPP which encompasses ‘Tiny Homes’ and other habitable structures that are smaller than typical residential dwellings, and may be pre-fabricated for placement on-site but does not include a caravan, park home, sea container, yurt or donga.

POLICY

1. General

- 1.1 All dwellings with a floor area of 100m² or less require development approval irrespective of whether they are new or second-hand, transportable, or built on site.
- 1.2 All repurposed and second-hand dwellings require development approval as per the Zoning Table in the Scheme.
- 1.3 Repurposed dwellings constructed using second-hand dongas or sea containers will not be supported in the “Residential” zone or within a heritage precinct.
- 1.4 Dwellings will be considered as defined by LPS6 and/or the R-Codes as a single house, single bedroom dwelling, ancillary dwelling or grouped dwellings depending on the circumstances on which it is being constructed, including tourist accommodation.

2. Small Homes and Transportable Dwellings

- 2.1 All small homes and transportable dwellings:
 - (a) shall be designed to reflect the existing character of development surrounding the subject site;
 - (b) shall be located at the front of a site and are to address the primary street in a traditional manner. This includes a dwelling entry and a major opening to at least one (1) habitable room (living area and/or bedroom);
 - (c) shall have a roof form that complements the surrounding area and a minimum roof pitch of 15 degrees if the majority of the surrounding dwellings are of similar design;
 - (d) shall have a primary living space with a minimum area of 3.8m x 3.8m) and a bedroom with a minimum area of 2.7m x 2.7m;
 - (e) shall contain a kitchen, bathroom and laundry;

- (f) shall have cladding of materials to the satisfaction of the Shire. Finishes such as brick veneer, hardiplank sheets, spray render and factory painted steel are acceptable materials. Other finishes will require consideration by the Shire.
- (g) where deemed necessary by the Shire, verandah(s), carports and/or painting/recladding shall be undertaken to enhance the dwelling;
- (h) where deemed necessary by the Shire, landscaping shall be undertaken around the dwelling.

3. Repurposed or Second-Hand Dwellings

- 3.1 Application for development approval shall be accompanied by plans, photographs of each elevation and a report of the condition of the dwelling to be relocated or repurposed.

4. Preservation of Amenity

- 4.1 The Shire may refuse to approve the transportation of a repurposed or second-hand dwelling if, in its opinion, the proposed building would have an adverse effect on the amenity of the locality. The Shire shall have regard to, but not limited to, the following:
 - (a) The external appearance of the repurposed or second-hand dwelling and any associated structures and landscaping;
 - (b) Whether the structure is a donga;
 - (c) The design of all elevations of the repurposed or second-hand dwelling where applicable, particularly those visible from a public road;
 - (d) The dimensions and proportions of the repurposed or second-hand dwelling;
 - (e) The use of compatible building and landscape materials, taking into consideration tone, texture, scale, shape and colour;
 - (f) The effect on existing buildings on nearby properties and on the occupants of those buildings;
 - (g) The environment resulting from the repurposed or second-hand dwelling itself and the effect of that environment, on the occupants of the building and the Shire's intentions for the development of the surrounding locality;
 - (h) The effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings and pedestrian links;
 - (i) The effect on the landscape and environment generally; and
 - (j) Any other matter which, in the opinion of the Shire, is relevant to the amenity of the locality.

5. Removal of Asbestos

- 5.1 Removal of asbestos materials from any dwelling(s) is to be carried out in compliance with the Health (Asbestos) Regulations 1992, by a licensed contractor and at the expense of the applicant/landowner.
- 5.2 Should the dwelling require transport from a location outside of the Shire boundaries, all asbestos materials are to be removed from the dwelling prior to transportation.
- 5.3 Should the dwelling require transport from a location within the Shire, every reasonable effort must be made to remove the asbestos materials from the dwelling prior to transport. If the removal of asbestos materials prior to transport is not possible, permission from the Shire must be obtained prior to transport of the dwelling.
- 5.4 All asbestos materials disposed within the Shire shall be at a Shire authorised disposal facility and at the cost of the applicant.

6. Legal Agreement requiring the payment of bonds

- 6.1 For repurposed or second-hand relocated dwellings in the "Residential", "Rural Residential", "Rural Smallholdings" and "Development" zones, a legal agreement, at the cost of the applicant, is required to be entered into to ensure that there is a bank guarantee for the full amount of the bond (amount specified in the Shire's adopted Fees and Charges).
- 6.2 Upon completion of specified stages, the bond will be progressively released as follows:

(a) Stage 1:

Release 25% if, within 6 months of the date of the development approval being granted:

- (a) The dwelling is correctly positioned on site as depicted on the approved plan;
- (b) The dwelling is correctly stumped or suitably affixed to the ground and the site is filled and/or drained satisfactorily, such that it is structurally adequate in accordance with the engineer's certification; and
- (c) The dwelling is up to lock up stage (all external windows, doors and fittings/fixtures installed/repaired).

(b) Stage 2:

Release 25% if, within 8 months of the date of development approval being granted:

- (a) All gutters, fascia and downpipe work is completed to the satisfaction of the Shire;

- (b) All roof end/roofing work is completed (flashings on ridge and gable ends installed); and
- (c) All external surfaces are painted or reclad to a tradesman like standard in accordance with the painting and building approvals (including wall, doors, windows surrounds, sills etc.).

(c) Stage 3:

Release 40% if, within 10 months of the development approval being granted:

- (a) Compliance with all development conditions;
- (b) An approved effluent disposal system has been installed and the system has been inspected by the Shire's Environmental Health Officer and a permit to use has been issued;
- (d) Completion and certification of all electrical work;
- (e) Completion and certification of all plumbing work;
- (f) All wet area tiling completed in accordance with the Building Code of Australia;
- (g) Kitchen fit-out completed (cupboards/benches and stove/hotplate installed etc); and
- (h) Building has reached practical completion stage, including construction of any verandahs.

(d) Stage 4:

Release 10% if, within 12 months of the development approval being granted:

- (a) Landscaping is planted and established to the Shire's satisfaction.
- (b) Landscaping has measures in place to ensure its maintenance to the Shire's satisfaction.

Note: Landscaping may not be required if the second hand relocated dwelling is located in the "Rural Smallholdings" or "Rural" zones. Land size and prevailing landuse will govern whether the landscaping component is applicable and is at the discretion of the Shire. Should landscaping be determined to be irrelevant in the circumstances, the 10% applicable to Stage 4 will be refunded at the completion of Stage 3.

7. Time Limit of Works and Forfeiture of Bond

- 7.1 The time for completion of all work is twelve (12) months from the commencement of works or prior to occupation, whichever comes first. Should the Shire not be satisfied with works undertaken to date at the time of expiry of the time limit, the Shire 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.

7.2 Failure to comply with the conditions imposed by the Shire on the development approval will result in forfeiture of the bond (full or part) and removal of the building unless otherwise determined by the Shire. The Legal Agreement in relation to the Bond is required to contain a clause relating to forfeiture of the bond to the Shire for failing to comply with conditions imposed.

8. Subdivision of Land

8.1 The subdivision of land in association with the development of a small home may be conditionally supported provided development approval has been granted and the minimum site area is met.