SCHEDULE OF SUBMISSIONS

Proposed Local Planning Policy 49: Ancillary Dwellings

Submission No.	Name of Submitter	Submission	Planning Services Comment
1		We agree with the proposal and look forward to helping out in the rental crisis and stopping urban sprawl. We love that we can keep the natural bushland around us rather than moving towards new subdivisions. Thank you for your vision and swift on this matter.	Noted, with thanks.
2		I, Forma Thempson support the new Ancillary Dwelling Policy and also would like to comment on the quick turnaround in which this policy was created.	Noted, with thanks.
3		This is a retrograde step which will affect existing residents without achieving the specified outcome. Most people live here on a larger block for privacy and space from neighbours. I myself live at principle beach on. 3000 sq mt block. We could now find our outlook from the rear of our block could be a park home or transportable shell in the rear of someone else's block taking away privacy or having to clear existing trees and vegetation. In most cases the ancillary accommodation will be a holiday accommodation thus not providing any real extra rentals. I would also like to know how the shire will police the requirement to have the owner present at the main residence. This will be a major change to our lifestyle here.	Ancillary dwellings can currently be developed with only existing development controls applying (eg. boundary setbacks).
			The Policy proposes new safeguards to preserve amenity and to restrict the use of ancillary dwellings as short stay accommodation.
			The Scheme provides an instrument for compliance enforcement.
4		Fully support this proposal.	Noted, with thanks.
5		The draft policy raises the question will the property, the original one and the single holiday accommadation be rated as "single holiday accommadation" at the higher rate? How will this be monitored in light of the large number of unregistered single holiday accommadation homes already existing?	Use for short stay accommodation will result in the property being classified as 'holiday purposes' for the purpose of rating.
		How does this policy with such small footprint provide housing for families that need rental accomadation? Who are going to be the primary benefactors of this policy? I suggest that it is not renters (families or those on low income) but home owners, looking for a financial return.	Concerns about unregistered holiday homes should be reported to the Shire to allow for follow up to occur. Compliance occurs in

		Why is the shire not looking into changing the zoning of 1 acre lots in the town area ie ocean beach, to allow them to be subdivided into smaller lots thus providing	accordance with the Local Planning Scheme.
	available more land for housing?	Ancillary dwellings typically provide housing for singles and couples, the effect of which may free up other housing better suited for larger families.	
			Benefit to landowners (by way of financial return) provides a higher probability of the development of ancillary dwellings, providing additional housing stock.
			The Shire has identified and zoned land surrounding the Denmark town area for future residential housing – it is at the prerogative of landowners to take up these opportunities.
6		I support the proposed Draft Ancillary Dwelling Policy for the following reasons: it will ease the current residential housing crisis in Denmark, it will provide increased value for existing home owners who wish to develop, it will fulfil State Planning Strategies related to sustainable development/infill targets. I would support the removal of use for short term holiday accommodation from this policy.	Noted, with thanks.
7		This is an innovative project and I fully support this proposal.	Noted, with thanks.
8		Relating to point 5.2.2: It is unreasonable limitation on rural properties with secondary residences to disallow an ancillary dwelling on a secondary residence. It is easy to foresee circumstances where ancillary dwellings on two residences on a rural property would be beneficial, such as multiple ageing parents or grown children remaining on the property and rural properties of a size sufficient to allow two residences should also be able to contain two ancillary dwellings.	The opportunity to have two or more completely separate dwellings on rural lots is considered to sufficiently provide for large families and farm staff, while seeking to limit the loss of agricultural land for residential purposes. This opportunity is also generous compared to other like local governments.

9		I would like to voice my disapproval of this policy. The reason being that it will open the door for short stay accomodation. The shire will not be able to police that the residents are present in the main dwelling so it just won't work. I live, with my family in the state and we don't want it to become an empty air bnb community. We have other 'holiday homes in the estate and they are frequently used by the owners friends as a holiday house. The people that own these houses aren't part of the community and often let there properties run down causing an eyesore and de valuing the area, not to mention that most people who stay there short term just add disruption and noise.	The Local Planning Scheme does not permit Holiday Accommodation within Springdale Beach, so the Shire cannot approve short term accommodation in ancillary dwellings in this location. The Scheme provides an instrument for compliance enforcement. Ancillary dwellings can currently be developed with only existing development controls applying (eg. boundary setbacks). The Policy proposes new safeguards to preserve amenity and to restrict the use of ancillary dwellings as short stay accommodation.
10	Elaine Winter	The proposed 'regulations' for auxiliary dwellings are completely unenforceable. A dwelling may be proposed as an additional dwelling for family members and then rented out as an Air B&B without any consultation. There are already many holiday homes on so called 'Special Residential' estates. How would the Council be able to stop owners renting further accommodation as the property becomes a business? The 2000 sq meter block size is far too small, residential areas should be kept residential. It would be better to allow larger sites such as wineries to have a certain amount of auxiliary dwellings as accommodation for transient and summer workers, this would help alleviate the shortage of housing, especially when workers are needed for grape picking and other seasonal work. As to boundary requirements, these are already not being adhered to as the property owner need only to apply to the council for an exemption which, it seems, is readily granted.	The Local Planning Scheme does not permit Holiday Accommodation within Springdale Beach and most other Special Residential Areas, so the Shire cannot approve short term accommodation in ancillary dwellings in these location. The Scheme provides an instrument for compliance enforcement. The Scheme provides Rural zoned lots with an opportunity for additional dwellings in certain circumstances. The Policy identifies that proposed ancillary dwellings should be "Consistent with all other relevant provisions of the zone, including boundary setbacks". Exemptions from development standards must be applied for and are assessed careful on a case-by-case basis.

will not "preserve the amenity of residential and foster the development of 'self-contained dwelf rental accommodation (i.e. Air B&B's). An inverse policy to develop a 'Grouped Dwelling' proposes some home ownership but in reality see the indevellings for the purpose of commercial gain (accommodation, rents have skyrocketed). However, is habitation of one building under the current state one building is for one family to live and family members. But in reality the investor couland rent both buildings through a rental agency themselves as landlord. Encouraging multi-use dwellings on lot sizes go encourage proposals to maximise the use of the more encroachments onto easements adjoining evident in the proposal for development at 14 not being adhered to. Having moved to an est minimum size of house and no ancillary dwelling specifications. Semi-rural estates like Springday.	Encouraging multi-use dwellings on lot sizes greater than 2000 sq metres will	The Local Planning Scheme does not permit Holiday Accommodation within Springdale Beach, so the Shire cannot approve short term accommodation in ancillary dwellings in these location. The Scheme provides an instrument for compliance enforcement. The Policy proposes new safeguards to preserve amenity and to restrict the use of ancillary dwellings as short stay accommodation. The Policy supports the
	encourage proposals to maximise the use of the land for ancillary buildings meaning more encroachments onto easements adjoining the multi-use site. Already this is evident in the proposal for development at 14 Hibbertia Way with planned setbacks not being adhered to. Having moved to an estate designated semi-rural with minimum size of house and no ancillary dwellings (except garage/sheds) specified, the planned development of Ancillary Dwellings will severely compromise these specifications. Semi-rural estates like Springdale will under this policy turn into places	development of ancillary dwellings as residential rental properties, and this is considered a key benefit in light of recent shortages of rental housing and housing diversity generally.
	of holiday accommodation with fewer residents living on site (i.e. less of a community).	Modifications to proposed plans for 14 Hibbertia Way have adhered to lot boundary setbacks.
12	Thank you for the opportunity to comment on the above draft policy.	The Policy must be read alongside
	This is a very important policy for the council as it will have a long term effect on the residential form and amenity of the whole shire, especially if there is significant uptake of the opportunity for residents to build an ancillary dwelling on their property.	the relevant provisions of the Scheme, which is the mechanism that requires a landowner to apply to the Shire if wanting to use an
	There is no doubt that there can be considerable benefits in the successful implementation of the policy. In particular:	ancillary dwelling as short stay accommodation (under the 'Holiday
	 In providing additional opportunities for long term affordable rentals which are currently lacking in Denmark, and 	Accommodation' use class). The role of the Policy is to provide
	Potentially allowing additional generations of the same family to stay on the same property.	guidance for the exercise of discretion where such an application

Poorly implemented and there will be a proliferation of short term holiday rental in Denmark with little benefit to the community as a whole.

The current draft of the policy does not give any guidance as to how council will manage the mix of long term rental versus short term holiday rentals.

With respect to section 5.3 – Short Stay Accommodation:

The approval of the use of an "Ancillary Dwelling" for short stay accommodation only where the landowner lives on site is strongly supported.

Conversely the way Section 5.3.2 currently reads is unclear and as such gives no satisfaction that there will not be a proliferation of additional unhosted commercial holiday homes on properties with existing unhosted commercial holiday homes. This would be completely contrary to the concerns of residents living near existing unhosted commercial holiday homes.

Specific comments on Section 5.3.2 include:

- The advertisement in the "Denmark Bulletin" dated September 16, 2021 and both the introduction and objectives indicate the policy is directed at increasing housing diversity in Denmark and in particular long term rentals and short term hosted holiday accommodation. This section appears to allow additional holiday accommodation where there is already existing unhosted accommodation on a property.
- Section 5.3 states that "approval for an Ancillary dwelling... assumes that it
 will be used as a permanent residence..." but then section 5.3.2 seems to
 contradict that.
- This is vague and appears contradictory to what was stated at the start of the section. It needs to be clearly explained what it is supposed to mean so that appropriate comments can be made.
- Does this section imply there can be an increase over the existing numbers of people approved to stay at these properties turning them all into potential party houses?
- What is meant by "unless specifically provided for in the scheme"? Using such terminology does not give the reader any understanding of what is really meant and is of considerable concern.

If it does mean that additional holiday accommodation can be built where existing unhosted accommodation already exists then that should be made very clear and the

has been received. Without the Policy little/no guidance exists.

It is proposed that the wording of part 5.3 is clarified to improve understanding of these provisions.

The Scheme contains 'Special Provisions' for select subdivisions that provide individual lot-by-lot guidance for the development of holiday accommodation – the Policy cannot (and does not intend to) over-ride these.

	comment period extended to allow for proper public consideration of a document that is clear and transparent.	
13	Thank you for your work on alleviating the housing crisis in Denmark. Please find below my comments on the Draft Ancillary Dwellings Policy. I hope they are helpful for your efforts to create the best possible policy for the Denmark community. If any questions come up I can be reached by email and would be happy to have a call if that can be helpful.	Noted, with thanks. Locational restrictions: Officers consider this limitation necessary to ensure that an ancillary dwelling is incidental to a single house. This is a key distinction to a grouped dwelling. Officers also consider this necessary to reduce environmental, visual landscape and bushfire risks in rural areas.
	Initial remarks • Already before the pandemic started, my wife and I decided that we want to settle down in the Denmark Shire in the coming years. We are aware that the housing crisis has become even more severe since then. We do not need a large house and do not want to take one away from a local family that needs it more than we do. Therefore, I strongly support the Shire's efforts in making more small-format housing possible	
	 We actually want to live in a tiny house on wheels and I encourage the Shire to make this possible, too. However, I understand that this comes with some challenges and may take some time. Living in a granny flat for a few years may be a feasible option for us in the near future. Nevertheless, we would appreciate if the Shire would consider tiny houses on wheels as dwellings in this context when: o The wheels are removed o The tiny house is secured to the ground o The tiny house follows the building code (where exceptions cannot be accepted) Since I have taken a personal interest in the housing crisis in Denmark, I would like to submit my following comments about the draft policy for ancillary dwellings I support the draft in general and think that a few adjustments could prevent unintended adverse effects, e.g. 	Design requirements: This provision refers to compatible, rather than consistent, and it is therefore possible to have a different design style. It is not intended that the Shire apply this judiciously to control design, but rather as a means to negotiate better outcomes to reduce impacts on neighbourhood amenity. Design that enables sustainability will be regarded and will provide weight against other concerns. Sustainable services:
	 Some policy terms create obstacles for the development of ancillary dwellings and would obstruct its main objective of promoting their development while only having negligible benefits for the other policy objectives Some policy terms create restrictions that prevent developers from building their ancillary dwelling in the best way possible to align with the Shire's strategic pillar 	Supported, and amended wording in the Policy is proposed. The intent of the Policy is to ensure appropriate servicing of new development and it is important that this does not inhibit more sustainable outcomes.
	"N2.0 Our Natural Environment", e.g. "utilise renewable energy" (details below)	Rural properties:

• Some restrictions may frustrate Shire administration staff and residents when they are evaluating an ancillary dwelling development proposal about which everyone involved would agree that based on common sense it should go ahead because it benefits everyone involved and does not disadvantage anyone – but because of "avoidable red tape" it cannot be approved

Suggestion 1 – Reduce location restrictions:

Remove 5.2.3 (a) "Within a single building envelope (where applicable) or otherwise separated by no more than 50 metres from the primary residence."

Reasons:

- I do not see a need for a general restriction why an ancillary dwelling would have to be built on an existing building envelope or be no more than X metres from the primary residence. Of course, if in an individual case neighbours, community members, or the Shire see an issue with the intended location of the dwelling, approval could be denied or be restricted to a different location that satisfies all external parties. I expect there to be many cases where a spot outside the 50m mark makes more sense and would not be objected by anyone
- The R-Codes do not require this, so it seems like an unnecessary obstacle that may prevent some land owners from building an ancillary dwelling in the most suitable spot of their lot (or at all)
- The 70sqm size limit is restrictive enough to ensure that the ancillary dwelling will stay incidental to the primary residence

Suggestion 2 – Reduce design restrictions:

Remove 5.2.4 (c) "Designed to be compatible with the colour, roof pitch and materials of the single house on the same lot."

Reasons:

- This restriction would hinder many people's efforts to build their ancillary dwelling in a more environmentally friendly and energy-efficient way than the main residence
- The R-Codes mention this under "Deemed-to-comply", but not under their design principles so the Shire would make its local policy more restrictive than necessary
- It is quite subjective and depends on the street and neighbouring properties if such design choices actually have a negative or positive effect on the streetscape

The opportunity to have two or more completely separate dwellings on a rural lot is considered to sufficiently provide for large families and farm staff, while seeking to limit the loss of agricultural land for residential purposes. This opportunity is also generous compared to other like local governments. Officers consider this a reasonable and necessary limitation.

• There will be many case where the ancillary dwelling would not even be visible from the street or neighbouring properties and its choice of colours, materials, or roof pitch would have no to negligible effects on anyone other than the occupants or land owners – especially in comparison to the importance of building more sustainable dwellings

Suggestion 3 – Allow sustainable services:

Change 5.2.4 (f) from

"Connected to the same services as the primary residence on the lot. In the event that a reticulated water supply is not available additional on-site water supply will be specified as a condition of approval."

To "The ancillary dwelling needs to either be connected to the same services as an existing residence on the lot or, as a condition of approval, secure on-site supply for:

- i) water
- ii) power
- iii) sewage (or use an approved waterless toilet system and greywater filtration system)"

Reasons:

- The draft would require the ancillary dwelling to use scheme water and grid power if the primary residence uses them already. An imperative to use scheme water is not in the public interest. Residents should be encouraged to install water tanks to make the Shire more resilient against draughts and bushfires and limit the stress on the scheme water system. Residents should also be encouraged to install waterless toilet system and greywater filtration systems to reduce the wastage of precious drinking water. If they are not encouraged, at least they should not be hindered
- Similarly, residents should be encouraged to install solar water-heating and solar power systems, ideally combined with battery systems to reduce the load on the South Coast's power grid and increase the Shire's and resident's resilience during natural disasters and grid outages. Prohibiting this for a new dwelling would not be in line with the Shire's strategic pillar "N2.0 Our Natural Environment", which specifically calls for utilising renewable energy
- The R-Codes only mention "(...) sharing some site facilities and services", so there is no need for the local policy to be this restrictive

Suggestion 4 – Reduce restrictions for rural properties:

Remove 5.2.2 "The Ancillary Dwelling is associated with the primary residence on the lot only. The Shire will not support proposals for an Ancillary Dwelling associated with any additional dwellings on the lot (eg. A second dwelling that the Shire has permitted on a lot in the Rural Zone)."

Reasons:

- I was unable to imagine in what case this would matter or effect anyone negatively, but more cases where it would create an unnecessary obstacle in a common-sense situation
- There is already provision 5.2.1 which reasonably limits the number of ancillary dwelling to one per lot, so I think deleting this provision would be an opportunity to reduce red tape without adverse effects

Examples how the suggested changes would be beneficial:

- A land owner occupies the primary house of his property with his family. His widowed mother-in-law is living far away but is getting old, so the family wants to build a granny flat for her on his property. The elderly lady cares a lot about the future of her grand kids and wants to do her bit against climate change, so her granny flat shall be a solar-passive dwelling. The main house is surrounded by trees and the only feasible spot to build the granny flat it 70 metres from the main house, behind the trees, outside the building envelope.
 - not possible due to 5.2.3 (a) because of its locations restrictions
 - not possible due to 5.2.4 (c) because of different colours, materials and roof pitch necessary for a solar passive granny flat
 - not possible due to 5.2.4 (f) because of its provision to be connected to the same services as the primary residence (basically barring her from running a solar-/battery-system for her electricity)
- Same situation as above, but on a rural property with an elderly land-owner couple living in the primary residence and the above mentioned family of their son occupying the second house, which the mother-in-law's granny flat shall be associated with
 - not possible due to 5.2.2 because the granny flat would have to be associated with the primary residence



LOCAL PLANNING SCHEME POLICY NO. 49: ANCILLARY DWELLINGS

Adopted on the XXth Month 20XX in accordance with Clause 8.2 of Local Planning Scheme No. 3.

1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail how the Shire will consider proposals for the development of an Ancillary Dwelling.

2. OBJECTIVES

This Policy aims to:

- Promote the development of Ancillary Dwellings as a type of small-format housing that contributes to housing diversity.
- Preserve the amenity of all areas from inappropriate development.
- Identify development standards that the Shire will apply to proposals for an Ancillary Dwelling where the R-Codes do not apply.
- Identify development standards that demonstrate the distinction between what the Shire considers to be an Ancillary Dwelling and a Grouped Dwelling.

3. **DEFINITIONS**

Definitions for terms used in this Policy are consistent with the Scheme, the R-Codes and the Regulations.

An Ancillary Dwelling is defined in the R-Codes as a 'Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house'.

An Ancillary Dwelling is typically limited in size and subsidiary to a Single House, unlike a Grouped Dwelling which is a second (or multiple) house that is entirely separate to and comparable in size and function to a Single House.

An Ancillary Dwelling should contain kitchen and bathroom facilities to enable it to be self-contained.

4. DEVELOPMENT APPROVAL REQUIREMENTS

4.1 Residential Zone

Development approval is not required for an Ancillary Dwelling in the Residential Zone where:

- The R-Codes [Residential Design Codes] apply to the works.
- The works comply with the deemed-to-comply provisions of the R-Codes.
- The works are not located in a heritage-protected place.

Development approval is required where a proposal fails to meet the deemed-to-comply provisions of the R-Codes, is located in a heritage-protected place, or is otherwise inconsistent with the Scheme.

4.2 All Other Zones

Under the Scheme an Ancillary Dwelling is considered as development that is incidental to a Single House and therefore requires approval in all other zones.

Document Control

SOD File Ref:

Draft Policy Council Adoption: Final Policy Council Adoption: Policy Review Date: Officer Responsible: 17 August 2021 (Item 9.1.1) – Resolution No. 060821 00 Month 20XX (Item 0.0.0) – Resolution No. XXXX As required

Director of Assets & Sustainable Development

PLN.70.0

5. POLICY PROVISIONS

5.1 Residential Zone

A proposal for an Ancillary Dwelling that does not meet the deemed-to-comply provisions of the R-Codes will be assessed against the relevant design principles outlined in the R-Codes.

5.2 All Other Zones

The Shire will assess proposals for an Ancillary Dwelling according to the following criteria:

- 5.2.1 A maximum of one (1) Ancillary Dwelling may be permitted on any lot.
- 5.2.2 The Shire will not support proposals for an Ancillary Dwelling in the following circumstances:
 - In the Rural zone where the Shire has otherwise permitted the development of two or more dwellings. Effectively a Rural zoned lot can contain a maximum of two dwellings only, either a Single House and Second Dwelling where lots are greater than 10ha or limited to a Single House and Ancillary Dwelling, on lots of 10ha or less.
 - In association with a Single House that has been approved in the Rural Multiple Occupancy Zone, Tourist Zone or the Industrial Zone.
- 5.2.3 The Ancillary Dwelling is clearly subsidiary to a Single House and not a second, comparable dwelling by virtue of being:
 - (a) Within a single building envelope (where applicable) or otherwise separated by no more than 50 metres from the primary residence.
 - (b) No greater in total floor area than 70m².
- 5.2.4 The Ancillary Dwelling is appropriately sited, designed and serviced, including being:
 - (a) Located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.
 - (b) Located and developed in materials that minimise the visual impact of development, particularly on evident landscape values.
 - (c) Designed to be generally compatible with the colour, roof pitch and materials of the single house on the same lot.
 - (d) Provided with 1 dedicated parking bay.
 - (e) Consistent with all other relevant provisions of the zone, including boundary setbacks.
 - (f) Connected to adequate servicing for water supply, wastewater disposal and electricity supply, as determined by the Shire. Where an on-site water supply is provided to the lot, this may include a condition of approval for an increase to this supply.
 - (g) Within the Special Residential Zone:
 - Sized such that a minimum of 80% open space is maintained on the lot.
 - Connected to the Single House or otherwise designed to appear as single development form.

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Designed in accordance with the specific zone provisions and Section 5.5.1 and Section 5.4.4 of the Residential Design Codes.

5.3 **Short Stay Accommodation**

Approval for an Ancillary Dwelling to be developed assumes that it will be used as a permanent residence and does not automatically allow for use as short stay accommodation.

Application may be made to the Shire to use an Ancillary Dwelling for short stay accommodation under the 'Holiday Accommodation' use class in the Scheme, where permissible. Where this occurs the Shire will exercise discretion to support proposals in the following circumstances only:

- In any permissible zone, an ancillary dwelling may be approved for use as short stay accommodation where the landowner is a permanent resident on site.
- In any zone other than the Residential, Special Residential or Special Rural zones, an ancillary dwelling may be approved for use as short stay accommodation (subject to assessment).

In effect, the Shire will not support short stay leasing of an ancillary dwelling as an unhosted form of accommodation in the Residential, Special Residential or Special Rural zones unless specifically provided for in the Scheme. This includes:

- Short stay leasing of an ancillary dwelling in addition to the primary residence, as one combined accommodation unit; and,
- Short stay leasing of both a primary residence and an ancillary dwelling as two separate accommodation units.

Note: There are very few Special Residential and Special Rural zones where the Shire may consider proposals for Holiday Accommodation – please refer to the Scheme and contact the Shire for further advice.

Related Policies	Local Planning Scheme Policy No. 7: Second Dwellings/Additional Houses	
	and Chalet Developments on Rural Zoned Lots	
	Local Planning Scheme Policy No. 18: Tourist Development other than 'Bed	
	& Breakfast' Uses within the Residential Zone	
	Local Planning Scheme Policy No. 19.5: Holiday Home Policy	
Related Procedures	Planning and Development (Local Planning Schemes) Regulations 2015	
and Documents	State Planning Policy 3.7: Planning in Bushfire Prone Areas	
	State Planning Policy No. 7.3 Residential Design Codes Volume 1	
Adopted	Adopted XX Month 20XX.	

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