



LOCAL PLANNING SCHEME POLICY NO. 49: ANCILLARY DWELLINGS

**Adopted on the 16th November 2021 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.

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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 relevant provisions of the Residential Design Codes including Section 5.5.1 and Section 5.4.4.

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	<i>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</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.7: Planning in Bushfire Prone Areas State Planning Policy No. 7.3 Residential Design Codes Volume 1</i>
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