



LOCAL PLANNING SCHEME POLICY NO. 49: ANCILLARY DWELLINGS

Adopted on the 00th Month 20XX in accordance with
Clause 8.2 of Local Planning Scheme No. 3.

DRAFT

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 residential and rural residential 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.

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.

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4.2 All Other Zones

An Ancillary Dwelling is considered as development that is incidental to a Single House.

In a zone where a Single House requires approval, the development of an Ancillary Dwelling will likewise require approval.

In a zone where a Single House does not require approval, the development of an Ancillary Dwelling will not require approval unless it is inconsistent with relevant development standards (including this Policy).

In a zone where the Shire cannot approve a Single House, an Ancillary Dwelling cannot be approved.

4.3 Building Approval Requirements

The granting of planning approval for an Ancillary Dwelling does not include approval of a Building Permit, which must also be sought prior to construction.

The use of an existing building or outbuilding as an Ancillary Dwelling, even where planning approval is not necessary, requires a Building Permit to be sought so that this existing building can be assessed and approved as fit for habitation in accordance with the *Building Regulations 2012*.

The development or use of an Ancillary Dwelling that does not have planning or building approvals in place may result in the landowner being subject to compliance action by the Shire.

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 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).

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 that is appropriately sited 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.

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- (b) Located and developed in materials that minimise the visual impact of development, particularly on evident landscape values.
- (c) Designed to be 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 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.
- (g) Within the Special Residential Zone, sized such that a minimum of 80% open space is maintained on the lot.

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.

The Shire may consider proposals for the use of an Ancillary Dwelling as short stay accommodation in the following circumstances:

- 5.3.1 Where the landowner lives on site, the Shire may permit the use of an Ancillary Dwelling for short stay accommodation subject to approval being granted under the 'Holiday Accommodation' use class.
- 5.3.2 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.

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