

CITY OF SUBIACO
LOCAL PLANNING POLICY 2.27
ANCILLARY DWELLINGS – CONSIDERATIONS WHEN ASSESSING
AGAINST THE DESIGN PRINCIPLES OF THE CODES

ADOPTION DATE: 23 August 2016

AUTHORITY:

DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES

STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES (2015)

STATUTORY BACKGROUND

This policy is made pursuant to Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations, 2015 relating to local planning policies. Schedule 2 of the Regulations contains the deemed provisions for local planning schemes (**Deemed Provisions**). Where relevant to an application for planning approval, clause 67(g) of the Deemed Provisions requires the city to have regard to this policy in exercising its discretion to determine the application.

Clause 7.3.1(b) of the *Residential Design Codes (Codes)* provides that local planning policies may augment the Codes by providing local housing objectives to guide judgements about the merits of proposals for any aspect of residential development that does not meet the requirements of the Codes. A local planning policy may therefore contain provisions to help guide an assessment against the design principles.

This policy is to be used in conjunction with the Scheme, Deemed Provisions, Part 5 of the Codes and any other relevant council policies relating to residential land. Should there be any inconsistencies between the provisions of this policy and:

- (1) the Deemed Provisions, the provisions of the Deemed Provisions prevail
- (2) the Scheme, the provisions of the Scheme prevail;
- (2) the Codes, the provisions of the Codes prevail;
- (3) other general council policies, the provisions of this policy prevail; and
- (4) the relevant precinct or Heritage area policy, the provisions of the precinct or Heritage area policy prevail

PURPOSE

This policy has been adopted for the purpose of the application of clause 5.5.1 of the Codes, relating to ancillary dwellings. The policy aims to provide clear guidance in assessing an application against design principle 5.5.1P1 through identifying matters to be considered when applying this design principle.

This policy applies to all applications for planning approval made under the Scheme relating to all single houses.

POLICY

1. 0 Objectives

The objective of this policy is to encourage the development of ancillary dwellings that do not compromise the amenity of surrounding properties.

2. 0 Development Standards

2.1 Matters for Consideration in the application of design principle 5.5.1P1

The Codes provide a number of deemed-to-comply requirements for ancillary dwellings at 5.5.1C1 which include minimum lot area, plot ratio area and car parking requirements.

Where a proposal for an ancillary dwelling does not meet the deemed-to-comply provision of the Codes, then the proposal is assessed against design principle 5.5.1P1.

In determining whether an ancillary dwelling meets clause 5.5.1P1 of the Codes, the city shall have regard to the following matters in order to ensure the amenity of neighbours is not compromised:

- (a) The context of the built form of the locality, including the height, setbacks bulk and scale of surrounding buildings;
- (b) Wall heights should meet the requirements in clause 42 of the Scheme. Where discretion is sought it should be demonstrated that wall heights are consistent with or complement surrounding built form and do not adversely impact surrounding properties through unreasonable bulk;
- (c) The deemed-to-comply requirements for overshadowing in clause 5.4.2 of the Codes should be met, or assessment against the design principles should be undertaken demonstrating that any overshadowing is acceptable*;
- (d) The deemed-to-comply requirements for visual privacy in clause 5.4.1 of the Codes should be met or assessment against the design principles should be undertaken demonstrating that there is minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent properties ;
- (e) The deemed-to-comply requirements for car parking in clause 5.3.3 of the Codes should be met or assessment against the design principles should be undertaken demonstrating that there is adequate car parking; and
- (f) Where vehicle access is obtained from a right of way, the right of way should be of sufficient width as per the requirements in Section 3.5.3 of Development Control Policy 2.6 'Residential Road Planning', (6m).

**Note that some R-codes don't have deemed-to-comply requirements for overshadowing.*