

# Local Planning Policy 19 - Small House Policy

AMRShire Local Planning Policy

February 2017

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies.

## 1.0 Introduction

This Local Planning Policy provides the Shire's position with respect to 'small housing' and a framework for the assessment and determination of applications for Aged and Dependent Persons Dwellings. This policy is created under the Deemed Provisions of *Local Planning Scheme No. 1*.

## 2.0 Objectives

- (a) Implement the recommendations of the Shires' Affordable Housing Strategy;
- (b) Provide increased diversity in housing supply within the Shire;
- (c) Improve land use efficiency in areas close to town centres, local centres and other relevant facilities.
- (d) Ensure small housing utilises specific design standards to achieve more efficient use of resources than standard dwelling.
- (e) Reduce reliance upon energy to heat and cool the home as outlined in the Shires' Local Energy Action Plan.

## 3.0 Interpretation

**Small House** - means a house of less than 100m<sup>2</sup> which may take the form of **ancillary accommodation**, an **aged and dependent persons dwelling** or a **single bedroom dwelling** as defined by the Residential Design Codes.

**'Significant Vegetation'** – Substantial trees or a group of trees that provide valuable habitat for wildlife, contribute to the character of the area or provide sufficient canopy cover to assist in passive cooling of a site.

## 4.0 Background

The Residential Design Codes (R-Codes) currently provide an incentive for owners to provide complimentary accommodation additional to a house, in the form of a 70m<sup>2</sup> ancillary dwelling, commonly referred to as a granny flat. The R-Codes require that ancillary dwellings be built on lots no less than 450m<sup>2</sup>. Previously, the R-Codes had sought to limit such dwellings for use by members of the family occupying the primary dwelling only. The Codes have since been amended so that such dwellings can be rented to persons of the owners choosing.

Given that the secondary dwelling must be 'ancillary' to the primary dwelling, there is no opportunity to subdivide the land so that the ancillary dwelling could be sold and thus this measure does not assist with the provision of 'owner occupier' housing at the affordable end of the spectrum.

### Margaret River

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Similar to ancillary dwellings, single bedroom dwellings are limited in their size to 70m<sup>2</sup>. However, the land upon which they are constructed can be subdivided so that the dwelling may be sold to an owner occupier. A one-third reduction to the minimum and average lot size otherwise required for conventional dwellings is provided by the R-Codes, explained as follows:

"...under the R20 Code, each dwelling requires a site area of 450m<sup>2</sup>. Application of the density concession may reduce this down to 300m<sup>2</sup>. In the case of a 1,200m<sup>2</sup> site with an R20 density code designation this could potentially allow four single bedroom dwelling units. The density concession does not mean that the coding of a lot is amended, with consequences for other requirements. For example, application of the density concession to a lot with an R-Code of R20 does not mean that the coding is increased to R30, or that the street setback or open space requirements of the R20 code are replaced by those of R30."

Aged and Dependent Persons Dwellings receive an identical relaxation to the required site area requirements of the R-Codes to that of single bedroom dwellings. They can however be larger in their size, up to 100m<sup>2</sup>. They may also be subdivided from the parent title so can be useful in providing both affordable rental and/or affordable owner occupier housing.

Aged and dependent persons dwellings must be built to incorporate specified requirements of AS4299 'Adaptable Housing' and can only be occupied by physically dependant persons or persons over the age of 55. Importantly, the 'Deemed to Comply' provisions of the R-Codes limit the application of the relaxed site area requirements for this type of development to proposals which include a minimum number of 5 dwellings. It is likely that this restriction has limited the uptake of this development option in the AMR Shire, given that interested landowners generally do not have the required land area to support 5 dwellings.

## 5.0 Policy Measures

### General

1. The Shire encourages the development of 'small housing' as means of increasing housing diversity and affordability and reducing waste and consumption.
2. The Shire does not support the imposition of planning or legal mechanisms which have the intent of mandating a minimum house size.

### Aged and Dependent Persons Dwellings

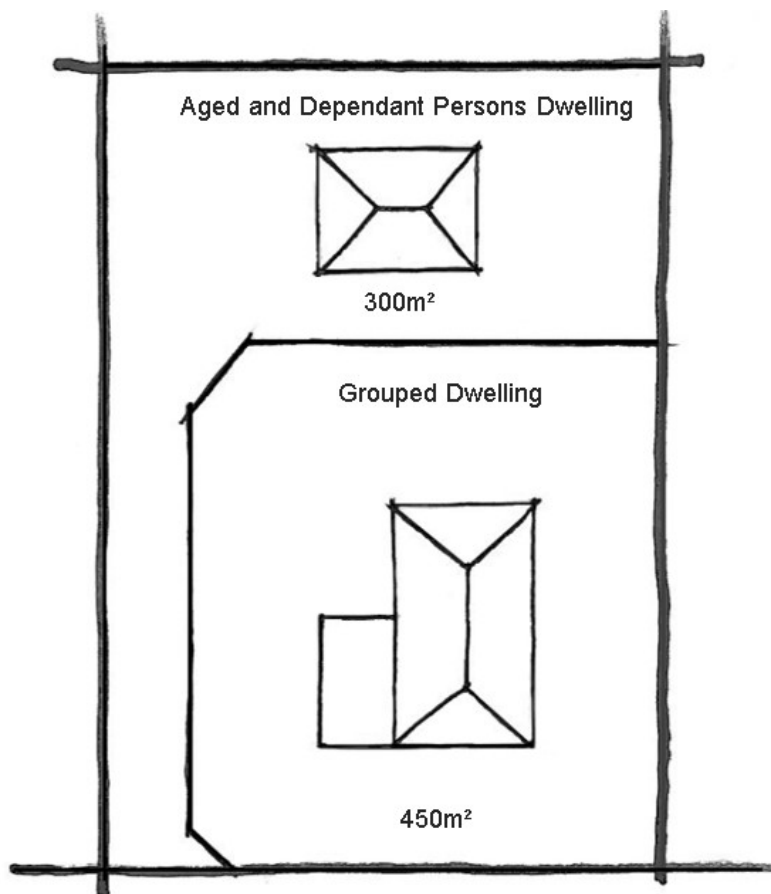
1. The Shire will apply the requirements of clause 5.5.2 of the Residential Design Codes applicable to aged and dependent persons dwellings, with the exception that a minimum of 5 dwellings (clause C2.1ii) is not required.
2. One or more aged and dependent persons dwellings will be considered upon properties located within the Policy Areas as identified by Policy Plans 1-3 - coded R15 – R20 (inclusive) subject to:
  - a) Materials being generally consistent or complimentary to the existing dwelling;
  - b) Consistency with the Shire's Local Planning Policy 20 Sustainable Design;
  - c) Connection to satisfactory effluent disposal and drainage infrastructure; and
  - d) Provision of a deep planting zone at 5% of the site area and suitably landscaped with a minimum dimension

## 6.0. Frequently Asked Questions

*Q. How does the policy work?*

A. Lot 'X' is located within the Margaret River Policy Areas identified by Policy Plan 1. It has an R20 density code and is 750m<sup>2</sup> in size. It is currently developed with one dwelling. The R20 code requires an average land area of 450m<sup>2</sup> per dwelling and hence the lot cannot be developed with a second dwelling (total of 900m<sup>2</sup> required).

Based on the policy provisions of LPP19, an aged and dependent persons dwelling could be added to the lot. The average land area required for such is that required by the R20 code reduced by one third (450m<sup>2</sup> x 0.66= 300m<sup>2</sup>) therefore requiring a total area of 750m<sup>2</sup> (450m<sup>2</sup> + 300m<sup>2</sup>).



Road Reserve

*Q. If I have a vacant lot, can I build two, aged and dependant person's dwellings?*

A. Yes. The applicable density bonus would apply to both dwellings.

*Q. Can I further reduce the land area required by utilising the 5% variation allowable under the R-Codes (Clause 5.1.1 – P1.2)?*

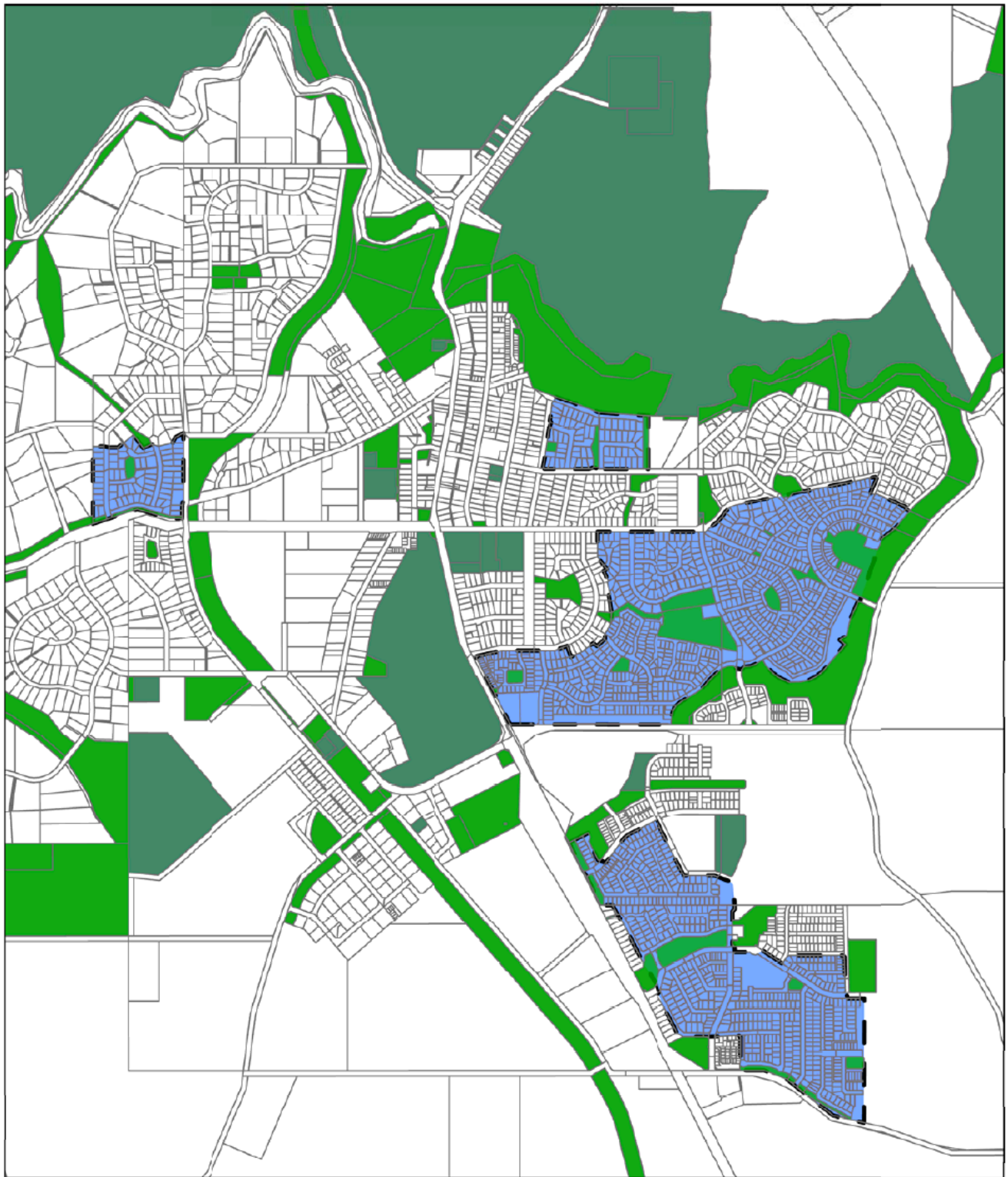
A. Yes. But only where supported by the WAPC by way of a subdivision/strata approval. This must occur prior to the Shire determining the related Development Application.

*Q. My land is outside of the Policy Areas. Do I still get a density bonus?*

A. Only in limited circumstances. You should discuss your proposal with the Shire's Planning staff to determine whether it meets with the objectives of the policy.

Adopted for Advertising	22 February 2017
Adopted by Council	10 May 2017

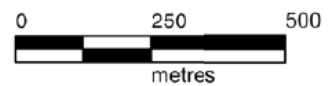
# Policy Plan 1 – Margaret River



## Map Legend

- |   |  |
|---|--|
|  Property Boundary |  Shire Vested Reserve |
|  Policy Area       |  All Other Reserves   |

NORTH



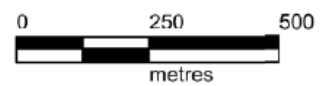
## Policy Plan 2 – Cowaramup



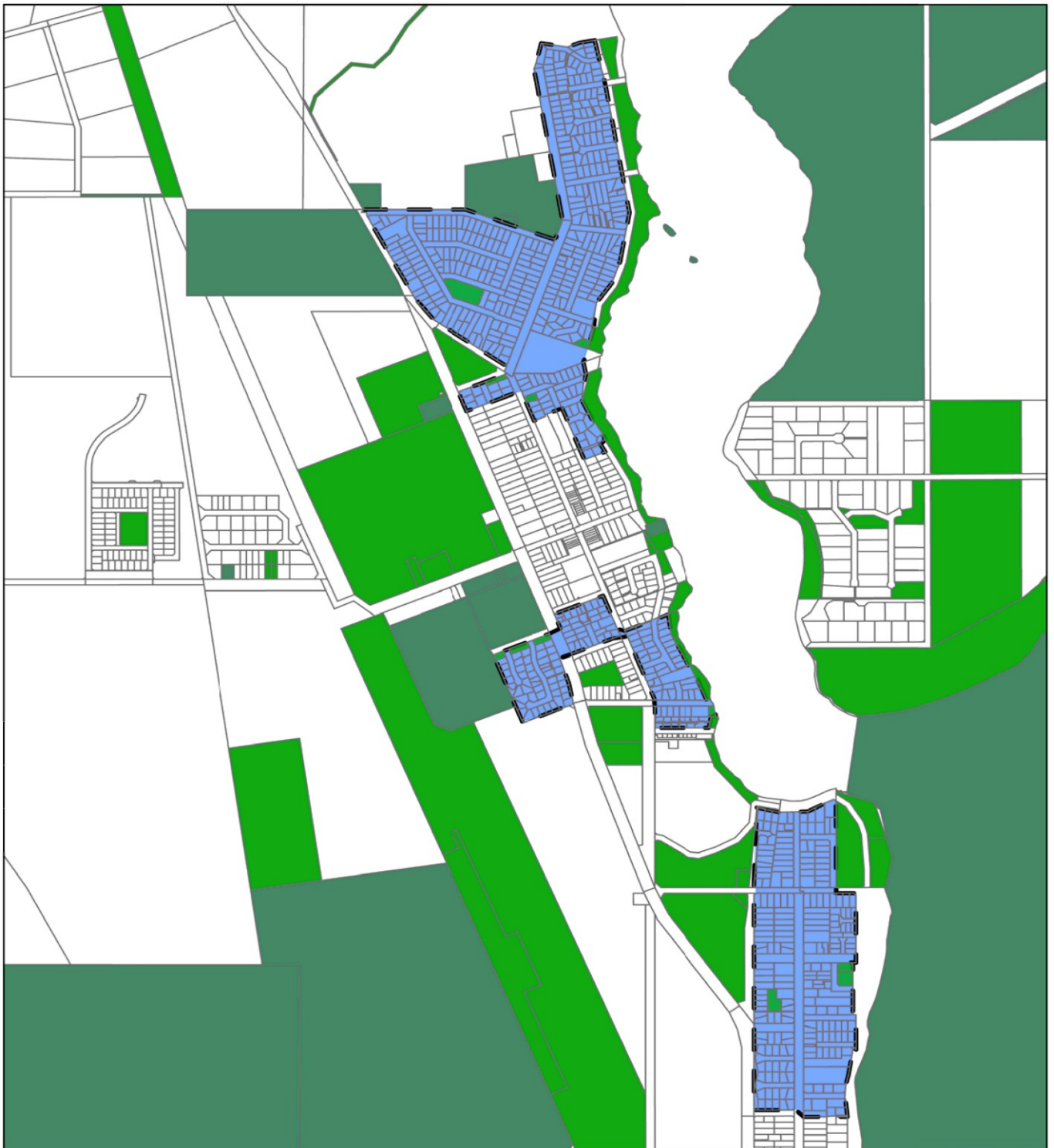
### Map Legend

- |   |                   |   |                      |
|---|-------------------|---|----------------------|
|  | Property Boundary |  | Shire Vested Reserve |
|  | Policy Area       |  | All Other Reserves   |





  
NORTH





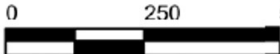
# Policy Plan 3 – Augusta



Map Legend

 Property Boundary	 Shire Vested Reserve
 Policy Area	 All Other Reserves

 NORTH

  
 0 250 500 metres