



Ipswich City Council—Planning Scheme Amendment 03/2017 Single Residential (Auxiliary Unit)

On 19 October 2018 amendments to the Ipswich City Council Planning Scheme commenced. Whilst the amendments package contained a number of amendments, this briefing note relates to the amendments to the requirements for the Accepted Development of Auxiliary Dwelling units only.

The development of Auxiliary units has remained as accepted development subject to requirements; within the Tables of Assessment; however, additional requirements have been inserted that the development is required to meet in order to be Accepted Development.

Part 12, Division 6 – Residential Code has been amended to address concerns about the distribution of Auxiliary Units and diversity of housing types, particularly in greenfield areas and the over concentration of auxiliary units.

An additional Specific Outcome has been included that requires that Auxiliary Units “... *are dispersed and avoid concentrations to ensure amenity and streetscape character is consistent with the intent of the zone; and...*”. To meet this the Accepted Development requirements for Auxiliary Units has been amended to require the following locations:

Auxiliary Units are located on lots:

- i. nominated as an Auxiliary Unit Lot as part of a reconfiguration approval; or**
- ii. created in 2006 or before with a minimum area of 800m²; and**
- iii. are not a hatchet lot. (Battle-Axe lot)**

Part 12, Division 5 – Reconfiguring a Lot Code, has been amended to be consistent with the desire to manage the location of Auxiliary Units by the insertion of a new Lot Type, being lot type (6) Auxiliary Unit Lot which is to be a minimum of 800m² and meet the following special characteristics:

- a. Auxiliary unit lots are to be nominated at the time of reconfiguration approval.**
- b. Auxiliary unit lots are undesirable as hatchet lots.**
- c. For any stage of a reconfiguration, auxiliary unit lots:**
 - i. do not dominate the reconfiguration pattern;**
 - ii. are dispersed throughout, rather than concentrated in, any stage of a reconfiguration;**
 - iii. do not occupy more than twenty percent (20%) of the total number of lots;**
 - iv. provide for a maximum of two auxiliary unit lots adjoining or within 20m of each other, and provide a minimum 100m separation to any other auxiliary unit lot in the same street; and**
 - v. are provided to ensure that the overall residential density within the reconfiguration is consistent with that intended for the locality.**

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Where a proposed development does not satisfy these requirements there are two options available; however, one option is only available for the next 12 months.

Option 1 – Superseded Planning Scheme Request

Section 19 of the *Planning Act 2016* provides for an application to be made to apply a superseded planning scheme to a proposed development rather than the amended scheme. Effectively this is a request to apply the old rules. This option is only available for twelve months or until 19 October 2019 and the Council has 30 business days in which to decide the request starting the day after the application is made.

Whilst there are no criteria for the determination of an application for a superseded planning scheme request it is likely that the following matters would be relevant:

- The size of the allotment/site;
- The location and number of any other Auxiliary units in the vicinity of the site;
- The design of the development.

Option 2 – Code Assessable Application

Where the proposed Auxiliary Unit is not able to comply with the requirements, the development would trigger an application to Council that would be subject to code assessment. We understand that this would be a formal Planning Application and not a referral.

As a code assessable application, pursuant to section 45(3) of the *Planning Act 2016*, it is assessed against the requirements of the relevant planning scheme codes and no other part of the Planning Scheme. Council has 35 business days to decide the application following receipt of the application and all required information.

In practical terms, what this means for this type of Auxiliary Unit Council are likely to have greater scrutiny over matters of design and location and are likely to seek to ensure that the Single Units, with Auxiliary units, maintain the appearance of single detached dwellings with a single front door etc.

As with all things planning, the outcome of these amendments will only become clearer over time.

If you need any assistance with your proposed Auxiliary Unit please do not hesitate to contact our offices on 1300 851 852 or by email to admin@gmacert.com.au.