

Development Standards for Auxiliary Units and Dual Occupancies, including those which are Used to Accommodate Relatives or Aged or Infirm Persons

Date of Council Resolution

These guidelines were originally adopted by Council on 12 April 2010 and took effect from 19 April 2010 in accordance with section 2.3(2) of the Planning Scheme. The guidelines were most recently amended by Council on

- 15 September 2015; and
- 16 October 2018 and took effect on 19 October 2018.

Purpose of the Guidelines

This document is intended to assist with the implementation of the Planning Scheme by providing guidelines for development standards relating to Auxiliary Units and Dual Occupancies, including those which are used to accommodate relatives or aged or infirm persons.

An Auxiliary Unit is defined as a building or part of a building used as a secondary residence not exceeding 50m² gross floor area and having a maximum of one bedroom which is attached to or associated with a dwelling on the same lot. The ability to develop Auxiliary Units will have significant benefits, including the provision of a greater range of intergenerational housing options. The Auxiliary Unit is subservient in form and nature to the main dwelling on the lot and may be used to house an elderly relative or teenage children, may be used to house a boarder for supplementary income, and then may be used by aging parents with a young family moving into the larger principal residence.

Council's Implementation Guidelines are intended to apply a standard approach to the interpretation and implementation of the relevant aspects of the Planning Scheme. They offer a degree of certainty and formality to applicants, Council and the community. Where an applicant is proposing a variation to the guidelines the onus is on the applicant to demonstrate the facts and circumstances to support the variation.

Definitions

For the purposes of this Implementation Guideline the following terms have the meaning as set out below—

- (a) "Auxiliary Unit"
- (i) "Auxiliary Unit" means a building or part of a building used as a secondary residence not exceeding 50m² gross floor area with a maximum of one bedroom which is attached to or associated with a dwelling on the same lot.
- (ii) The term does not include "Dual Occupancy", "Institutional Residential" or "Temporary Accommodation".

- (b) "Dual Occupancy"

- (i) "Dual Occupancy" means the residential use of premises if there are two dwellings on any one lot where each dwelling exceeds 50m² gross floor area or has more than one bedroom.
- (ii) The term does not include "Auxiliary Unit".

Guidelines

1. Relaxation of Development Standards

Council will relax the following development standards in situations where it is considered that development will be used as an Auxiliary Unit.

Council may also relax these development standards in situations where it is considered that a dual occupancy development will be used to accommodate relatives or aged or infirm persons.

Accordingly the development of an Auxiliary Unit, or development of a Dual Occupancy used to accommodate relatives or aged or infirm persons will be treated in a similar manner to a single family dwelling.

Town Planning—

- (a) recreation space (no specific standards will normally be required);
- (b) carparking requirements (no specific standards will normally be required);
- (c) landscaping and fencing requirements (no specific standards will normally be required).

Public Parks Infrastructure—

Public parks infrastructure contributions will normally be waived.

Local Community Facilities Infrastructure—

Local community facilities infrastructure contributions will normally be waived.

Health—

- (a) refuse (only one standard domestic refuse service will normally be required);

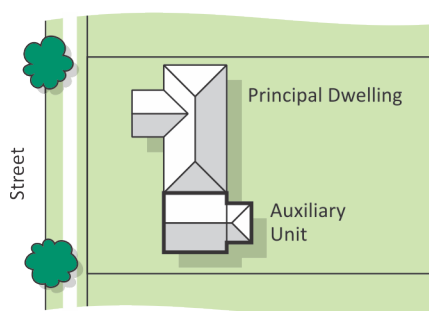
Engineering—

- (a) driveway requirements (no specific standards will normally be required where a shared driveway and access point are used);
- (b) water, sewerage and roadworks infrastructure contributions will normally be waived.

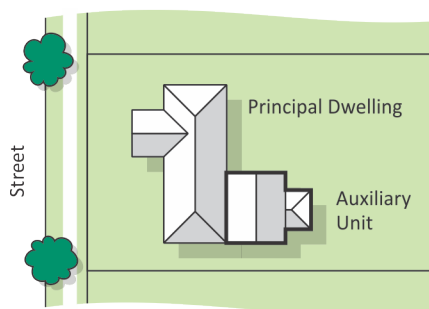


2. Locating an Auxiliary Unit

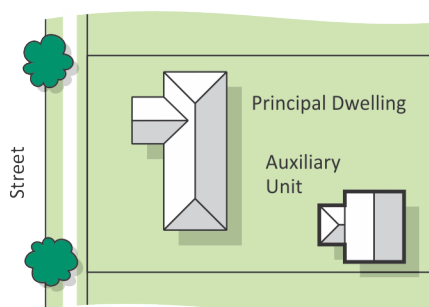
- (1) Auxiliary Units are to be provided at appropriate distributions throughout the City to deliver a diversity of housing types and avoid over concentrations.
- (2) The development triggers for Auxiliary Unit locations are provided in Table 12.6.1 and Table 12.6.2 of the Residential Code and Appendix A: Residential Lot Size, Frontage and Special Characteristics of the Reconfiguring a Lot Code in the Planning Scheme.
- (3) An Auxiliary Unit may be located adjoining, below, above or at the side or rear of a principal dwelling (refer to Figures 1 to 4 below).
- (4) Where an Auxiliary Unit is proposed to be attached or located above another structure, the construction shall comply with the Fire Resistant Construction requirements of the Building Code of Australia.



Attached Side



Attached Rear



Detached Rear

Figure 1 – Layout options of an Auxiliary Unit located attached to, or to the rear of the Principal Dwelling

Note: The preferred location for an Auxiliary Unit is to the rear of the Principal Dwelling.

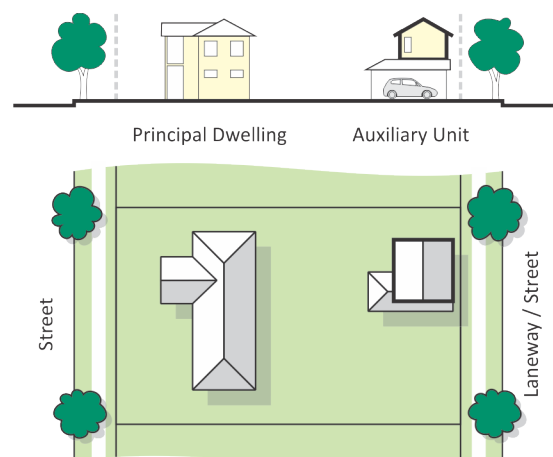


Figure 2 – Layout of an Auxiliary Unit located above a garage



Figure 3 – Example of an Auxiliary Unit above a garage



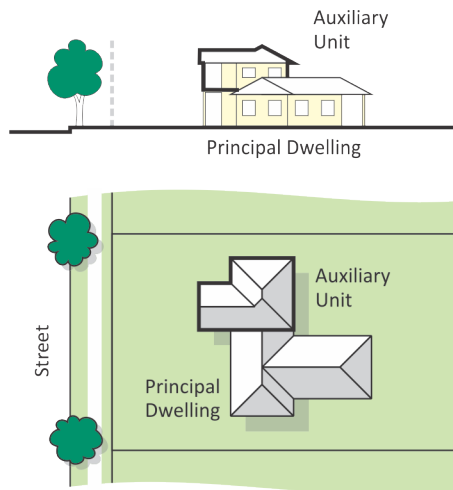


Figure 4 - Layout of an Auxiliary Unit located above the Principal Dwelling

3. Numbering of properties with an Auxiliary Unit or Dual Occupancy

The display of an incorrect property address or an address that is not consistent with Council's adopted numbering system may have serious or life threatening consequences should an emergency services vehicle be called and the emergency personnel are not able to locate the correct property. It is therefore important that all Auxiliary Units and Dual Occupancies are allocated the correct property address.

In order to comply with Council's adopted numbering system, Auxiliary Units and Dual Occupancies on a property with a single frontage must be allocated a property address consistent with that displayed in Figures 5 or 6 below:

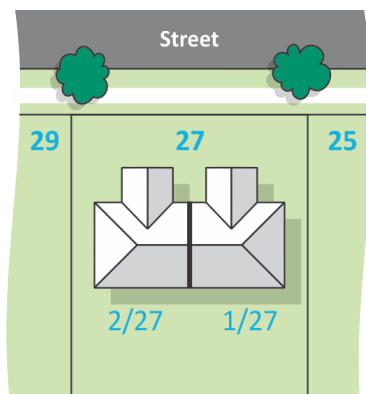


Figure 5 - Auxiliary Unit and Dual Occupancy Consistent Street Numbering – Secondary Residence to the side

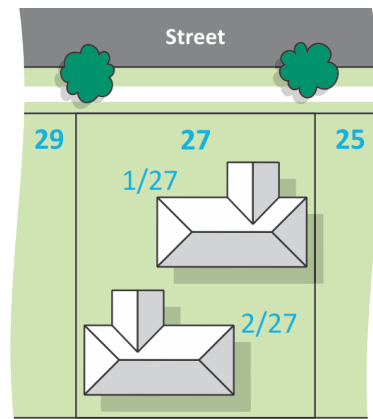


Figure 6 - Auxiliary Unit and Dual Occupancy Consistent Street Numbering – Secondary Residence to the rear

Council would like to work with property owners to ensure that any existing properties that do not comply with Council's adopted numbering system are allocated the correct address. Should your Auxiliary Unit or Dual Occupancy currently have an address that is inconsistent with the examples given in Figures 5 or 6, the numbering should be amended as a matter of priority. If your property is located on a corner allotment or has dual frontages, please contact Council's Technical Support Team on (07) 3810 6666 at which point an officer will assist by assigning an appropriate number to each dwelling that is consistent with the Council adopted numbering system.

It should be noted that Ipswich City Council's Local Law No. 7 (part 5, section 16) states that the owner/occupier of land must not adopt or exhibit a number for a building or allotment that is inconsistent with the numbering system adopted by the Local Government. Failure to display the correct numbering may result in the issue of a Remedial Notice and the possibility of an Infringement Notice.

For further information relating to the numbering of properties with an Auxiliary Unit or Dual Occupancy please contact the Development Planning Branch, Technical Support Team on telephone number (07) 3810 6666.

4. Written Undertaking to Accompany Applications for a Dual Occupancy used to accommodate relatives or aged or infirm persons

Written Undertakings (in the form of Statutory Declarations) shall accompany the development application—

- (a) Firstly, an undertaking signed by the relative or an aged or infirm person who is under the care of another person who resides on site, or when applicable, the Power of Attorney of such person. Such Undertaking shall state that the dwelling is to be used to accommodate the relative or aged or infirm person.

- (b) Secondly, an undertaking signed by the applicant or resident of the subject site, to the effect that the second dwelling is to be occupied by a relative or an aged or infirm person. Such Undertaking shall name the relative or aged or infirm person for whom the proposed accommodation is provided.

A proforma undertaking is attached to this Implementation Guideline.

5. Residency Requirements for a Dual Occupancy used to accommodate relatives or aged or infirm persons

- (a) A standard condition shall be imposed upon any form of approval, that the development must be occupied by a relative or an aged or infirm person who is under the care of another person who resides on site. Furthermore, the second dwelling shall not be rented or occupied by any person other than as specified in the application and associated undertakings, unless otherwise approved by Council.
- (b) In order to facilitate care, it is preferred that the two dwelling units be attached or separated by no more than 20 metres.

6. Continuation of Use for a Dual Occupancy used to accommodate relatives or aged or infirm persons

Verification of ongoing approved use of the premises may be required by Council on a periodic basis.

7. Discontinuation of Use for a Dual Occupancy used to accommodate relatives or aged or infirm persons

If the use discontinues, the following steps shall be complied with—

- (a) applicant advises Council in writing that the use has discontinued;
- (b) applicant removes the additional dwelling, or converts the additional dwelling to form part of a single detached house;
- (c) a site inspection shall be carried out to confirm discontinuance of use and/or building works; or
- (d) applicant demonstrates compliance with the conditions of approval to permit the conversion of the use to a Dual Occupancy (unrestricted).

Where the applicant is unable to comply with the requirements to permit the conversion of the use to a Dual Occupancy (unrestricted) the applicant may lodge a fresh application for a Dual Occupancy development.

8. Conversion from a Dual Occupancy used to accommodate relatives or aged or infirm persons to a Dual Occupancy (unrestricted)

Where a Dual Occupancy used to accommodate relatives or aged or infirm persons meets the requirements of the Building Code of Australia as a separate dwelling and the use of the dwelling by a 'relative or aged or infirm person' ceases, the applicant may use the site as a Dual Occupancy (unrestricted) subject to the applicant complying with the conditions of conversion. Such conditions are—

- (a) the payment of an adopted infrastructure charge applicable at the time of conversion;
- (b) compliance with the provisions of the Planning Scheme applicable at the time of conversion, relating to:-
- (i) recreation space, landscaping and fencing requirements;
 - (ii) carparking and vehicular access requirements;
 - (iii) privacy requirements;
- (c) the provision of individual service connections (including electricity, water and sewer) for each dwelling;
- (d) compliance with the provisions of the Building Code of Australia and the Queensland Development Code, relating to:-
- (i) achieving water saving targets and sustainability requirements for each dwelling;
 - (ii) achieving energy efficiency requirements; and
 - (iii) compliance with fire safety and separation requirements.

9. Reconfiguring a Lot

Subdivision of land containing a Dual Occupancy that complies with the Planning Scheme and Building Code of Australia provisions will normally be approved without additional conditions or requirements where the subdivision results in a single dwelling on each new lot.



STATUTORY DECLARATION

We, _____ (A), and _____ (B) do solemnly and sincerely declare:

1. _____ (A) is the applicant and/or resident in relation to the application for a dual occupancy which is to be used to accommodate relatives of _____ (A) or aged or infirmed persons in the care of _____ (A), in relation to the land described as _____ (the subject land).
2. _____ (B) of _____ is a relative of _____ (A) and or an aged or infirmed person in the care of _____ (A).
3. Upon approval of the said application referred to in paragraph 1 and upon the relaxation of development standards for a dual occupancy which is used to accommodate relatives or aged or infirmed persons in accordance with the Ipswich City Council Implementation Guideline No. 1, _____ (A) undertakes and agrees to occupy one of the dwellings on the subject land.
4. Upon the approval of the application referred to in paragraph 1 and upon the relaxation of development standards for a dual occupancy which is used to accommodate relatives or aged or infirmed persons in accordance with the Ipswich City Council Implementation Guideline No. 1, _____ (B) undertakes and agrees to occupy one of the dwellings on the subject land.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Oaths Act, 1867".

Signed and declared by the above named _____ (A)

Taken and Declared before me, at _____)

This _____ day of _____ 20____)

A Justice of the Peace / Commissioner for Declarations

Signed and declared by the above named _____ (B)

Taken and Declared before me, at _____)

This _____ day of _____ 20____)

A Justice of the Peace / Commissioner for Declarations