

VALE

DEVELOPMENT PLAN 3 PART ONE: STATUTORY SECTION

JANUARY 2014



VALE DEVELOPMENT PLAN 3

PART ONE - STATUTORY SECTION

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Project No. 995Rep825I
January 2014

ENDORSEMENT PAGE

This structure plan is prepared under the provisions of the City of Swan Local Planning Scheme
No. 17

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ON:

14 February 2014

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and
Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry:

19 October 2030

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1.0 STRUCTURE PLAN AREA

This Local Structure Plan, also referred to as Vale Development Plan Three, applies to that land contained within the inner edge of the broken line shown on Plan A: Local Structure Plan.

Vale Development Plan Three is wholly contained within Lots 9064 and 9033.

2.0 STRUCTURE PLAN CONTENT

This Local Structure Plan comprises:

- Part One – Statutory Section
- Part Two – Explanatory Report
- Appendices – Technical Reports

Part One of the Local Structure Plan includes only the structure plan map and requirements that need statutory effect. Part Two of the Local Structure Plan justifies and clarifies the provisions contained in Part One, and is used as a reference guide to interpret and implement Part One.

3.0 INTERPRETATIONS AND SCHEME RELATIONSHIP

Unless otherwise specified in this part, the words and expressions used in this Local Structure Plan shall have the respective meanings given to them in the City of Swan Local Planning Scheme No. 17 (the Scheme).

The Vale Development Plan Three constitutes a Local Structure Plan required to be prepared prior to subdivision and development of the subject land pursuant to the Schedule 4 – Special Use provisions of the Scheme applicable to the Ellenbrook Estate.

Plan A and Tables 1A, 1B and 2 form part of the statutory provisions of this Structure Plan and provide the framework for subdivision and development of the site. Where any variation arises between any provision of the plan and / or tables and a provision of the Scheme, then the provision of the plan / or tables shall prevail to the extent of that variation and shall apply as an intended variation to the Scheme.

4.0 OPERATION

In accordance with clause 5A.1.12 of the Scheme, this Structure Plan shall come into operation on the later date when it is certified by the Western Australian Planning Commission (WAPC) pursuant to subclause 5A.1.10.2 of the Scheme or adopted, signed and sealed by the local government pursuant to subclause 5A.1.9.1 of the Scheme.

5.0 LAND USE AND SUBDIVISION REQUIREMENTS

5.1 Land Use and Zones

Land Use permissibility within the Structure Plan area shall be in accordance with the corresponding zone or reserve under the Scheme. In addition, the following land uses are classified as 'D' uses in the Residential zone.

Display Home Centre: A group of two or more dwellings and incidental car parking which are intended to be open for public inspection as examples of dwelling design.

Residential Sales Office: A building of either a temporary or permanent nature, and incidental car parking, used directly in relation to the sale of land and dwellings in new residential estates.

5.2 Public Open Space

The provision of a minimum of 10 per cent public open space being provided in accordance with the WAPC's Liveable Neighbourhoods. Public open space is to be provided generally in accordance with Plan A and the Table 1, with an updated public open space schedule to be provided at the time of subdivision for determination by the WAPC, upon the advice of the City of Swan.

Local Open Space Site	Size (Ha)
Large Park 2	4.3
Large Park 3	2.5
Multiple Use Corridor 1	4.8
Multiple Use Corridor 2	2.6
Multiple Use Corridor 3	3.6
Multiple Use Corridor 4	1.9

5.3 Residential

5.3.1 Dwelling Target

a) Objective

To provide for a minimum 1800 dwellings within the structure plan area.

5.3.2 Density

- a) Plan A defines the broad residential density ranges that apply to specific areas within the Structure Plan. Lot specific residential densities, within the defined residential density ranges, are to be subsequently assigned in accordance with a Residential Code Plan approved by the WAPC.
- b) A Residential Code Plan is to be submitted at the time of subdivision to the WAPC and shall be consistent with the Structure Plan, and the Residential Density Ranges identified on Plan A and location criteria contained in Clause 5.3.3.
- c) The Residential Code Plan is to include a summary of the proposed dwelling yield of the subdivision.
- d) Approval of the Residential Code Plan shall be undertaken at the time of determination of the subdivision application by the WAPC. The approved Residential Code Plan shall then form part of the Structure Plan and shall be used for the determination of future development applications.
- e) Variations to the Residential Code Plan will require further approval of the WAPC, with a revised Residential Code Plan submitted generally consistent with the approved plan of subdivision issued by the WAPC. The revised Residential Code Plan shall be consistent with Residential Density ranges identified on Plan A and the locational criteria contained in clause 5.3.3.
- f) A revised residential code plan, consistent with clause 5.3.2 (e) will replace, wholly or partially, the previously approved residential code plan, and shall then form part of the Structure Plan as outlined in clause 5.3.2 (d).
- g) Residential Code Plans are not required if the WAPC considers that the subdivision is for one or more of the following:
 - i) the amalgamation of lots;
 - ii) consolidation of land for 'superlot' purposes to facilitate land assembly for future development;
 - iii) the purposes of facilitating the provision of access, services or infrastructure; or
 - iv) land which by virtue of its zoning or reservation under the Structure Plan cannot be developed for residential purposes.

5.3.3 *Locational Criteria*

Residential density codes shall be in accordance with those shown on Plan A.

The allocation of residential densities on the Residential Code Plan shall be in accordance with the following criteria:

- a) Base density code of R30 shall be provided for all other residential lots within the Structure Plan.
- b) Medium densities of R40 to R60 shall be provided in areas of high amenity including:
 - i) Within 800 metres of centres (activity and community);
 - ii) Within 400 metres of public open space; or
 - iii) Within 250 metres of public transport or neighbourhood connector routes.

5.4 **Ellen Brook Interface**

A road reserve (constructed or unconstructed) shall be provided within the Special Use - Ellenbrook zoned land directly abutting the Ellen Brook.

6.0 DEVELOPMENT REQUIREMENTS

6.1 Local Development Plans

6.1.1 R5 Lots

Local Development Plans shall be prepared for all R5 lots as a condition of subdivision (prior to clearances) and shall incorporate provisions addressing the following:

- a) Setbacks;
- b) Building envelopes;
- c) Landscaping;
- d) Building heights;
- e) Building materials and colour;
- f) Land use and density; and
- g) Fencing.

6.1.2 4-Pack Lots

Local Development Plans shall be prepared for all 4 - Pack lots as a condition of subdivision (prior to clearances) and shall incorporate provisions addressing the following:

- a) Setbacks;
- b) Site cover;
- c) Private open space;
- d) Building height;
- e) Boundary walls; and
- f) Access and parking.

6.2 Variations to the Residential Design Codes

Residential R-Code variations are permitted in accordance with Tables 1A, 1B and 2 and shall apply as deemed to comply provisions and development standards under the Scheme. Where there is a conflict between the provisions and the R-Codes the provisions shall prevail. Compliance with the deemed to comply criteria in the table will not require consultation with the adjoining or surrounding landowners.

7.0 OTHER REQUIREMENTS

7.1 Urban Water Management Plan

An Urban Water Management Plan is to be prepared by the proponent, as a condition of subdivision approval, to the satisfaction of the Department of Water and City of Swan.

The Western Australian Planning Commission resolved on 28 March 2014 to endorse the Vale Development Plan as a guide for subdivision and development within the locality.

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant to section 24 of the Planning and Development Act 2005 for that purpose in the presence of

B. Schwanke
28-3-14 Date

Witness

LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R5
- Residential R30/40/60

- a. A base density code of R30 shall be provided for all residential lots within the Structure Plan.
- b. Medium densities of R40 to R60 shall be provided in areas of high amenity including:
 - i. within 800 metres of centres (activity and community);
 - ii. within 400 metres of public open space or
 - iii. within 250 metres of public transport or neighbourhood connector routes.

Road Hierarchy:

- Other Regional Road
- District Distributor
- Neighbourhood Connector

Reserves:

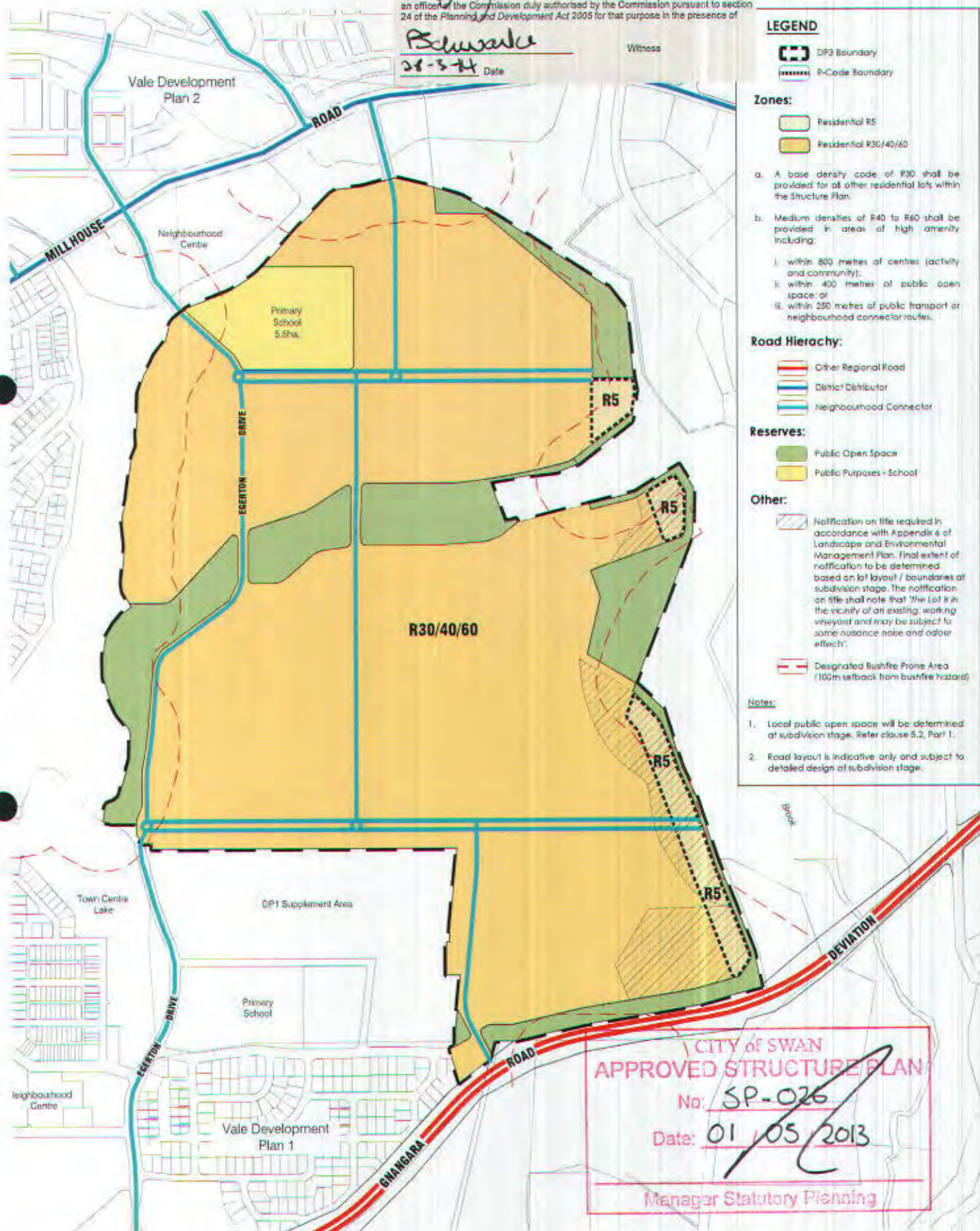
- Public Open Space
- Public Purposes - School

Other:

- Notification on title required in accordance with Appendix 6 of Landscape and Environmental Management Plan. Final extent of notification to be determined based on lot layout / boundaries at subdivision stage. The notification on title shall note that 'the Lot is in the vicinity of an existing working vineyard and may be subject to some nuisance noise and odour effects'.
- Designated Bushfire Prone Area (100m setback from bushfire hazard)

Notes:

1. Local public open space will be determined at subdivision stage. Refer clause 5.2, Part 1.
2. Road layout is indicative only and subject to detailed design at subdivision stage.



CITY OF SWAN
APPROVED STRUCTURE PLAN
No: SP-026
Date: 01/05/2013
Manager Statutory Planning

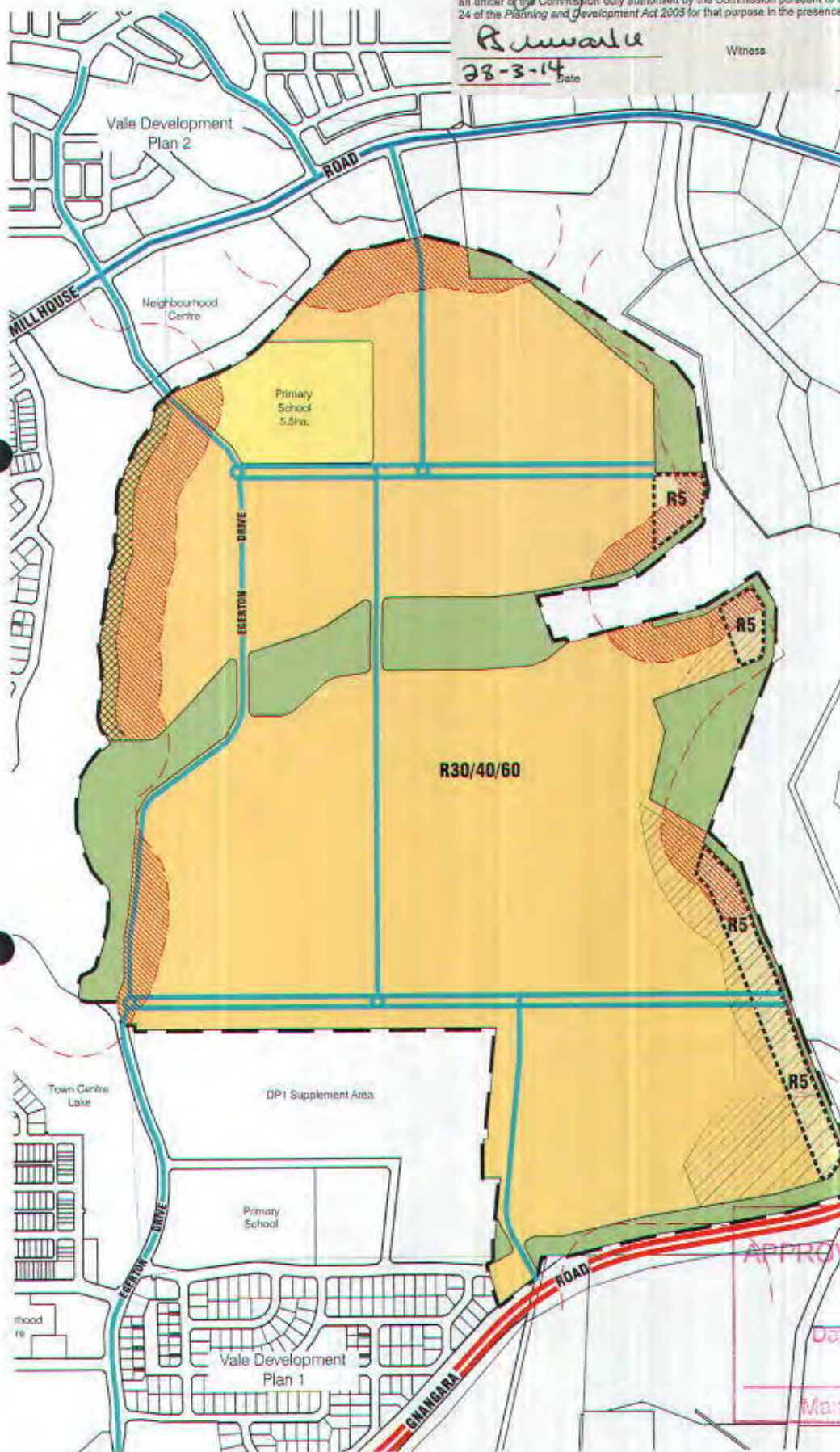
The Western Australian Planning Commission resolved on 28 March 2014 to endorse the Vale Development Plan as a guide for subdivision and development within the locality.

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant to section 24 of the Planning and Development Act 2005 for that purpose in the presence of

R. Swartz
Witness
28-3-14 Date



LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R5
- Residential R30/40/60

Bushfire Attack Level (BAL) Assessment:

- BAL 12.5
- Building Exclusion Zone (27m wide)
- Designated Bushfire Prone Area (100m setback from bushfire hazard)

Road Hierarchy:

- Other Regional Road
- District Distributor
- Neighbourhood Connector

Reserves:

- Public Open Space
- Public Purpose - School

Other:

- Notification on file required in accordance with Appendix 6 of Landscape and Environmental Management Plan. Final extent of notification to be determined based on lot layout / boundaries at subdivision stage. The notification on file shall note that the lot is in the vicinity of an existing, working vineyard and may be subject to some nuisance noise and odour effects.

Notes:

1. Notwithstanding any statement to the contrary within AS3959-2009, (or relevant equivalent) any Class 1, 2 or 3 buildings or a Class 10a building or deck associated with a Class 1, 2 or 3 building to be erected on residential lots within Development Plan Three, that are either partly or wholly within 100 metres of the 'extreme' or 'moderate' bushfire risk areas as identified in 'Figure 3 - Fire Management Risk' or Appendix D, shall comply with requirements of AS3959-2009, or equivalent Australian Standard.
2. Road layout is indicative only and subject to detailed design at subdivision stage.

CITY OF SWAN
APPROVED STRUCTURE PLAN

No: SP-026

Date: 01/05/2013

Manager Statutory Planning

BUSHFIRE ATTACK LEVEL ASSESSMENT

Vale Development Plan 3 : Plan B

TABLE 1A: Vale Development Plan 3 R-Code Variations - Front Loaded Lots (Frontage > 13m)

The following provisions apply as R-Code deemed to comply provisions and development standards under City of Swan Local Planning Scheme for front loaded lots. Front loaded lots are those where vehicle access is provided via a primary or secondary street and are not serviced by a rear laneway. Where there is conflict between the following provisions and the R-Codes the provisions below prevail. Compliance with the deemed to comply criteria in the table below will not require consultation with the adjoining surrounding landowners.

	RELEVANT R-CODE CLAUSE	DEEMED TO COMPLY PROVISIONS FOR SINGLE DWELLINGS WITH FRONTAGE GREATER THAN 13m
Setbacks	5.1.2 C2.1, C2.2 & C2.4	<p>Buildings to be setback from the primary street as follows:</p> <ul style="list-style-type: none"> Minimum Setback – 2m (including verandahs, porticos and other minor incursions). <p>Buildings to be setback a minimum of 1m from the secondary street.</p> <p>Garages shall be set back a minimum of 4.5 metres from the primary street. The garage setback may be reduced to a minimum of 4.0 metres from the primary street, where a footpath has not been installed within the verge at the front of the property boundary.</p> <p>The minimum garage setback may need to be increased where an acceptable driveway gradient cannot be achieved.</p> <p>A garage is permitted forward of the building line to a maximum of 2m where a portico/front verandah is provided. The portico/front verandah is required to be a minimum depth of 2m.</p>
Private Open Space	5.1.4 C4	The minimum open space requirement is reduced to 40% (60% site cover).
Directly Abutting POS	<p>Additional Requirement</p> <p>5.2.3 C3.2</p> <p>5.2.4 C4</p> <p>5.1.3 C3.2</p> <p>5.2.1 C2.1</p>	<p>The following provisions apply to lots with a boundary directly abutting open space and does not apply to side boundaries of dwellings:</p> <ul style="list-style-type: none"> All dwellings shall have a minimum of one habitable room with a major opening facing toward the public open space. All lots shall have visually permeable fencing to the public open space boundary, to the specification and satisfaction of the Local Authority. Boundary walls are not permitted abutting the primary frontage to the public open space boundary. Buildings on lots adjoining public open space shall be setback a minimum of 2m from the public open space boundary.
Street Surveillance	5.2.3 C3.2	Dwellings on corner lots shall provide a minimum of one habitable room window that has a clear view of the secondary street and secondary street setback area.

TABLE 1B: Vale Development Plan 3 R-Code Variations - Front Loaded Lots (Frontage 13m or less)

The following provisions apply as R-Code deemed to comply provisions and development standards under City of Swan Local Planning Scheme for front loaded lots. Front loaded lots are those where vehicle access is provided via a primary or secondary street and are not serviced by a rear laneway. Where there is conflict between the following provisions and the R-Codes the provisions below prevail. Compliance with the deemed to comply criteria in the table below will not require consultation with the adjoining surrounding landowners.

	RELEVANT R-CODE CLAUSE	DEEMED TO COMPLY PROVISIONS FOR SINGLE & GROUPED DWELLINGS WITH FRONTAGE 13m OR LESS
Setbacks	5.1.2 C2.1, C2.2 & C2.4 5.2.1	Buildings setback from the primary street as follows: <ul style="list-style-type: none"> Minimum Setback – 2m (including verandahs, porticos and other minor incursions).
		Buildings to be setback 1m from the secondary street. Garages shall be set back a minimum of 4.5 metres from the primary street. The garage setback may be reduced to a minimum of 4.0 metres from the primary street, where a footpath has not been installed within the verge at the front of the property boundary. The minimum garage setbacks may need to be increased where an acceptable driveway gradient cannot be achieved. A garage is permitted forward of the building line to a maximum of 2 metres where a portico/front verandah is provided. The portico/front verandah is required to be a minimum depth of 2m. For lots with frontage less than 10m, garages shall not exceed 3.5 metres in width. A double garage is permitted for double storey dwellings with frontage less than 10m provided a habitable room provides surveillance of the street. The garage is to sit no further than 2m in front of the habitable room. For lots with a frontage of 10m-13m, double garages are permitted where: <ul style="list-style-type: none"> Surveillance of the street is provided from a habitable room; and The design includes provision of a portico, front verandah or similar, that is located equal to or forward of the garage facade.
Street Surveillance	5.2.3 C3.1 & C3.2	The principal pedestrian access to the dwelling to be clearly visible from the street. Dwellings on corner lots with garages fronting the primary street (narrow frontage) shall provide: <ul style="list-style-type: none"> Surveillance of the primary street via a major opening to a habitable room; and A principal pedestrian access (front door) facing the primary street facade and shall be visible from the street. Dwellings on corner lots shall provide a minimum of one habitable room window that has a clear view of the secondary street and the secondary street setback area.

	RELEVANT R-CODE CLAUSE	DEEMED TO COMPLY PROVISIONS FOR SINGLE & GROUPED DWELLINGS WITH FRONTAGE 13m OR LESS						
Boundary Walls	5.1.3 C3.2	<p>Boundary walls are permitted to both side boundaries of a lot (excluding secondary street boundaries), within the following limits:</p> <table border="0"> <tr> <td><u>Single Storey</u></td> <td><u>Two Storey & Above</u></td> </tr> <tr> <td>• Maximum height - 3.5m</td> <td>• Maximum height – 6.5m</td> </tr> <tr> <td>• Maximum length – No limit</td> <td>• Maximum length – Up to 12m in length</td> </tr> </table> <p>For dwellings with a single pitched roof and ridgeline parallel to the street, the height of walls on side boundaries may be increased to the top of the ridgeline where this runs parallel to the front boundary and abuts a similarly configured wall.</p>	<u>Single Storey</u>	<u>Two Storey & Above</u>	• Maximum height - 3.5m	• Maximum height – 6.5m	• Maximum length – No limit	• Maximum length – Up to 12m in length
<u>Single Storey</u>	<u>Two Storey & Above</u>							
• Maximum height - 3.5m	• Maximum height – 6.5m							
• Maximum length – No limit	• Maximum length – Up to 12m in length							
Private Open Space	5.1.4 C4 5.3.1 C1.1	<p>Minimum open space of 25% (site cover 75%) subject to the provision of an Outdoor Living Area with a minimum useable space of 24m², minimum dimension of 4m and may include the nominated secondary street setback area.</p> <hr/> <p>Permanent roof cover up to a maximum of two thirds of the outdoor living area.</p>						
Directly Abutting POS	Additional Requirement 5.2.3 C3.2 5.2.4 C4 5.1.3 C3.2 5.2.1 C2.1	<p>The following provisions apply to lots with a boundary directly abutting open space and does not apply to side boundaries of dwellings:</p> <ul style="list-style-type: none"> • All dwellings shall have a minimum of one habitable room with a major opening facing toward the public open space. • All lots shall have visually permeable fencing to the public open space boundary, to the specification and satisfaction of the Local Authority. • Boundary walls are not permitted abutting the primary frontage to the public open space boundary. • Buildings on lots adjoining public open space shall be setback a minimum of 2m from the public open space boundary. 						

TABLE 2: Vale Development Plan 3 R-Code Variations - Rear Loaded Lots

The following provisions apply as R-Code deemed to comply provisions and development standards under City of Swan Local Planning Scheme for rear loaded lots. Rear loaded lots are those where vehicle access is provided via a rear laneway. Where there is conflict between the following provisions and the R-Codes the provisions below prevail. Compliance with the deemed to comply criteria in the table below will not require consultation with the adjoining surrounding landowners.

	RELEVANT R-CODE CLAUSE	DEEMED TO COMPLY PROVISIONS APPLICABLE TO LOTS WITH A LANEWAY ADJOINING THE REAR BOUNDARY
Directly Abutting POS	Additional Requirement 5.2.3 C3.2 5.2.4 C4 5.1.3 C3.2 5.1.2 C2.1	The following provisions apply to lots with a boundary directly abutting open space and does not apply to side boundaries of dwellings: <ul style="list-style-type: none"> All dwellings shall have a minimum of one habitable room with a major opening facing toward the public open space. All lots shall have visually permeable fencing to the public open space boundary, to the specification and satisfaction of the Local Authority. Boundary walls are not permitted abutting the primary frontage to the public open space boundary. Buildings on lots adjoining public open space shall be setback a minimum of 2m from the public open space boundary.
Setbacks	5.1.2 C2.1, C2.2 & C2.4	Buildings shall be setback from the primary street as follows: <ul style="list-style-type: none"> Minimum Setback – 2m dwelling and 1.5m for verandah/front facade treatment. <hr/> Garages are permitted up to the rear laneway boundary, except where: <ol style="list-style-type: none"> There is conflict with service infrastructure such as power domes; or The lot width is less than 8m; In which case the minimum setback is 1m. Setback distances may need to be increased where an acceptable driveway gradient cannot be achieved. Garage doors shall not overhang the laneway reserve when open or in the process of being opened. <hr/> A wall up to a maximum height of 3.5m containing major openings shall provide a 1m minimum setback from the side boundary.
Street Surveillance	5.2.3 C3.2	Dwellings on corner lots shall provide a minimum of one habitable room window that has a clear view of the secondary street and secondary street setback area.

	RELEVANT R-CODE CLAUSE	DEEMED TO COMPLY PROVISIONS APPLICABLE TO LOTS WITH A LANEWAY ADJOINING THE REAR BOUNDARY						
Boundary Walls	5.1.3 C3.2	<p>Boundary walls are permitted to both side boundaries of a lot and the rear/ side laneway, within the following limits:</p> <table border="0"> <tr> <td><u>Single Storey</u></td> <td><u>Two Storey & Above</u></td> </tr> <tr> <td>• Maximum height - 3.5m</td> <td>• Maximum height – 6.5m</td> </tr> <tr> <td>• Maximum length – No limit</td> <td>• Maximum length – Up to 12m in length</td> </tr> </table> <p>Boundary walls up to 3.5m high and 6m in length are permitted up to the secondary street boundary where:</p> <ul style="list-style-type: none"> • The secondary street boundary forms the southern or western boundary of the lot; • The boundary wall is set back a minimum of 4m from the corner truncation; • Surveillance of the secondary street is provided via a major opening to a habitable room. <p>The height of walls to side boundaries may be increased to the top of the ridgeline for dwellings with a single pitched roof and ridgeline located parallel to the street, and where they abut a similarly configured wall.</p>	<u>Single Storey</u>	<u>Two Storey & Above</u>	• Maximum height - 3.5m	• Maximum height – 6.5m	• Maximum length – No limit	• Maximum length – Up to 12m in length
<u>Single Storey</u>	<u>Two Storey & Above</u>							
• Maximum height - 3.5m	• Maximum height – 6.5m							
• Maximum length – No limit	• Maximum length – Up to 12m in length							
Private Open Space	5.1.4 C4 5.3.1 C1.1	<p>The minimum open space to be provided is 25% of the site (75% site cover) subject to the provision of an Outdoor Living Area with a minimum useable space of 24m², minimum dimension of 4m and may include the nominated secondary street setback area.</p> <hr/> <p>Permanent roof cover is permitted up to a maximum of two thirds of the outdoor living area provided the outdoor living area is open on at least two sides.</p>						
Privacy	5.4.1 C1.1 (i)	With the exception of setbacks to major openings to bedrooms and studies for R60 lots, a minimum 4.5m cone of vision privacy setback applies to major openings to side and rear boundaries abutting residential properties where the floor level to any habitable space is greater than 500mm above natural ground level.						
Design for Climate	5.4.2	Overshadowing provisions of the R-Codes do not apply.						
Access & Parking	5.3.3 C3.1	On site car parking may be reduced to 1 bay per dwelling where the dwelling does not provide more than 2 bedrooms.						
Essential Facilities	5.4.5	A recessed rubbish bin storage area shall be provided within the lot adjoining the laneway, 1m in depth and 1.5m in width, in accordance with the City of Swan requirements. Rubbish bin storage areas shall only extend into the 1m wide garage setback to the rear laneway on lots equal to or less than 8m in width and/or are corner lots with a rear truncation.						
Ancillary Accommodation	5.5.1 C1 (i) & (iii)	<p>Ancillary Accommodation comprises an additional dwelling or independent accommodation associated with a dwelling on the same lot where the accommodation can be separate to the main dwelling, and where there is a maximum floorspace of 60m².</p> <hr/> <p>Ancillary Accommodation is permitted on lots less than 450m² where abutting a laneway.</p> <hr/> <p>Ancillary Accommodation does not require an additional car parking bay on site where on-street parking is provided at the front of the property. Pedestrian access should be provided from the ancillary accommodation unit to the on-street car parking.</p>						