

## SECONDARY DWELLING CHECKLIST

The purpose of this checklist is to provide assistance with assessing compliance with the Secondary dwelling requirements in the *Livingstone Planning Scheme 2018* for the Low, Low-medium and medium density residential zones, Emerging community zone, Township zone, Rural residential zone and Rural zone.

### How to complete this checklist

Complete Part A first. Part A includes the requirements for accepted development. If you answer 'yes (complies)' to all applicable requirements for accepted development, the secondary dwelling is considered accepted development and does not require a planning application to commence – the development complies with, or meets the requirements.

If you answer 'no (does not comply)' to one or more applicable requirements for accepted development, a planning application, called Building Works regulated under the Planning Scheme is required. Part B must be completed and provided as supporting information to the application.

### PART A - Secondary dwelling requirements

Acceptable Outcome reference:	Requirement for accepted development	Yes/No/NA	Notes / Comments
AO2.1	There is only one (1) secondary dwelling on the lot.		
AO2.2	The secondary dwelling has the same land title as the main dwelling house  <i>For example:</i> the lot on plan is the same meaning both dwelling house and secondary dwelling are on Lot 123 on SP3012345		
AO2.3	The gross habitable floor area of the secondary dwelling does not exceed eighty (80) square metres  <i>Note:</i> the gross floor area does not include open decks, balconies or carports.		
AO2.4	The secondary dwelling is not sited in front of the façade of the primary dwelling house when located in a residential category zone or the rural residential zone (park residential precinct).		
AO2.5	The secondary dwelling shares the same access driveway and footpath crossover as the main dwelling house.		

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## Part A – Height, site cover, setback requirements and additional requirements:

The height, site cover and setback requirements differ between zones, please see the relevant acceptable outcomes of the zone code:

Requirement for accepted development		Yes/No/NA	Notes / Comments
<b>Height</b>	The secondary dwelling meets the height acceptable outcome for the zone.		
<b>Site cover</b>	If applicable, the secondary dwelling meets the site cover acceptable outcome for the zone.		
<b>Setbacks for lot boundaries</b>	The secondary dwelling meets the setback acceptable outcome for the zone.		
<b>Separation distances to adjoining dwellings</b>	If located in a residential zone or rural residential zone, the secondary dwelling meets the separation distance from adjoining dwellings acceptable outcome for the zone.		
<b>Separation distances to rural uses</b>	If located in the Emerging community zone or Rural zone, the secondary dwelling meets the separation distances to rural uses in Schedule 4 of the Planning Scheme.		
<b>General development requirements</b>	The secondary dwelling meets all of the acceptable outcomes in Table 9.3.1.4.1 of the General development code.		
<b>Servicing requirements</b>	The secondary dwelling meets all of the acceptable outcomes Table 9.3.2.4.1 of the Development works code.		
<b>Overlays</b>	The secondary dwelling meets all of the acceptable outcomes of any overlay code that applies to the site (refer to Part 8 of the Planning Scheme)		

## PART A – Overlays

Overlays	If not located in the below overlay map (Yes/No/NA)	Yes/No/NA
<b>Biodiversity overlay</b>	<p>Is located in one or more of the following mapped areas:</p> <ul style="list-style-type: none"> <li>• MSES – declared fish habitat; or</li> <li>• MSES – high ecological significance wetlands; or</li> <li>• MSES – high ecological value waters (wetland); or</li> <li>• MSES – marine park; or</li> <li>• MSES – protected area; or</li> <li>• MLES – wetlands or</li> <li>• MSES – regulated vegetation and not in an approved building location envelope; or</li> <li>• MSES – wildlife habitat and not in an approved building location envelope; or</li> <li>• MLES – habitat and vegetation and not in an approved building location envelope; or</li> <li>• 10 metres of the top of bank of a stream order 1 or 2 waterway; or</li> <li>• 25 metres of the top of bank of a stream order 3 or 4 waterway;</li> <li>• 50 metres of the top of bank of a stream order 5 or higher order waterway.</li> </ul> <p><i>Please note: the approved building envelope must be from a previous development permit issued under this planning scheme.</i></p>	
<b>Bushfire hazard overlay</b>	<p>Is located in the Low density residential zone, Low-medium density residential zone or Medium density residential zone, and is located:</p> <ul style="list-style-type: none"> <li>• On a lot greater than 4,000m<sup>2</sup> in area; or</li> <li>• On a lot that has not been registered as a result of a development permit for reconfiguring a lot issued since 17 October 2006.</li> </ul> <p><b>OR</b></p> <p>Is located in another zone and is not located in an approved building location envelope.</p> <p><i>Please note: the approved building envelope must be from an approved bushfire management plan part of previous development permit issued under this planning scheme.</i></p>	
<b>Coastal hazard – Storm tide hazard overlay</b>	<p>If located in the Coastal hazard – Storm tide hazard overlay and <u>does not meet</u> one or more of the following acceptable outcomes of the Coastal hazard overlay code: Acceptable outcomes AO1.1, AO2.1, AO3.1, AO4.1, AO5.1, and AO6.1.</p>	
<b>Flood hazard overlay</b>	<p>If located in the Flood hazard overlay and <u>does not meet</u> one or more of the following acceptable outcomes of the Flood hazard overlay code: Acceptable outcomes AO1.1, AO1.2, AO2.1, AO3.1, AO4.1, AO5.1 and AO6.1.</p>	
<b>Scenic amenity</b>	<p>If located in one or more of the following and <u>does not meet</u> any of the acceptable outcomes of the Scenic amenity overlay code:</p> <ul style="list-style-type: none"> <li>• scenic amenity management area A or B; or</li> <li>• coastal green break; or</li> <li>• coastal scenic transport route potential assessment area and within 20 metres of the identified coastal scenic transport route.</li> </ul> <p>• <b>OR</b></p> <p>Is located coastline foreshore potential assessment area, and:</p> <ul style="list-style-type: none"> <li>• the building height is over 8.5 metres and the secondary dwelling is within 40 metres of the dune.</li> </ul>	
<b>Water resource area</b>	<p>If located in the Water resource area overlay and <u>does not meet</u> any of the acceptable outcomes of the Water resource areas overlay code.</p>	

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## PART B – Requirements for assessable development

Where a question was answered 'no' in PART A it has been determined that the development cannot comply with the requirements for accepted development and a code assessable planning application is required.

The planning application must address the following Performance Outcome. Part A and Part B can be completed and provided as supporting information to the application.

Requirement for assessable development	Notes / Comments
<b>For non-compliance with any of the AOs of the Accommodation activities code</b>	
<p>A) The dwelling house (secondary dwelling):</p> <ul style="list-style-type: none"> <li>i) is small in scale relative to the primary dwelling house on the site;</li> <li>ii) is integrated with the primary dwelling house on the site and is not easily distinguishable from the primary dwelling house when viewed from the street;</li> <li>iii) shares the same land title as the primary dwelling house;</li> <li>iv) maintains a high quality and attractive streetscape;</li> <li>v) is designed and sited to ensure there is appropriate amenity and living space for residents of the primary dwelling house and for residents of the secondary dwelling; and</li> <li>vi) is designed and sited to ensure there is suitable privacy for residents of the primary dwelling house, for residents of the secondary dwelling, and for residents on adjoining premises.</li> </ul>	
<b>For non-compliance with height, site cover, setbacks or separation distances - Low, Low-medium and Medium density residential zones, Emerging community zone, Rural residential zone or Township zone</b>	
<p>B) <u>Height or site cover</u>: The height and bulk of buildings and structures are consistent with the intended character of the zone and do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area.</p> <p>C) <u>Setbacks or separation distances</u>: The design and siting of buildings and structures results in a high level of on-site amenity and does not adversely impact the character or amenity of the streetscape or adjoining sites having regard to the following:</p> <ul style="list-style-type: none"> <li>i) minimisation of potential sources of nuisance;</li> <li>ii) provision of and maintenance of access to natural light and ventilation;</li> <li>iii) provision of recreational open space for the occupants of dwellings; and</li> </ul>	



<ul style="list-style-type: none"> <li>iv) integration with and consideration of the design and siting of any buildings and structures located on adjoining sites or public places;</li> <li>v) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and</li> <li>vi) prevention of overshadowing of public places;</li> <li>vii) provision of and maintenance of the privacy for any habitable buildings.</li> </ul>	
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**For non-compliance with height, site cover, setbacks or separation distances – Rural zone**

<p>A) <b>Setbacks:</b> The development of a use within the accommodation activities group:</p> <ul style="list-style-type: none"> <li>i) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;</li> <li>ii) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and</li> <li>iii) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity.</li> </ul> <p>B) <b>Setbacks:</b> The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following:</p> <ul style="list-style-type: none"> <li>i) minimisation of potential sources of nuisance;</li> <li>ii) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and</li> <li>iii) prevention of overshadowing of public places.</li> </ul> <p>C) <b>Height:</b> The height of buildings and structures are consistent with the rural character of the locality and the reasonable expectations as to the operational needs of the use, and they do not adversely impact the character or amenity of the streetscape, adjoining sites or the immediate area.</p>	
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**For a site affected by an overlay (please confirm the overlay and provide comments):**

<p>Biodiversity overlay          Bushfire hazard overlay          Coastal hazard – Storm tide hazard overlay          Flood hazard overlay          Scenic amenity          Water resource area</p>	
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