



This advice sheet is to assist proponents in the planning of a dependent persons unit (DPU).

In some instances under the Wangaratta Planning Scheme, a planning permit may not be required for a (DPU) provided it is the only DPU on the lot.

The Wangaratta Planning Scheme defines a DPU as:-

“a moveable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling”.

The Wangaratta Planning Scheme defines a moveable building as:-

“a structure, other than a tent, caravan or vehicle, which is designed to be moved from place to place on more than one occasion”.

To assist proponents and building surveyors, Council will provide written advice and endorse appropriate plans to properly record all actions to limit potential future disputes where a planning permit is not required for the DPU. To facilitate this, the following information must be provided:

- Full and current copy of property title, including copy of title plan, along with copies of any restrictions, covenants or agreements;
- Three (3) copies of a site plan to scale and with dimensions showing the layout of all existing and proposed buildings and works, particularly noting the location of the existing dwelling, proposed DPU and lot boundaries.
- Three (3) copies of detailed plans of all proposed buildings and works to scale with dimensions showing:
 - the floor layout of the proposed building
 - building elevations, including building materials and colours
 - finished floor levels
- Details demonstrating that the DPU is a moveable building in accordance with the definition above.
- Details of the proposed occupant and dependency.
- The administration fee (\$125.00).

The owner will be required to sign a statutory declaration (refer to attached template) declaring that:

- The DPU will be removed from the lot within 3 months of it no longer being required for a dependent person; and
- The DPU will be removed from the lot prior to the lot being sold.

If the proposed building does not fit the above criteria, then it may be regarded as a second dwelling on the lot, and in those circumstances either a planning permit will be required or it may be prohibited altogether.

A building permit will be required for the DPU. It is recommended that you contact Council's Building Unit on 5722 0888 or your nominated building surveyor regarding the requirements for obtaining a building permit. A septic tank permit will also be required from Council's Environmental Health Team if reticulated sewerage is not available to the proposed building.

Notwithstanding the above, a planning permit may be required to remove vegetation or carry-out earthworks to facilitate the siting of the DPU on the land. Due to the complexity of the controls within the Wangaratta Planning Scheme, it is imperative that you confirm permit and information requirements with Council's Planning Unit before commencing any vegetation removal, destruction, pruning, lopping or earthworks. Note that substantial penalties apply for any unauthorised vegetation removal or destruction.

This advice sheet is to be used as a general guide only. Council has made all reasonable effort to ensure the information provided in this series is true and accurate. However, it is recommended that readers seek professional advice before acting or making decisions on the basis of this information. For any questions or clarification, please contact Council's Planning Unit on 5722 0888.

Planning Unit
Wangaratta Rural City Council
PO Box 238
WANGARATTA VIC 3676

Address of the land where a dependent persons unit is proposed to be provided ('the land'):

Title details of the land (lot(s) and plan no.):

I, _____ of _____
(print name) (print address)

in the State of Victoria do solemnly and sincerely declare that:

1. I am the owner of the land proposing to provide a dependent persons unit on the land.
2. I will ensure that the dependent persons unit will only be used for the accommodation of a dependent person or persons.
3. I will remove the dependent persons unit from the land, or the part of the land that contains the dependent persons unit, prior to the sale of any land that contains the dependent persons unit, or within three (3) months of the dependent persons unit no longer being used for the accommodation of a dependent person.

AND I make this solemn declaration conscientiously believing the same to be true and correct and is made in the belief that a person making a false declaration is liable to the penalties of perjury.

DECLARED at _____ in the State of Victoria
(suburb)

this _____ day of _____ 20____
(owner's signature)

Before me:

(signature of witness)

_____ of _____
(print name of witness) (print address of witness)

being a person who may witness statutory declarations described as follows:

(brief description of type of person as per enclosed list – eg Justice of the Peace)

PERSONS WHO MAY WITNESS STATUTORY DECLARATIONS

When updating advice sheet check following web site for current list of signatories

<http://www.justice.vic.gov.au/home/the+justice+system/justices+of+the+peace/list+of+victorian+%28state+%29+authorised+witnesses>

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

A justice of the peace or a bail justice

A public notary

An Australian lawyer (within the meaning of the *Legal Profession Act 2004*)

A clerk to an Australian lawyer

The prothonotary or a deputy prothonotary of the Supreme Court

The registrar or a deputy registrar of the County Court

The principal registrar, registrar or deputy registrar of the Magistrates' Court

The registrar of probates or an assistant registrar of probates

The associate to a judge of the Supreme Court or the County Court, the associate of an associate judge of the Supreme Court, or an associate judge of the County Court

A person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth

A member or a former member of either House of the Parliament of Victoria or of the Commonwealth

A councillor of a municipality or a senior officer of a Council as defined in the *Local Government Act 1989*

A medical practitioner or dentist registered under the *Health Professions Registration Act 2005*; a veterinary practitioner, a pharmacist, a principal in the teaching service, member of the police force, a sheriff or deputy sheriff, the manager of an authorised deposit-taking institution (eg bank manager), or the secretary of a building society

A member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants

A minister of religion authorised to celebrate marriages

A person employed under Part 3 of the *Public Administration Act 2004* with a classification that prescribes the person as a person who may witness statutory declarations or who holds office in a statutory authority with such a classification

A fellow of the Institute of Legal Executives (Victoria)