



LOCAL PLANNING SCHEME NO.6
LOCAL PLANNING POLICY NO.13
– ANCILLARY DWELLINGS –

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

1.2 Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Definitions

"Ancillary dwelling" has the same meaning given to it in the R-Codes, namely *a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.*

"R-Codes" means State Planning Policy 3.1 Residential Design Codes.

2.2 Application

This Policy applies to proposals for ancillary dwellings in the Shire of Northam within the Rural, Rural Residential and Rural Smallholding zones.

Development proposals for ancillary dwellings on lots subject to the R-Codes, are dealt with under the R-Codes.

3. POLICY OBJECTIVES

The primary objectives of this Policy are to:

- Establish appropriate criteria for the consideration of applications for the development of ancillary dwellings in areas not subject to the R-Codes.
- Provide flexibility and assistance in providing accommodation to family members within the same lot to meet the needs of local residents.
- Ensure ancillary dwellings do not compromise the amenity of the surrounding properties and the streetscape by remaining at a scale that is ancillary to the main dwelling.

4. POLICY STATEMENT

Ancillary dwellings (known also as 'granny flats') is seen as an appropriate way of providing alternative accommodation to traditional housing within the Shire. Council is supportive of such development, provided it is adequately planned and serviced.

This Policy, therefore, provides for the assessment of ancillary dwellings in zones of the Scheme that are not subject to the R-Codes, namely the 'Rural', 'Rural Residential' and 'Rural Smallholding' zones.

5. POLICY MEASURES

- 5.1 Not more than one (1) ancillary dwelling shall be approved on any lot;
- 5.2 The maximum floor area of the ancillary dwelling shall not exceed 100m²; The 100m² is the total living area only and does not include verandahs, patios, pergolas, alfresco areas or carports / garages;
- 5.3 The ancillary dwelling is to be located within 50m to the main dwelling;
- 5.4 The ancillary dwelling should not be located between the street setback and the main residence unless otherwise approved by the local government;
- 5.5 Materials and colours used on external walls and roof shall complement the main dwelling;
- 5.6 One uncovered or covered hardstand car parking bay shall be provided;
- 5.7 The ancillary dwelling must be appropriately located within the approved building envelope for the property (where one exists);
- 5.8 The ancillary dwelling shall share the same driveway as the main dwelling unless otherwise required under State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- 5.9 The sole occupant or occupants of the ancillary dwelling are to be members of the family of the occupiers of the main dwelling.

When approving an ancillary dwelling, the local government may impose conditions including but not limited to the following:

"The ancillary dwelling shall not be used other than as accommodation for dependant member(s) of the family of the occupier(s) of the principal dwelling on the same lot."

When approving ancillary accommodation dwellings, the local government will provide advice notes, including but not limited to the following:

“The landowner is advised that approval and construction of the ancillary dwelling shall not be regarded as a basis for subdivision of the property.”

- 5.10 The use of second-hand and relocated buildings as ancillary dwellings is controlled by Local Planning Policy No.3 ‘New Transportable, Relocated and Second Hand Dwellings’. All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.3.
- 5.11 Ancillary dwellings located in identified bushfire-prone areas shall be constructed to AS3959.
- 5.12 An application for development approval within an identified bushfire-prone area must be accompanied by a bushfire attack level assessment, which informs how development must respond to bushfire risk.

<i>Date Adopted:</i>	<i>18 December 2013</i>
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