



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

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

The following are definitions that may be used as part of this Policy in addition to the definitions included in the Scheme:

"Ancillary Accommodation" means self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

"Grouped Dwelling" means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

2.2 Application

This Policy applies to the development of ancillary accommodation (also sometimes known as “granny flats”) in the Shire of Northam.

3. POLICY OBJECTIVES

The primary objectives of this Policy are to:

- Provide flexibility in providing accommodation opportunities to residents within the same lot to meet the needs of local residents;
- Minimise the potential for inappropriate residential development in rural areas, which could lead to fragmentation of rural zoned land;
- Minimise the potential for inappropriate residential development in the SCA 1 - Avon and Mortlock Rivers Special Control Area; and
- Ensure that ancillary accommodation is provided, constructed and located in such a way as to minimise its impact on the amenity of the locality.

4. POLICY STATEMENT

This policy is designed to provide flexibility in providing accommodation opportunities within the same lot to meet the needs of local residents and to ensure that ancillary accommodation is provided, constructed and located in such a way as to minimise its impact on the amenity of the locality.

In addition to the approval of ancillary accommodation, the policy also addresses the scenario where a landowner wishes to construct a new single residence, rendering the existing dwelling as the ancillary accommodation, or alternatively demolishing the original dwelling or modifying the fixtures to the original dwelling to render it non-habitable once the new dwelling is constructed. This involves removal of any of the facilities required under the health provisions of the Building Code of Australia.

The policy sets out criteria for ancillary accommodation that can be approved without referral to neighbours (see Table 1), ancillary accommodation that requires referral to neighbours before being determined, and ancillary accommodation the Shire will generally not support.

This will provide certainty for residents and Shire Staff on how different ancillary accommodation applications will be assessed and determined, and also assist residents in re-designing their ancillary accommodation applications where desired, to obtain a more favourable assessment or determination in a reduced time frame.

5. CRITERIA

Ancillary accommodation will only be approved where it meets all of the specific criteria as outlined in Table 1 of this Policy in addition to the following general criteria:

- Ancillary accommodation that complies with all of the criteria corresponding to the relevant zone (for the applicable lot size) in Table 1 of this Policy, and the relevant general criteria below, will not require advertising to neighbours, subject to compliance with other relevant clauses of this Policy, as set out below and, specifically:

- The Shire's Health Service will consider the use of the existing septic tanks with an extension to leach drain length and/or number.
 - If the existing residence and ancillary accommodation combined equates to 6 or more bedrooms, the Shire's Health Service will require the provision of a separate effluent disposal system to service the ancillary accommodation or upgrading the existing system in terms of septic tank capacity and effluent disposal area.
 - If the total floor area of the ancillary accommodation is over 60m² in area, the development will be deemed a density development and assessed under the provisions of the Government Sewerage Policy (1996).
 - In any instance, effluent disposal systems will be required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
- Ancillary Accommodation that does not comply or exceeds any one or more of the criteria corresponding to the relevant zone in Table 1 of this Policy, or the relevant general criteria above, will be referred to Council for determination and will generally not be recommended for approval unless in the Shire's opinion the size, appearance and location and particulars of the subject site will not have a detrimental impact on the landscape and amenity of the area. In forming this opinion the Shire may have regard to the submissions (if any) from affected neighbours.
 - Consideration could be given for ancillary accommodation to be located at a greater distance than that specified in Table 1 to take into account topographical reasons, effluent disposal issues or other similar constraints on the land. Such a relaxation would only be granted following advertising to neighbours.
 - An existing single residence may be approved as ancillary accommodation to a new proposed dwelling subject to the residence ultimately forming the ancillary accommodation not exceeding the requirements of Table 1 unless varied pursuant to the second dot point above and a formal legal agreement (caveat) including a deed being registered on the Certificate of Title of the property, limiting its use to this purpose.
 - An existing residence may be temporarily approved for ancillary accommodation exceeding the requirements of Table 1, for a maximum period of 6 months following the practical completion of a new dwelling as described in the preceding dot point. The ancillary accommodation shall thereafter be refitted to render it non-habitable in accordance with the Health Act, or to comply with the maximum criteria specified in Table 1. The legal agreement (caveat) is to include a deed to this effect.
 - Any discretionary standards prescribed in the Policy or enclosed Table are at the discretion of Council, or its delegate.

6. POLICY MEASURES

6.1 Design Elements

- The maximum floor area of the ancillary accommodation is calculated excluding verandahs, patios, pergolas, carports and garages and is measured to the external walls of the dwelling.
- The appearance of the ancillary accommodation must be complementary in style to the existing dwelling.
- The Shire strongly prefers that all ancillary accommodation be contained under the existing roofline of the main dwelling. Otherwise, the building should be transportable and of a high design standard that is compatible with the surrounding development.
- Second hand transportable buildings such as mine site dongas, buildings resembling a donga and/or site offices will not be approved as ancillary accommodation.
- A minimum of 1 additional parking space must be provided.
- The ancillary accommodation must be connected to an approved effluent disposal system (sewer or septic where sewer is unavailable).
- All ancillary accommodation must be located behind the main dwelling or existing outbuilding or be sufficiently screen so as to not be visible from the street, or adjoining properties.

6.2 Legal Requirements

A Notification may be placed on the Certificate of Title (under Section 70A of the Transfer of Land Act) for land zoned other than “Residential” advising subsequent owners of usage restrictions that apply to ancillary accommodation prior to the issue of a Building Permit.

6.3 SCA - 1 Avon and Mortlock Rivers Special Control Area

Ancillary accommodation will not be permitted on land partially or wholly within SCA - 1 Avon and Mortlock Rivers Special Control Area despite the zoning as the provisions of the Scheme prevent further intensification of development within this area.

The provisions of Table 1 does not apply to land located partially or wholly with the SCA 1 area.

6.4 Land Zoned Residential Without Reticulated Sewer

Ancillary accommodation will not be permitted on land zoned Residential that is not able to be connected to the reticulated sewerage system.

The provisions of Table 1 does not apply to land that is not able to connect to the reticulated sewer system.

6.5 Second Hand Relocated or New Transportable Dwellings

Ancillary accommodation comprising either a second hand relocated dwelling or a new transportable dwelling shall comply with all the provisions of the Shire’s Local Planning Policy No.3 New Transportable, Relocated and Second Hand Dwellings.

TABLE 1

ZONING	CRITERIA
Residential R20 and higher	<ul style="list-style-type: none"> • Minimum lot size of 450m² • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom.
Residential R10 and R15	<ul style="list-style-type: none"> • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom.
Residential R5 and lower	<ul style="list-style-type: none"> • Maximum floor area shall be up to 70m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 10 metres. • Maximum of 1 bedroom, 1 living room, 1 laundry, 1 kitchen and 1 bathroom.
Rural Residential	<ul style="list-style-type: none"> • Maximum floor area shall be up to 120m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 20 metres. • Maximum of 2 bedrooms, 1 living room, 1 laundry, 1 kitchen and 1 bathroom.
Rural Smallholdings or Rural up to 40ha	<ul style="list-style-type: none"> • Maximum floor area shall be up to 150m². • Distance between the ancillary accommodation and the main dwelling shall be no greater than 20 metres. • Maximum of 2 bedrooms, 1 living room, 1 laundry, 1 kitchen and 1 bathroom.
Rural over 40.1ha	<ul style="list-style-type: none"> • Maximum floor area shall be assessed on a case by case basis and in accordance with LPP 6 Construction of Additional Dwellings on Rural Zoned Land. • Distance between the ancillary accommodation and the main dwelling shall be no greater than 50 metres. • Maximum of 3 bedrooms, 1 living room, 1 laundry, 1 kitchen and 2 bathrooms.

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