

 <p>Serpentine Jarrahdale Shire</p>	<p>DRAFT LOCAL PLANNING POLICY NO.39 Ancillary Accommodation</p> <p>DRAFT VERSION: 1.1 UPDATED: 15 July 2011 FILE: A1769 TRIM: E10/1047 ADOPTED: For Advertising SD011.1/07/11</p>
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1.0 Policy Objectives

The objectives of this Policy are to:

- *Provide direction on the establishment of ancillary accommodation in association with a single house;*
- *Ensure that ancillary accommodation is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location; and*
- *Ensure that ancillary accommodation is secondary to the primary dwelling on the property.*

2.0 Background

The Serpentine Jarrahdale Shire's *Plan for the Future* aims to respond to the changing demographics of the community. Ancillary accommodation is vital to facilitate older members of the community to 'age in place' and be supported by their existing community.

Ancillary Accommodation provides an independent additional dwelling which may or may not be physically attached to the primary existing dwelling. Ancillary accommodation is commonly used throughout the Shire to provide a means for extended families to live in proximity to the principle dwelling but with autonomy. Provision 7.1 of the Residential Design Codes of Western Australia (R-Codes) provides for the development of ancillary accommodation in urban zoned areas of the Shire, however no such provisions exist for rural and semi-rural areas; therefore it is particularly important for the Shire to provide such requirements.

The primary purpose of this Policy is to adopt planning controls that avoid land use conflict, to minimise the risk of incremental subdivision and prevent de-facto rural lifestyle developments. Applications will be assessed against Acceptable, Performance Based and Unacceptable Development criteria. This Policy applies Shire wide.

3.0 Application

- 3.1 Under the Shire's Town Planning Scheme No.2 (TPS2), Ancillary Accommodation is identified as a discretionary 'AA' use in the Residential, Special Residential, Special Rural and Rural Zones. Applications will need to comply with the provisions of this Policy or provide a sufficient justification as to non-compliance to gain development approval.

4.0 Status

(a) Relationship to Town Planning Scheme No.2

This Policy is a planning Policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No.2 (TPS2). Under Clause 9.2 of TPS2 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS2 relating to development applications regarding Ancillary Accommodation.

(b) Relationship to other State Planning Policies (SPPs)

This policy has due regard to, and should be read in conjunction with the State Planning Policies. Of particular relevance to this Policy are:

- i) *State Planning Policy No. 2.5 – Agricultural and Rural Land Use Planning*
- ii) *State Planning Policy No. 3 – Urban Growth and Settlement*
- iii) *State Planning Policy No. 3.1 – Residential Design Codes of Western Australia*

(c) Relationship to other Local Planning Policies (LPPs)

This Policy has due regard to, and should be read in conjunction with the Shire's entire Local Planning Policy suite. Of particular relevance to this Policy are:

- i) *Local Planning Policy No.4 – Revegetation*
- ii) *Local Planning Policy No.8 – Landscape Protection Policy*
- iii) *Local Planning Policy No.35 – (Interim) Residential Development*
- iv) *Draft Local Planning Policy No.22 – Urban Water Management*
- v) *Draft Local Planning Policy No.27 – Stakeholder Engagement in Land Use Planning*
- vi) *Draft Local Planning Policy No.33 – Placement of Fill in Non-urban Areas*
- vii) *Draft Local Planning Policy No.39 – Ancillary Accommodation*
- viii) *Draft Local Planning Policy No.43 – Natural Hazards and Disasters*
- ix) *Draft Local Planning Policy No.46 – Rural Workers Dwellings*

(d) Other legislative documents which have the potential to influence applications for ancillary accommodation include:

- i) *Shire of Serpentine Jarrahdale Rural Strategy (1994)*
- ii) *Building Code of Australia (BCA)*

5.0 Interpretations

The following are definitions that relate directly to the application of this Policy:

'Ancillary Accommodation' refers to self contained living accommodation on the same site as a single house that may be attached or detached from the single house and occupied by members of the same family as the occupiers of the main dwelling (Residential Design Codes).

6.0 Delegation

6.1 Applications that comply in all respects with this Policy may be dealt with under delegated authority, pursuant to Clause 8.2 of Town Planning Scheme No.2.

7.0 Policy Provisions

7.1 Applications within the residential zone shall be in accordance with the R-Codes.

7.2 Planning approval is required for the construction of all Ancillary Accommodation dwellings within the Shire.

7.3 Applicants shall be assessed against the acceptable, performance based criteria and unacceptable provisions set out in Schedule 1 and 2 of this Policy.

7.4 Where an application is to be lodged for consideration against some or all of the performance based criteria, the application shall clearly demonstrate (in writing with cross references to any applicable plans) how the performance based criteria had been achieved.

7.5 Performance based applications will need to achieve the following:

- Addresses key objectives of this Policy.
- Justify reason/s for non-compliance.
- Mitigate issue/s of non-compliance, which may include:
 - o landscaping and screening vegetation
 - o setback, siting and separation distances
 - o services and facilities
 - o design and external finish
 - o cumulative impacts
- Provide supporting information, which may include:
 - o bushfire and natural hazard management mechanisms

7.6 Applications for approval not in compliance with the Policy may be referred for planning assessment on their individual merits. Applications of this nature will only be supported by

Council where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a written justification and payment of relevant fees.

- 7.7 Ancillary Accommodation must be situated on the same legal title as the principle dwelling.
- 7.8 A maximum of one (1) ancillary dwelling is permissible on any one lot.
- 7.9 A caravan or park home (as defined in the *Caravan Parks and Camping Grounds Regulations 1997*) is not permitted as Ancillary Accommodation for either permanent or temporary accommodation,
- 7.10 Outbuildings (sheds, garages) proposing conversion to Ancillary Accommodation shall generally not be permitted.
- 7.11 Applicants are required to submit an application for a suitable effluent disposal system at the development application stage.
- 7.12 Subdivision applications arising from the establishment of Ancillary Accommodation will not be supported by the Shire.
- 7.13 As per Clause 4.1.1 of the R-Codes, the occupier(s) of an ancillary dwelling is required to be a member of the family of the occupier of the main dwelling to avoid circumstances where landowners engage in formal rental agreements with non-relatives.
- 7.14 Applicants are to place a Section 70A Notification on Title prior to occupancy of the dwelling at the Applicants cost to satisfy the requirements as identified in provision 7.13 above.

8.0 Consultation

- 8.1 Applications which alter Acceptable development provisions from this Policy require consultation with adjoining landowners.
- 8.2 Consultation with adjoining landowners will be carried out in accordance with the *Shire's Draft Local Planning Policy No.27 – Stakeholder Engagement Policy*.

9.0 Implementation

- 9.1 The parameters outlined in this Policy shall be implemented in the development and implementation of all Ancillary Accommodation within the Shire.
- 9.2 Implementation of this Policy shall be consistent with the attached Schedules. These schedules will be reviewed and revised periodically to keep abreast of new technologies, information and legislative changes.

SCHEDULE 1 – Maximum Floor Area Requirements

Zoning	Acceptable Development	Performance Based	Unacceptable Development
Residential	- 60m ²	-	- > 60m ²
Rural Residential	- 60m ²	- up to 80m ²	- > 80m ²
Rural Living A (less than 2ha)	- 60m ²	- up to 80m ²	- > 80m ²
Special Residential	- 60m ²	- up to 80m ²	- > 80m ²
Special Rural/Rural Living B & Rural Living A (greater than 2ha)	- 100m ²	-	- > 100m ²
Rural	- 100m ²	-	- > 100m ²
Farmlet	- 100m ²	-	- > 100m ²
Rural Groundwater Zone	- 100m ²	-	- > 100m ²
Special Use – Conservation Living	- 100m ²		- > 100m ²
Special Use – Darling Views Estate	- 60m ²	- up to 80m ²	- > 80m ²

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SCHEDULE 2 – DESIGN REQUIREMENTS

Element	Acceptable Development	Performance Based	Unacceptable Development
Timing	- Ancillary accommodation to be developed after the primary dwelling	- Ancillary accommodation is developed prior to primary dwelling	-
Siting	<ul style="list-style-type: none"> - Ancillary accommodation is located behind the primary building setback. - Located behind or alongside the primary dwelling. - Located above the garage to support designing out crime principles for properties accessed via a rear laneway. - Ancillary accommodation is to have good solar access and does not detract from the solar access of the primary dwelling. - Does not overlook adjoining properties resulting in privacy issues exceeding the requirements as set out in the R-Codes. 	- Ancillary Accommodation is located forward of the primary dwelling (but behind the primary building setback) however is built to a comparable standard and finish as the primary dwelling.	- Ancillary Accommodated is sited forward of the primary building setback.
Separation Distance*	- Ancillary accommodation is located within 10 metres of the primary dwelling.	- Ancillary accommodation is located up to 20 metres from the primary dwelling.	- Greater than 20 metres separation distance.
Access/ Parking	<ul style="list-style-type: none"> - A minimum of one (1) carparking space shall be provided in addition to those required for the primary dwelling. - No additional driveways or crossovers will be permitted. - Vehicle access should be shared with that of the primary dwelling 	<ul style="list-style-type: none"> - Additional car parking shall be provided in accordance with the R-Codes. - 	<ul style="list-style-type: none"> - More than two (2) car bays. - Additional driveways or crossovers proposed.
Health	- A minimum of a kitchen sink with associated food preparation facilities, shower or bath, toilet, and clothes washing facilities be provided in accordance with Part 3.8.3of the Building Codes of Australia (as amended).	- A minimum of a kitchen sink with associated food preparation facilities, shower or bath, and toilet be provided.	- No health facilities provided.
Services	<ul style="list-style-type: none"> - Ancillary Accommodation shares the same road access, water and power infrastructure as the primary dwelling where possible. - Ancillary Accommodation is connected to the same effluent disposal system as the main dwelling - Effluent disposal system is sufficiently upgraded so that it is suitable for use by two dwellings. 	- Ancillary accommodation shares a majority of services with the primary dwelling.	- Provides individual services.
Design/ External Finish	<ul style="list-style-type: none"> - Ancillary Accommodation is under the same roofline as the primary dwelling - Incorporates habitable design 	-	<ul style="list-style-type: none"> - Uninhabitable appearance. - Negatively affects visual amenity from residents

	<p>elements such as awnings, verandahs, patios.</p> <ul style="list-style-type: none"> - Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains in accordance with this Policy. - Ancillary accommodation is constructed of a similar material and exterior finish as the main dwelling on the lot. 		<p>or neighbouring properties</p>
Landscaping /Screening	<ul style="list-style-type: none"> - Landscaping and screen planting is utilised to ameliorate the visual impact of ancillary accommodation if visible from a major thoroughfare. - Plantings make use of species native to the area and are semi mature. 	<ul style="list-style-type: none"> - Ancillary Accommodation should be appropriately screened from farm boundaries, major thoroughfares and potential conflicting land uses (eg. intensive livestock operations, livestock yards etc). 	<ul style="list-style-type: none"> - Landscaping/screening not proposed.
Transportable Dwellings	<ul style="list-style-type: none"> - Roof pitch is under the same roofline as the main dwelling - Roof colour to match the primary dwelling - Verandahs, porticos to provide additional architectural interest - No more than 50% of materials are to be dissimilar to the existing primary dwelling - Transportable dwelling must submit a landscape plan where proposed ancillary is located within Rural A/B, Rural, Farmlet, Special Residential and Special rural as these zones typically have open style fencing so visibility is higher. - Transportable dwelling is fixed. 	<ul style="list-style-type: none"> - Transportable dwellings shall only be approved once structure is permanently fixed, to alleviate substandard transportables being used on a temporary basis - Transportable dwellings should be consistent with prevailing architectural styles of the primary dwelling and surrounding locality 	<ul style="list-style-type: none"> - Sea containers and park homes. - Converted workers accommodation/ demountable camp site accommodation.

*NB: * Separation distance shall be measured from the sand pad of the existing dwelling to the sand pad of proposed ancillary dwelling, allowing a maximum of 2 metres per sand pad.*

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SCHEDULE 3 - Application Requirements

The following information is a minimum requirement. Additional information may be requested should the proposal pose potential to impact on the surrounding environment or community.

- **Written Submission**, detailing the following:
 - the proposal, advising who the accommodation will be occupied by, the likely timeframe that the accommodation will be required (permanent or temporary); and
 - Justification for any variations to the provisions outlined in this Policy, the R-Codes or TPS2 (if required).
- **Location Plan**, illustrating the location of the proposed ancillary accommodation within the lot boundaries and in relation to the main dwelling (including approximate distances from lot boundaries for fire management purposes and the distances from each dwelling to ensure close proximity); and
- **Site Plan** (x 3 copies), including:
 - i. Cross Sections;
 - ii. Floorspace (dimensions);
 - iii. Front, side and rear elevations of the proposed ancillary accommodation;
 - iv. Areas proposed to be landscaped;
 - v. All existing development;
 - vi. Proposed colours/materials for ancillary accommodation;
 - vii. Details of colours/materials of existing main dwelling;
 - viii. Existing vegetation which could potentially be impacted by the proposal;
 - ix. Proposed screening of vegetation (if any);
 - x. Proposed earthworks (if any);
 - xi. Vehicular access routes (existing and proposed, if any);
 - xii. Contours/Drainage (for areas of sloping land, if applicable);
 - xiii. Distances and sightlines to adjoining dwellings;
 - xiv. Relevant details on any adjoining farm or other activities; and
 - xv. Details on viewlines.
- **Application for a suitable effluent disposal system**
- **Landscape Management Plan** (x 3 copies, if required), identifying landscaping/species types and timeframes.
- **Application fee** as per the Schedule of Planning Fees.