

P150/06/02 PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO.2 – MULTIPLE DWELLINGS ON RURAL LAND (A0695)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief The purpose of this report is to consider amending and adding a number of clauses and definitions in Council's Town Planning Scheme No.2 that relate to multiple dwellings on 'Rural' zoned land.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23/5/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Council to consider initiating an amendment to a number of clauses and definitions in the Town Planning Scheme that relate to second dwellings on rural land. This amendment will bring Council's scheme into alignment with the recently gazetted "Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning" regarding second residences on rural property.

Comments

SPP11

SPP 11 has been prepared under section 5AA of the Town Planning and Development Act 1928 (as amended). The policy applies to the planning of rural and agricultural land within Western Australia.

As stated in the accompanying Council report - "Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning", *'Local governments must have due regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice on planning applications that deal with rural land'*.

Multiple dwellings within the Rural zone

Clause 5.2.2 (vii) of the SPP No.11 states:

"Provision in the town planning scheme to allow more than one dwelling on a lot in the "Priority Agriculture" zone will not be supported unless the additional dwelling(s) provides-

- a) *accommodation for workers employed for agricultural and intensive agricultural activities on that holding; and*
- b) *the dwelling should generally be clustered in one location, to avoid future subdivision pressures and minimise constraints on adjoining land uses; and*
- c) *all services to the dwellings from the lot boundary (including access roads) are shared where practicable."*

Town Planning Scheme No.2

Currently Council's Scheme contains the following clauses relating to second dwellings on rural land:

"5.4.3 In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares and one dwelling unit per 25 hectares or part thereof for lots having an area of 50 hectares or more. The presence of more than one dwelling unit on a lot in the Rural Zone shall not be considered by itself to be sufficient grounds for subdivision."

The above clause permits more than one dwelling on rural lots greater than 4 hectares and less than 50 hectares and does not set any requirements on what that dwelling must be used for in relation to the uses carried out on the property. The above clause is contrary to the provisions for multiple dwellings in a 'Rural' zone as outlined in Statement of Planning Policy No.11 (SPP No.11). It is recommended that the above clause and the clause below be deleted from the Scheme and replaced with a clause that recognises the requirements of SPP No.11.

"5.4.4 Notwithstanding the requirements of Clause 5.4.3 the Council may permit no more than two dwellings on the following rural lots:

- 1) Lot 125 Doley Road, Byford
- 2) Lot 126 Orton Road, Byford".

Council's Scheme contains the following definitions relating to residences:

"Residential Building – means a building or portion of a building, together with rooms and outbuildings separate from such building and ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation

- Temporarily by two or more persons, or
- Permanently by seven or more persons

Who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school."

The above use will be altered in the zoning table to require advertising of the use in the "Residential" and "Rural" zone in accordance with the 'SA' classification in the scheme. Currently, a "Residential Building" use is considered a discretionary or 'AA' use in the "Residential" and "Rural" zones.

The following definition should be deleted from the Scheme:

"Residential Units – means the total number of residential structures, irrespective as to how such units are separately defined under the Residential Planning Codes and/or the Town Planning Scheme No.2 text that may be permitted on any one lot."

Currently, Council's Scheme does not include a definition for 'rural workers dwelling', which will be required.

The following definitions taken from the R-Codes will also be required to be inserted into the definitions section of the Scheme:

“Multiple Dwelling – means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.”

“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 excludes any dwelling which is the sole dwelling on a few simple or survey strata lot.”

“Dwelling – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.”

“Ancillary Accommodation – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.”

Definition for rural worker's dwelling

Numerous sources including eastern states local council's were investigated for a definition of “Rural Workers Dwelling”.

A similar definition has been constructed for the purposes of the Shire of Serpentine-Jarrahdale. The following definition will provide a clear definition on what rural uses an occupier of a rural workers cottage must be engaged in to qualify as a rural workers cottage:

“Rural Workers Dwelling” means a dwelling which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use.

The above definition shall be inserted into the definition section of the scheme as well as being inserted as a ‘Use Class’ in the Scheme zoning table.

It is noted that under SPP No.11, the term farm workers accommodation includes accommodation for family members involved in the operation of the agricultural enterprise. This must be included in Council's definition of “Rural Workers Dwelling”.

Zoning Table

The zoning table will have to be amended to incorporate the following uses: ancillary accommodation, dwelling, multiple dwelling, grouped dwelling and rural workers dwelling. These uses will replace the current ‘use class 54’ of the zoning table.

BP1 – Ancillary Accommodation Policy

Council's ancillary accommodation policy currently allows for conditional approval for an ancillary accommodation on residential, special residential, special rural, rural living A

and B, farmlet properties and in the case of rural lots not large enough to accommodate two or more grouped dwellings.

In a letter dated the 31st May 2002 received from McLeod's the following was identified in relation to ancillary accommodation:

'We understand that the Shire's current practice in respect of applications for approval [of an]...ancillary accommodation is to impose a condition of restricting occupation of the ancillary accommodation to family members of the occupants of the main dwelling. The condition further requires the landowner to enter into a deed with the Shire to ensure that successive purchasers are made aware of the restriction of the use of the land.'

McLeod's suggest the following alternative approach to restricting the use of an ancillary accommodation. The following conditions be included in any planning approval for an ancillary accommodation:

- '1. Occupation of the ancillary accommodation shall be restricted to members of the family of the occupier of the main dwelling on the land the subject of the proposed development.*
- 2. In relation to condition 1, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land the subject of the proposed development prior to the issue of a building licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 1 of this approval. The Section 70A Notification shall be prepared by the Shire's solicitors (currently McLeods) to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.'*

It is recommended that Council's Policy for Ancillary Accommodation be amended in the following ways:

1. To include the 2 conditions mentioned above. These conditions will replace the current conditions pertaining to entering into legal agreements which ensure the occupier of the ancillary accommodation will be a member of the occupier of the existing residence;
2. To amend standard 4 of the policy by replacing it with the following: - The ancillary accommodation shall be under the same roof line as the main dwelling;
3. Include the following provision in the policy: An ancillary accommodation will only be permitted in the 'Rural' Zone where the dwelling provides:
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition for "Rural Workers Dwelling"; and
 - b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable;

where the ancillary accommodation is

- a) directly joined to the primary residence by being under the same roofline; and
- b) is within a minimum floor area of 40 m² and maximum floor area of 60m².

BP5 – Dwelling (Additional Accommodation) Rural Areas

Council's Building Policy BP5 currently provides the following:

"In rural areas under 4 hectares, a new dwelling is to have ancillary accommodation under the same roof line. In the case of an existing house, the ancillary accommodation can either be attached to the building or be built within 10 metres of the existing dwelling incorporating a covered walkway.

All other details are the same as Council's policy for Ancillary Accommodation."

This policy is not necessary any more and should be deleted as it is covered in BP1 – Ancillary Accommodation Policy.

Council Info Notes

All Council info notes relating to multiple dwellings on rural land will be amended in accordance with this amendment.

Conclusion

The recent gazettal of Statement of Planning Policy No.11 identifies restrictions to second residence on rural zoned land. Council's Scheme currently does not include these restrictions for multiple residences on rural land. It is recommended a scheme amendment be initiated accordingly in order to bring the scheme in line with SPP11 in regards to multiple dwellings on rural zoned land. The amendment should initiate the following:

1. The deletion of clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land;
2. Adding a clause that replaces the above clauses, which relates to restrictions for multiple dwellings on a rural zoned property in accordance with SPP11;
3. Adding a definition for Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling to the Scheme;
4. Amending the zoning table to conform with the above by including Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling as 'Use Classes' to the Scheme.

It is recommended that an amendment be initiated accordingly.

Sustainability Statement

Currently, multiple residences on rural properties are being used as an excuse/reason to subdivide rural zoned properties. The amendment to restrict multiple residences on rural land except in certain circumstances will prevent opportunities for further subdivision of

viable agricultural land in close proximity to the Perth central area. This will prevent opportunities for subdivision which may reduce the capacity of the land to support various extensive agricultural pursuits.

The amendment may disadvantage various social groups such as extended families who want to occupy a rural property. However, BP1 - Ancillary Accommodation Policy would allow for opportunities for an ancillary accommodation on rural land.

Statutory Environment: Town Planning and Development Act 1928, Town Planning Scheme No.2, Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning

Policy Implications: Planning Policy No.11 – Agricultural and Rural Land Use Planning; BP1 – Ancillary Accommodation Policy, BP5 – Dwelling (Additional Accommodation) Rural Areas

Financial Implications: Not applicable

Strategic Implications: Second residences will only be permitted on land zoned 'Rural' under certain circumstances

Community Consultation: Not applicable

Voting Requirements: Normal

Committee/Officer Recommended Resolution

- A. Council in pursuance to Clause 17 of the Town Planning Regulations 1967, resolves to adopt for final approval Amendment No. 127 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDALÉ

TOWN PLANNING SCHEME NO.2

The Shire of Serpentine-Jarrahdale under and by virtue of the powers conferred upon it in that behalf of the Town planning and Development Act 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Deleting clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land.
2. Adding clause 5.10.3 Multiple dwellings within the Rural Zone
 - 5.10.3 Multiple dwellings within the Rural Zone

- (i) In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area.
- (ii) For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the “Rural Zone” will not be supported unless the additional dwelling(s) provides -
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council’s definition for “Rural Workers Dwelling”; and
 - b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

3. Adding the following definitions to the Scheme as follows:

Ancillary Accommodation – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.

Dwelling – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.

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 excludes any dwelling which is the sole dwelling on a few simple or survey strata lot.

Multiple Dwelling – means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.

Rural Workers Dwelling – means a dwelling:

- a) which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and
- b) which can also accommodate family members involved in the operation of the agricultural enterprise on that land.

4. **Amend Table 1 – Zoning Table by:**

(i) Deleting ‘Use Class 54’ as follows:

- '54. *Residential:*
- a) *Single*
 - b) *Attached*
 - c) *Grouped'*

- (ii) Including the following ‘Use Classes’ in alphabetical and sequential number order and re-number the existing ‘Use Classes’ accordingly:

Residential:

- a) Ancillary Accommodation
- b) Dwelling
- c) Grouped
- d) Multiple

Rural Workers Dwelling

5. Including the following ‘Use Symbols’ in Table 1 – Zoning Table against the listed ‘Use Classes’ below:

USE CLASSES	1	2	3	4	5	6	7	8
54. Residential:								
(a) Ancillary Accommodation	A					A	A	AA
(b) Dwelling	P					P	P	
(c) Grouped	A							
(d) Multiple Dwelling	A							
	S							
	A							
59. Rural Workers Dwelling								IP

TABLE I - ZONING TABLE

KEY TO COLUMNS

- 1. RESIDENTIAL
- 2. COMMERCIAL
- 3. SHOWROOM/WAREHOUSE
- 4. LIGHT INDUSTRY
- 5. GENERAL INDUSTRY
- 6. SPECIAL RESIDENTIAL
- 7. SPECIAL RURAL
- 8. RURAL

6. **Altering the “Residential Building” ‘Use Symbol’ in Table 1 - zoning table:**

From ‘AA’ use in the “Residential” and “Rural” zones to ‘SA’ in the “Residential” and “Rural” zones as follows:

USE CLASSES	1	2	3	4	5	6	7	8
55. Residential Building	S							SA
	A							

TABLE I - ZONING TABLE

KEY TO COLUMNS

- | | |
|------------------------------|-------------------------------|
| 1. RESIDENTIAL | 5. GENERAL INDUSTRY |
| 2. COMMERCIAL | 6. SPECIAL RESIDENTIAL |
| 3. SHOWROOM/WAREHOUSE | 7. SPECIAL RURAL |
| 4. LIGHT INDUSTRY | 8. RURAL |

B. Council amend all the relevant policies by:

1. **Deleting policy BP5 - Dwelling (Additional Accommodation) Rural Areas.**
2. **Amending policy BP1 – Ancillary Accommodation Policy, to read as follows:**

BP1 ANCILLARY ACCOMMODATION

Original Date Adopted

20.12.93 - Ordinary Council Meeting

Last Reviewed -

- Ordinary Council Meeting

Ancillary accommodation means self-contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot.

In the case of (a) rural lots and (b) residential lots not large enough to accommodate two or more grouped dwellings, Council may approve the development of ancillary accommodation provided that:

- Any occupier shall be a member of the family of the occupier of the main dwelling or a 'rural worker' in the case of rural areas;
- Parking spaces additional to those required for a single house will be required as applicable;
- That the owner/occupiers of the above enter into a legal agreement with this authority stipulating that approval was granted for a single dwelling with ancillary accommodation attached and a note to be lodged on the title to that effect;
- That the legal agreement be entered into prior to the issue of a building licence.

Due to no stipulated minimum conditions in the R Codes, gazetted 13 December 1991, Council is requested to add the following standards to the existing policy:

- | | | |
|---|--------------|---|
| 1 | Minimum area | 40m ² |
| | Maximum area | 60m ² (or otherwise approved by Council) |

<u>Setbacks</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>
Residential (as per R Codes)	7.5 7.5	1.5	
Rural Living A (existing policy)	12 12	5	
Rural Living B (existing policy)	20 20	10	
Farmlets (suggested policy)	20 20	10	
Rural (suggested policy)	20 20	10	

- 2 The exterior finish to be constructed in the same or similar materials to the main dwelling.
- 3 The main dwelling must be constructed prior to the ancillary accommodation.
- 4 The ancillary accommodation shall be under the same roofline as the main dwelling.
- 5 Occupation of the ancillary accommodation shall be restricted to members of the family of the occupier of the main dwelling on the land the subject of the proposed development.
- 6 That all legal costs incurred be met by the applicants;
- 7 An ancillary accommodation will only be permitted in the 'Rural' Zone where the dwelling provides:
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition of "Rural Workers Dwelling"; and
 - b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable; or
 - d) where the ancillary accommodation provides accommodation for family members.

Note: In relation to condition 5, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land the subject of the proposed development prior to the issue of a building licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 5 of this policy. The Section 70A Notification shall be prepared by the Shire's solicitors (currently McLeods) to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.

Note: Last part of point 5 in BP1 words added by way of a correction to the committee/officer recommended resolution.

CRP150 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Price

- A. Council in pursuance to Clause 17 of the Town Planning Regulations 1967, resolves to adopt for final approval Amendment No. 127 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO.2

The Shire of Serpentine-Jarrahdale under and by virtue of the powers conferred upon it in that behalf of the Town planning and Development Act 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Deleting clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land.
2. Adding clause 5.10.3 Multiple dwellings within the Rural Zone

5.10.3 Multiple dwellings within the Rural Zone

(i) In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area.

(ii) For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the "Rural Zone" will not be supported unless the additional dwelling(s) provides -

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition for "Rural Workers Dwelling"; and
- b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

3. Adding the following definitions to the Scheme as follows:

Ancillary Accommodation – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.

Dwelling – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.

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 excludes any dwelling which is the sole dwelling on a few simple or survey strata lot.

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Rural Workers Dwelling – means a dwelling:

- a) which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and
- b) which can also accommodate family members involved in the operation of the agricultural enterprise on that land.

4. Amend Table 1 – Zoning Table by:

- (i) Deleting 'Use Class 54' as follows:

'54. Residential:
 a) Single
 b) Attached
 c) Grouped'

- (ii) Including the following 'Use Classes' in alphabetical and sequential number order and re-number the existing 'Use Classes' accordingly:

Residential:
 a) Ancillary Accommodation
 b) Dwelling
 c) Grouped
 d) Multiple

Rural Workers Dwelling

- 5. Including the following 'Use Symbols' in Table 1 – Zoning Table against the listed 'Use Classes' below:

USE CLASSES	1	2	3	4	5	6	7	8
54. Residential: (a) Ancillary Accommodation (b) Dwelling (c) Grouped (d) Multiple Dwelling	A A P A A S A					A A P	A A P	AA P
59. Rural Workers Dwelling								IP

TABLE I - ZONING TABLE

KEY TO COLUMNS
 1. RESIDENTIAL

5. GENERAL INDUSTRY

- 2. COMMERCIAL
- 3. SHOWROOM/WAREHOUSE
- 4. LIGHT INDUSTRY
- 6. SPECIAL RESIDENTIAL
- 7. SPECIAL RURAL
- 8. RURAL

6. Altering the “Residential Building” ‘Use Symbol’ in Table 1 - zoning table:

From ‘AA’ use in the “Residential” and “Rural” zones to ‘SA’ in the “Residential” and “Rural” zones as follows:

USE CLASSES	1	2	3	4	5	6	7	8
55. Residential Building	S A							SA

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KEY TO COLUMNS

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- 2. COMMERCIAL
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- 5. GENERAL INDUSTRY
- 6. SPECIAL RESIDENTIAL
- 7. SPECIAL RURAL
- 8. RURAL

B. Council amend all the relevant policies by:

1. **Deleting policy BP5 - Dwelling (Additional Accommodation) Rural Areas.**
2. **Amending policy BP1 – Ancillary Accommodation Policy, to read as follows:**

BP1 ANCILLARY ACCOMMODATION

Original Date Adopted
Last Reviewed -

20.12.93 - Ordinary Council Meeting
- Ordinary Council Meeting

Ancillary accommodation means self-contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot.

In the case of (a) rural lots and (b) residential lots not large enough to accommodate two or more grouped dwellings, Council may approve the development of ancillary accommodation provided that:

- Any occupier shall be a member of the family of the occupier of the main dwelling or a ‘rural worker’ in the case of rural areas;
- Parking spaces additional to those required for a single house will be required as applicable;
- That the owner/occupiers of the above enter into a legal agreement with this authority stipulating that approval was granted for a single dwelling with ancillary accommodation attached and a note to be lodged on the title to that effect;
- That the legal agreement be entered into prior to the issue of a building licence.

Due to no stipulated minimum conditions in the R Codes, gazetted 13 December 1991, Council is requested to add the following standards to the existing policy:

- | | | | | |
|---|----------------------------------|---|--------------|-------------|
| 1 | Minimum area | 40m ² | | |
| | Maximum area | 60m ² (or otherwise approved by Council) | | |
| | <u>Setbacks</u> | | <u>Front</u> | <u>Rear</u> |
| | Residential (as per R Codes) | | 7.5 7.5 | 1.5 |
| | Rural Living A (existing policy) | | 12 12 | 5 |
| | Rural Living B (existing policy) | | 20 20 | 10 |
| | Farmlets (suggested policy) | | 20 20 | 10 |
| | Rural (suggested policy) | | 20 20 | 10 |
- 2 The exterior finish to be constructed in the same or similar materials to the main dwelling.
 - 3 The main dwelling must be constructed prior to the ancillary accommodation.
 - 4 The ancillary accommodation shall be under the same roofline as the main dwelling.
 - 5 Occupation of the ancillary accommodation shall be restricted to members of the family of the occupier of the main dwelling on the land the subject of the proposed development or a worker employed for agricultural or intensive agriculture activities on that holding.
 - 6 That all legal costs incurred be met by the applicants;
 - 7 An ancillary accommodation will only be permitted in the 'Rural' Zone where the dwelling provides:
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition of "Rural Workers Dwelling"; and
 - b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable; or
 - d) where the ancillary accommodation provides accommodation for family members.

Note: In relation to condition 5, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land the subject of the proposed development prior to the issue of a building licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 5 of this policy. The Section 70A Notification shall be prepared by the Shire's solicitors (currently McLeods) to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the

Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.

CARRIED 10/0

Note: The Committee/Officer Recommended Resolution was changed in the last part of No. 5 in BP1 as a point of clarification.