

7.0 ANCILLARY ACCOMMODATION

1. Background

Ancillary Accommodation (such as ‘granny flats’ or similar) is seen as an appropriate way of providing alternative accommodation to the traditional housing within the Shire. Council is supportive of such development, provided it is adequately planned and serviced.

State Planning Policy 3.1 - Residential Design Codes (the Codes) provides for the approval of an “Ancillary Dwelling”. According to the Codes “Ancillary Dwelling” 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.”

Part 7 of the Codes states that a local planning policy may not vary the standards of the Codes in relation to Ancillary Dwellings.

In contrast to the definition applied by the Codes, the Shire of Waroona Town Planning Scheme No.7 (TPS7) includes the following interpretation in Schedule 1:

“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 occupied by members of the same family as the occupiers of the main dwelling”.

While the TPS7 definition specifies occupants of Ancillary Accommodation are to be members of the same family as occupants of the main dwelling, this is not consistent with the more recent definition applying to Ancillary Dwellings from the Codes.

The Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 includes Deemed Provisions for Local Planning Schemes, with clause 61 (d) specifying that, provided Heritage provisions do not apply, development approval is not required for the following works:

“The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes”.

Further, the Planning and Development (Local Planning Schemes) Regulations 2015 Clause 10 (4) includes the following note:

“If a deemed provision is inconsistent with another provision of a local planning scheme to which the deemed provision applies, the deemed provision prevails and the other provision, to the extent of the inconsistency, is of no effect.”

As a result of the above, applications on lots subject to the Codes must be dealt with under the Codes. This policy provides for the assessment of Ancillary Accommodation in areas that are not subject to the Codes.

2. Objective/s

To establish appropriate criteria for the consideration of applications for the development of Ancillary Accommodation in areas not subject to the Residential Design Codes.

3. Legal status/considerations

The Policy is adopted as a Local Planning Policy pursuant to Clause 2.4 of the Scheme.

4. Special Procedural Considerations

4.1 Determination of applications for Ancillary Accommodation on land zones not subject to the Residential Design Codes will be according to the Shire of Waroona Town Planning Scheme No.7 in conjunction with this policy.

4.2 This policy does not apply to the determination of works associated with Ancillary Accommodation on lots subject to the Residential Design Codes.

5. Policy Statement

5.1 Development of Ancillary Accommodation on land not subject to the Residential Design Codes, if consistent with TPS7, may be approved subject to the following:

- a) A maximum plot ratio area of 100m² (excluding verandas and patios open on at least two sides);
- b) A maximum of 1 Ancillary Accommodation unit on any one lot;
- c) Ancillary Accommodation is to be sited to minimise impact on the landscape, environment and streetscape. Isolated or visually prominent locations should be avoided;
- d) Special consideration should be given to the relationship between Ancillary Accommodation and existing buildings, trees and other landscape features;
- e) Council will require the design, materials and colour of Ancillary Accommodation to complement or not detract from the area's amenity. Council may require the appearance of the Ancillary Accommodation to complement the main dwelling; and
- f) In areas subject to the provisions of State Planning Policy 2.1 – The Peel - Harvey Coastal Plain Catchment, the effluent disposal system(s) on the lot must comply with all applicable provisions of State Planning Policy 2.1, with particular regard to section 6 and clause 6.2.3 regarding the potential number of effluent disposal systems permissible.

Adoption/amendments

Draft:

Final:

Amendment/s: **OCM16/03/027**