

## Shire of Mundaring

# POLICY

### ANCILLARY ACCOMMODATION

<b>Policy Ref:</b>	<b>PS-01</b>		
<b>Committee Rec:</b>	DAC18.06.05	<b>Date:</b>	14 June 2005
<b>Adopted by:</b>	R05.06.2005	<b>Date:</b>	28 June 2005
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<b>Procedure Ref:</b>		<b>Delegation Ref:</b>	
<b>Statute Ref:</b>			
<b>Local Law Ref:</b>			

#### PURPOSE

To provide a guide for the assessment and determination of applications for planning approval for ancillary accommodation within the Residential, Rural Landscape Living, and General Rural zones.

#### POLICY

##### 1.0 Objectives

- a) To provide flexibility in providing accommodation opportunities to family members within the same lot to meet the needs of local residents.
- b) 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.

##### 2.0 Background

Under the Shire of Mundaring Town Planning Scheme No. 3 (TPS 3) Planning Approval is required for Ancillary Accommodation.

This Policy has been reviewed in an endeavour to address delays in addressing applications for Ancillary Accommodation, and to respond to changes in the nature of such applications.

The Policy now 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 previously required the approval of Council, leading to lengthy delays in addressing the needs of residents to either update or render non-habitable, ageing housing stock.

The Policy also sets out criteria for Ancillary Accommodation that can be approved without referral to neighbours, 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.

### 3.0 Application

This Policy applies to either additions to existing dwellings or separate structures that are considered to be 'self contained', being those not reliant on the main residence and maintaining their own sanitary conveniences in accordance with s.99 (1) of the Health Act 1911 (as amended).

### 4.0 General Criteria

- 4.1 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.
- 4.2 Subject to Clause 4.3 below, ancillary accommodation that does not comply with all of the criteria corresponding to the relevant zone in Table 1 but complies or does not exceed the requirements of Table 2, and the relevant general criteria below, will be referred to neighbours for comment prior to being determined.
- 4.3 Ancillary Accommodation that does not comply or exceeds any one or more of the criteria corresponding to the relevant zone in Table 2 of this Policy, or the relevant general criteria below, will be referred to Council for determination and will generally not be recommended for approval unless in Council'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, consistent with 1.0 above. In forming this opinion Council may have regard to the submissions (if any) from affected neighbours.
- 4.4 Ancillary accommodation will only be permitted on lots that are not large enough to accommodate an additional grouped dwelling under the zoning provisions in TPS 3. This is consistent with the Residential Design Codes.

- 4.5 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 dwellings.
- 4.6 The appearance of ancillary accommodation shall be of a complimentary style to the main dwelling.
- 4.7 Consideration could be given for ancillary accommodation to be located at a greater distance than that specified in Table 2 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.
- 4.8 Transportable buildings would be encouraged as they can be easily removed from the land once the use is no longer required by the landowner. These buildings will need to be of a high design standard to be compatible with the existing development on the land and the surrounding environment.
- 4.9 A minimum of one parking space shall be provided in addition to those required for the main residence.
- 4.10 In unsewered areas an effluent disposal system shall be provided or the existing system upgraded to the satisfaction of Council's Health Service in accordance with the following:
- (i) Residence and ancillary accommodation (up to 5 bedrooms total)  
  
Council's Health Service will consider the use of the existing septic tanks with an extension to leach drain length and/or number.
  - (ii) Residence and ancillary accommodation (6 or more bedrooms total)  
  
Council'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.
  - (iii) If the total floor area of the ancillary accommodation is over 60m<sup>2</sup> 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 need to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
- 4.11 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 2

unless varied pursuant to Clause 4.3 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.

4.12 An existing residence may be temporarily approved for ancillary accommodation exceeding the requirements of Table 2, for a maximum period of 6 months following the practical completion of a new dwelling as described in 4.11 above. 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 2. The legal agreement (caveat) is to include a deed to this effect.

4.13 Any discretionary standards prescribed in the Policy or enclosed Tables are at the discretion of Council, or its delegate.

## 5.0 Legal Requirements

5.1 An application for ancillary accommodation will require that a Notification be placed on the Certificate of Title (under Section 70A of the Transfer of Land Act) advising owners and subsequent owners of land of restrictions that apply to ancillary accommodation. Council will require that this be placed on the Title prior to the issue of a building licence for the ancillary accommodation or residence.

TABLE 1 – APPROVAL WITHOUT ADVERTISING

<b>Zoning:</b>	<b>Criteria:</b>
Residential R10 to R40	<ul style="list-style-type: none"> <li>• Maximum floor area of 45m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling no greater than 10 metres.</li> <li>• Maximum of 2 bedrooms, living, laundry, kitchen and bathroom.</li> </ul>
Residential 2.5 to R10	<ul style="list-style-type: none"> <li>• Maximum floor area of 50m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling no greater than 10 metres.</li> <li>• Maximum of 2 bedrooms, living, laundry, kitchen and bathroom.</li> </ul>
Rural Landscape Living under 2ha	<ul style="list-style-type: none"> <li>• Maximum floor area of 120m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling no greater than 20 metres.</li> <li>• Maximum of 2 bedrooms, 1 living, laundry, kitchen and bathroom.</li> </ul>
Rural Landscape Living 2ha or above	<ul style="list-style-type: none"> <li>• Maximum floor area of 130m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling no greater than 20 metres.</li> <li>• Maximum of 2 bedrooms, 1 living, laundry, kitchen and bathroom.</li> </ul>
General Rural	<ul style="list-style-type: none"> <li>• Maximum floor area of 150m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling no greater than 50 metres.</li> <li>• Maximum of 3 bedrooms, 1 living, 1 laundry, kitchen and bathroom.</li> </ul>

**TABLE 2 – ANCILLARY ACCOMMODATION PROPOSALS THAT WILL  
GENERALLY NOT BE SUPPORTED**

<b>Zoning:</b>	<b>Criteria</b>
Residential R10 to R40	<ul style="list-style-type: none"> <li>• Floor area greater than 65m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling is greater than 15 metres.</li> <li>• More than 2 bedrooms.</li> </ul>
Residential R2.5 to R10	<ul style="list-style-type: none"> <li>• Floor area greater than 70m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling is greater than 15 metres.</li> <li>• More than 2 bedrooms.</li> </ul>
Rural Landscape Living under 2ha	<ul style="list-style-type: none"> <li>• Floor area greater than 150m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling is greater than 30 metres.</li> <li>• More than 3 bedrooms, 1 living, laundry, kitchen and bathroom.</li> </ul>
Rural Landscape Living 2ha or above	<ul style="list-style-type: none"> <li>• Floor area greater than 160m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling is greater than 30 metres.</li> <li>• More than 3 bedrooms, 1 living, laundry, kitchen and bathroom.</li> </ul>
General Rural	<ul style="list-style-type: none"> <li>• Floor area greater than 180m<sup>2</sup>.</li> <li>• Distance between the ancillary accommodation and the main dwelling is greater than 75 metres.</li> <li>• More of 3 bedrooms, 1 living, 1 laundry, kitchen and bathroom.</li> </ul>