

LUP 6 – Ancillary Accommodation Policy

1 Definitions

1.1 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”.

2 Policy

2.1 Introduction

A genuine need for accommodation of relatives is often demonstrated, be it for aged or disabled relatives or dependents desiring semi-independent accommodation. Such accommodation permits extended families to live in close proximity but with some autonomy from each other.

2.2 Requirements/Restrictions of Ancillary Accommodation

- (a) Comprises a total floor area of no greater than 80m², except a total floor area of 120m² is permitted within a Special Rural or Rural Zone.
- (b) Is located no more than 10 metres from the principal dwelling if within the Residential, and Special Residential zones, 20 metres within Special Rural zones and 50 metres if in the Rural zones.
- (c) Does not comprise more than 2 bedrooms, 1 dining room, 1 living room, 1 kitchen and ablution facilities.
- (d) Utilises shared vehicular access from the road as the principal dwelling.
- (e) It is to be an appearance and style similar to the main dwelling and shall endeavour to appear from the roadside viewpoint as a single residence and not a grouped dwelling.
- (f) Is not rented, leased, sold or occupied by persons other than a relative of the occupants of the principal dwelling. Applicants have to include a clear familial relationship between the owners and occupiers of the Ancillary Accommodation. If this cannot be demonstrated to the satisfaction of officers, the application will be referred to Council for determination.
- (g) A caveat is to be registered on the Certificate of Title of the subject property pursuant to Section 70A of the Transfer of Land Act notifying prospective purchasers of the restricted use of the ancillary accommodation as part of the planning approval, at the cost of the applicant.
- (h) An existing single house may be approved as ancillary accommodation to a new proposed house, subject to the existing house ultimately forming the ancillary accommodation, where compliant with the relevant requirements/restrictions under this Policy.
- (i) An existing single house may be temporarily approved for ancillary accommodation that exceeds the requirements/restrictions under this Policy (ie. floor area, separation distance, etc), for a maximum six month period of occupation, following the practical completion of a new single house on the property. The temporary ancillary accommodation shall thereafter be modified to comply with the requirements of the Policy, decommissioned to a nonhabitable standard in accordance with the Health Act 1911, or fully demolished under an approved demolition licence, and subject to any necessary legal arrangements being undertaken to this effect.

2.3 Strata Titling

The strata titling of the Ancillary Accommodation separate from the principal dwelling shall not be permitted.

2.4 Subdivision

The siting of an Ancillary Accommodation unit on a lot shall not be viewed as a basis of support for a subdivision application to separate this unit and the principal dwelling onto separate lots.

2.5 Summary

A number of the requirements/restrictions outlined in this Policy are standard provisions for such accommodation. The purpose of restricting the floor area of these units with no laundry facilities and only two bedrooms is so that the occupants of the Ancillary Accommodation must retain an association with the occupants of the principal dwelling. An Ancillary Accommodation unit should never be confused with a single house. If the restrictions can not be satisfied then applicants are advised to consider the construction of a separate dwelling either on the subject lot with the principal dwelling (if permitted) or on a separate lot.

3 Applicable Legislation and Documents

Act	Part 5 <i>Planning and Development Act 2005</i> – Local planning schemes s.6.7.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 3 and s 7.6.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 4 – In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use. <i>Health Act 2011</i> <i>Public Health Act 2016</i>
Regulation	N/A
Local Law	N/A
Shire Policies	LUP 2 – Relocated Dwellings Policy LUP 5 – Building Envelopes Policy
Related Documents	N/A
Related Procedure	N/A

4 Administration

Original Adoption Date	29 March 2007
Last Reviewed	26 November 2020
Scheduled Reviewed Date	30 June 2023