



POLICY NO:

SDev CP100 – LOCAL PLANNING POLICY - ANCILLARY DWELLINGS – RURAL RESIDENTIAL, RURAL SMALLHOLDINGS, RURAL AND PRIORITY AGRICULTURE ZONES

GOVERNANCE INFORMATION

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History:			OCM: 08/03/12	Res: 56/12	Synopsis:	Policy created. 08/03/2012
	1	DEV25	OCM: 10/05/12	Res:	Synopsis:	Reviewed Policy Adopted
Version:	2	CP100	SCM 26/07/18	Res: 251-18	Synopsis:	Reviewed and Adopted by Council
Version:	3	SDev CP100	SCM 30/09/20	Res: 269-20	Synopsis:	Reviewed and Adopted by Council
Version:	4	SDev CP100	SCM 31/03/21	Res: 61-21	Synopsis:	Amended and Adopted by Council
Version:	5	SDev CP100	OCM 28/09/22	Res: 243-22	Synopsis:	Reviewed and adopted by Council.
Version:	6	SDev CP100	OCM 25/09/24	Res: 275-24	Synopsis:	Reviewed and Adopted by Council
Version:	6	SDev CP100	OCM 27/08/25	Res: 232-25	Synopsis:	Reviewed following gazettal of LPS9 and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The purposes of the policy are to:

- provide guidance and set minimum standards with regard to proposals for ancillary dwellings on properties within the Rural Residential, Rural Smallholdings, Rural, and Priority Agriculture zones; and
- avoid inappropriate proliferation of residential-type development on individual properties in the Rural Residential, Rural Smallholdings, Rural, and Priority Agriculture zones, which has the capacity to result in land use conflict and places increased pressure to subdivide rural land.

3. REFERENCE DOCUMENTS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Shire of Dardanup Local Planning Scheme No. 9 (LPS9)

State Planning Policy 7.3 Residential Design Codes (R-Codes)

State Planning Policy 2.5 Rural Planning

State Planning Policy 3.7 Planning in Bushfire Prone Areas

4. DEFINITIONS

For the purpose of this policy, 'Ancillary Accommodation' and 'Ancillary Dwelling' are considered interchangeable and have the same meaning.

Ancillary Dwelling – means a self-contained dwelling on the same lot as a single house which may be attached to, integrated with, or detached from the Single House (R-Codes) .

5. POLICY

5.1 Development Approval is required in accordance with the table below, and any application for such approval will be assessed having regard to this policy:

	ANCILLARY DWELLINGS		
RURAL RESIDENTIAL ZONE	No DA required if:		

Policy position/conditions	<ul style="list-style-type: none"> there is an existing, habitable dwelling on the lot; no more than one ancillary dwelling is proposed; the 'development standards' in this policy are complied with; there are no heritage considerations; and there are no bushfire considerations that require a DA. <p>Any lot size: Maximum of one ancillary dwelling per lot is permitted subject to the conditions in this table.</p>		
<i>For a lot over 2ha in area, Council will only support a maximum of two habitable structures on a single lot.</i>			
RURAL SMALLHOLDINGS, RURAL, AND PRIORITY AGRICULTURE ZONES	<p>No DA required if:</p> <ul style="list-style-type: none"> there is an existing, habitable dwelling on the lot; no more than one ancillary dwelling is proposed; the 'development standards' in this policy are complied with; there are no heritage considerations; and there are no bushfire considerations that require a DA. 		
Policy Position/conditions	<p>Any lot size: Maximum of one ancillary dwelling per lot is permitted.</p> <p><i>For a lot over 20ha in area, Council will only support a maximum of two habitable structures on a single lot.</i></p>		

5.2 Development standards

- Ancillary dwellings are to be 'secondary' to the main dwelling and this should be reflected in their relationship with the main dwelling.
- The appearance of ancillary dwellings shall be of complimentary style to the existing dwelling and uphold the amenity of the locality.
- Ancillary dwellings should be clustered with the main dwelling, with provision of access and services to be shared with the main dwelling.
- Where an approved building envelope exists on the property, any additional structure shall be wholly contained within the approved building envelope.
- Council will not support transportable and/or 'donga' styled accommodation under this policy.
- Ancillary dwellings should not contain more than one bedroom and are not to exceed a maximum floor area of 100m² (excluding carport/ garage, verandas, patios, pergolas etc.)

- Vehicle access to an ancillary dwelling is to be shared with the main dwelling and no new crossovers to public roads will be permitted. Upgrades to the existing crossover may be required dependant on the condition of the existing.
- A minimum of one parking space shall be provided for any ancillary dwelling in addition to those required for the main dwelling.
- The existence of any ancillary dwelling shall not be used as justification for the subdivision of any property.
- Development in a Bushfire Prone Area will need to comply with AS 3959 (Construction of Buildings in Bushfire Prone Areas) relevant to the Bushfire Attack Level Assessment as determined by an accredited consultant. In considering an application for development approval for development in a Bushfire Prone Area the landowner is to demonstrate compliance with the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*.

6 APPLICATION

This policy applies to the development of ancillary accommodation/dwellings on land zoned Rural Residential, Rural Smallholdings, Rural, and Priority Agriculture zones under the Shire of Dardanup Town Planning Scheme No. 9 inclusive of the land contained within the Ferguson Valley Tourism Area (SCA2) shown on the Scheme Map according to the legend thereon. Exemptions under this policy does not apply where the development is undertaken on land designated as bush fire prone and development approval is required under clause 78D(3) of the deemed provisions, such as where the bushfire attack level of the development is calculated as BAL-40 or BAL-Flame Zone.