



POLICY NO:-
CP100 – ANCILLARY DWELLINGS, GROUPED DWELLINGS AND CARETAKER'S DWELLINGS – SMALL HOLDING AND GENERAL FARMING ZONES

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
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1. RESPONSIBLE DIRECTORATE

Engineering & Development Services

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, grouped dwellings and caretaker's dwellings on properties within the "Small Holding" and "General Farming" zones; and
- avoid inappropriate proliferation of residential-type development on individual properties in the 'Small Holding' and 'General Farming' 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 Town Planning Scheme No. 3 (TPS3)
 State Planning Policy 3.1 Residential Design Codes (R-Codes)
 State Planning Policy 2.5 Rural Planning
 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

4. DEFINITIONS

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).

Caretaker's Dwelling – means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant (TPS3).

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 includes a dwelling on a survey strata with common property (R-Codes).

5. POLICY

5.1 Ancillary Dwellings

- i) Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), development approval is not required for the construction of an ancillary dwelling on a 'Residential' zoned property, unless there are heritage or bushfire considerations.
- ii) Town Planning Scheme No. 3 (TPS3) provides for 'Ancillary Accommodation' to be considered as a discretionary ('D') use in the 'Small Holding' and 'General Farming' zones.

5.2 Grouped Dwellings

- i) Town Planning Scheme No. 3 (TPS3) provides for 'Grouped Dwellings' to be considered as a discretionary ('D') use in the 'Small Holding' and 'General Farming' zones.
- ii) Appendix VIII of TPS3 restricts development on certain 'Small Holding' zoned lots to a single dwelling only and that restriction will apply regardless of lot size.
- iii) Subject to TPS3 not restricting development to a single dwelling under Appendix VIII, pursuant to Clause 3.14.1(b) of TPS3 residential development in the 'Small Holding' zone is permitted as follows:
 - lots less than 2ha - single dwelling only;
 - lots 2ha or larger - maximum of two grouped dwellings.

5.3 Caretaker's Dwellings

- i) Town Planning Scheme No. 3 (TPS3) provides for a 'Caretaker's Dwelling' to be considered as a discretionary ('D') use in the 'General Farming' zone, however it is not permitted ('X') in the 'Small Holding' zone.

5.4 Approval Requirements

i) General Approval Requirements

- For the purpose of this policy, 'Ancillary Accommodation' and 'Ancillary Dwelling' are considered interchangeable and have the same meaning.
- All proposals to construct an 'Ancillary Dwelling' or a 'Grouped Dwelling' in the 'Small Holding' or 'General Farming' zones will require an Application for Development Approval.
- All proposals to construct a 'Caretaker's Dwelling' in the 'General Farming' zone will require an Application for Development Approval. Justification will need to be provided with the application to demonstrate, to the satisfaction of Council, there is a genuine need for a caretaker's dwelling to provide accommodation for an employee directly involved in the rural functions of the property.

ii) Small Holding zone

- Subject to the maximum number of permitted habitable structures as outlined in this policy not being exceeded, Council will support a single ancillary dwelling on any 'Small Holding' zoned property subject to the property having an existing single dwelling and the proposal complying with the development standards of this policy.
- Council will support a maximum of two habitable structures on a single lot greater than 2ha which may consist of:

- One single dwelling plus one ancillary dwelling; or
 - Two grouped dwellings.
- Where the specific 'Area' provisions contained in Appendix VIII of TPS3 restrict development on a 'Small Holding' zoned lot to a single dwelling, a single ancillary dwelling shall also be permitted, subject to the property having an existing single dwelling and the proposal complying with the development standards of this policy.

iii) General Farming zone

- Subject to the maximum number of permitted habitable structures as outlined in this policy not being exceeded, Council will support a single ancillary dwelling on any 'General Farming' zoned property subject to the property having an existing single dwelling and the proposal complying with the development standards of this policy.
- Council will not support the construction of a grouped dwelling or caretaker's dwelling on any lot with an area of less than 20ha.
- For a lot over 20ha in area, Council will support a maximum of two habitable structures on a single lot which may consist of:
 - One single dwelling, plus one ancillary dwelling or one caretaker's dwelling;
 - Two grouped dwellings.

5.5 Development standards

- Ancillary and caretaker's 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 and caretaker's dwellings shall be of complimentary style to the existing dwelling and uphold the amenity of the locality.
- Ancillary dwellings and caretaker's 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 a 'Small Holding' zoned 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 and/or caretaker's 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, grouped dwelling or caretaker's 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 or caretaker's dwelling, in addition to those required for the main dwelling.
- A minimum of two parking spaces shall be provided for any grouped dwelling.
- The existence of any ancillary dwelling, grouped dwelling or caretaker's 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*.

5.6 Application

This policy shall apply to the proposed development of ancillary accommodation, grouped dwellings and caretaker's dwellings on land zoned "Small Holding" and "General Farming" within the Shire of Dardanup.