

LOCAL PLANNING POLICY No. 1 – Ancillary Dwellings

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

This Policy may be cited as LPP No. 1 Ancillary Dwellings.

2. CRITERIA

This policy applies to the peri-urban and rural areas of the municipal district of the Shire of Plantagenet and to all land zoned:

Commercial, Service Commercial, Mixed Use, Tourism, Rural, Rural Residential, Rural Smallholdings, Rural Village and Special Use.

Note: Compliant Ancillary Dwellings in R-Coded Residential zones in Mount Barker and the town sites within Plantagenet may be exempt from requiring Development Approval under Clause 61 Of the Planning Regulations.

Ancillary dwellings can only be associated with a single house on a green title lot or survey strata lot where no common property exists, ancillary dwellings cannot be associated with any other land use such as a caretaker's dwelling.

Additional planning and building requirements apply in designated Bushfire Prone Areas

3. INTRODUCTION

The purpose of this planning policy is to set out the objectives and policy provisions which the 'Council' shall have regard to in the assessment and determination of application for Development Approval and a Building Permit.

4. DEFINITIONS

Ancillary Dwelling is defined in the Residential Design Codes as follows:

“Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.”

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

5. DEVELOPMENT REQUIREMENTS

- a) The Ancillary Dwelling is to be compatible with the design and external materials of the single house and complement the character and amenity of the surrounding area. Including elements such as bulk and scale of the building/s, materials, colours, siting, visual impact and privacy.
- b) The maximum plot ratio area for an Ancillary Dwelling shall be 100m².
- c) The Ancillary Dwelling and any associated water tank shall be located within close proximity of the single house enable shared use of infrastructure and to minimise the development footprint.
- d) One parking bay to be provided, along with unobstructed sight lines provided at vehicle access points to ensure safety and visibility.
- e) The crossover and vehicle access (internal driveway) to the Ancillary Dwelling should be shared with the single house.
- f) It is preferable that Ancillary Dwellings be on a lot serviced by a bitumen sealed road. Applications for Ancillary Dwellings on lots serviced by a gravel road will be considered on their merits. Where the lot is not abutting a constructed public road, the requirements of clause 32 (8) of LPS5 apply and the application may be refused.
- g) The Shire may require additional vegetation screening to be planted and established prior to approval of the proposal.
- h) The Ancillary Dwelling requires a source of potable water to a capacity of 92,000 litres. All water tanks are to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
- i) An Ancillary Dwelling proposed in a Bushfire Prone Area may require a Bushfire Attack Level Assessment, Bushfire Management Plan or Statement, and an Emergency Evacuation Plan. A Bushfire Management Plan for such a proposal is to be prepared by accredited practitioner.
- j) Notwithstanding, the minimum setbacks applicable in the zone, new Ancillary Dwellings should generally be setback a minimum of 20 metres from any lot boundary to accommodate a suitable Asset Protection zone within the subject land, where applicable.
- k) The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment. Conventional effluent disposal area must be setback 100 metres of any creek, river, dam or spring, however, approved ATU's may allow this setback to be reduced to 50 metres.

- l) An Ancillary Dwelling proposed in a heritage precinct or a heritage structure/s being part of a heritage listed site, will require a heritage assessment under the Planning and Development Regulations 2015 Schedule 2, Part 3, cl.7.
- m) The provision of all services, including upgrading or expansion of existing services necessary as a consequence of any proposed development, will be at no cost to the Shire.
- n) Subdivision, by way of freehold or strata title, arising from the approved Ancillary dwelling of any given site will not be provided with recommended approval by the Shire to the Western Australian Planning Commission (WAPC).

6. PERMISSIBILITY

Where an application satisfies the requirements of this Policy, conditional Development Approval may be issued under the relevant delegation.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Council.

This Local Planning Policy No.1 supersedes Town Planning Scheme Policy No. 14

Adopted on 21 February 2023 in accordance with clauses 3, 4, 5 and Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.