

# LPP 9.20 – Ancillary Dwellings & Caretaker Dwellings

Shire of Donnybrook Balingup Local Planning Policy 9.20



## 1. Policy Purpose

- 1.1. This policy applies to the development of Ancillary Accommodation in the Rural Residential zone, and the development of Ancillary Accommodation and Caretaker's Dwellings on land zoned Rural Smallholdings, General Agriculture and Priority Agriculture under the Shire of Donnybrook Balingup Local Planning Scheme No. 7.

## 2. Policy Objectives

- 2.1. Support the development of Ancillary Dwellings as a type of small-format housing that contributes to housing diversity.
- 2.2. Provide guidance and set minimum standards regarding proposals for Ancillary Dwellings and Caretaker's Dwellings.
- 2.3. Avoid inappropriate proliferation of residential-type development on individual properties which has the capacity to result in land use conflict and places increased pressure to subdivide rural land.

## 3. Policy Definitions

- 3.1. **LPS7** means the Shire of Donnybrook-Balingup Local Planning Scheme No. 7.
- 3.2. **DPLH** means the state government Department of Planning, Lands and Heritage.
- 3.3. **R-Codes** means Residential Design Codes, set by DPLH.
- 3.4. **Ancillary Accommodation** or **Ancillary Dwelling** means a self-contained dwelling on the same site as a dwelling which may be attached to, integrated with, or detached from the dwelling (R-Codes).
  - a. For the purpose of this policy, Ancillary Accommodation and Ancillary Dwelling are considered interchangeable and have the same meaning.
- 3.5. **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 (LPS7).

## 4. Policy Statements

### Rural Residential zone

- 4.1. It is to be noted that a Caretaker's Dwelling is not permitted in the Rural Residential zone under LPS7. This policy relates only to an Ancillary Dwelling in the Rural Residential zone.

### Rural Smallholdings, General Agriculture and Priority Agriculture zones

- 4.2. This policy relates to the development of a Caretaker's Dwelling and an Ancillary Dwelling in the Rural Smallholdings, General Agriculture and Priority Agriculture zones.

### Development Standards

- 4.3. Development approval is not required for the development of an Ancillary Dwelling in the Rural Residential zone; and an Ancillary Dwelling or Caretaker's Dwelling in the Rural Smallholdings, General Agriculture and Priority Agriculture zone where it meets the following criteria:
- a. 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.
  - b. There is an existing dwelling on the lot.
  - c. Where an approved building envelope exists on a property, and the structure is wholly contained within the approved building envelope.
  - d. If no building envelope exist then the structure shall meet the setback requirements under LPS7:
    - (i) Setback requirements for General Agriculture / Priority Agriculture zones:
      - 30m from road boundary.
      - 20m from other boundaries.
      - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land.
    - (ii) Setback requirements for Rural Smallholdings zone:
      - 20m from road boundary.
      - 10m from other boundaries.
      - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land.
    - (iii) Setback requirements for Rural Residential zone:
      - 15m from road boundary.
      - 10m from other boundaries.
      - 100m from state forest, national park, nature reserve, reserve for conservation and local government managed land.
  - e. Ancillary Dwellings and/or Caretaker's Dwellings should not exceed a maximum floor area of 100m<sup>2</sup> (excluding carport/ garage, verandas, patios, pergolas etc.).
  - f. 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.
  - g. The existence of any Ancillary Dwelling or Caretaker's Dwelling shall not be used as justification for the subdivision of any property.
  - h. 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.

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- i. On any lot no more than two dwelling types (e.g. Dwelling and Ancillary Dwelling or Dwelling and Caretaker's Dwelling) are allowed.
- j. There are no heritage considerations.

### Exclusions

- 4.4. Development Approval is required for the development where the following apply:
  - a. If the Bushfire attack level is BAL- 40 or BAL- Flame Zone, then a development application must be lodged for consideration and approval by the Shire prior to the lodgement of the building permit plans. 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.
  - b. If the development is in special control area 1, 3, 4, 5, and 7 under LPS7.
  - c. If the proposal proposes a variation to any of the policy standards under the abovementioned *Development Standards* (item 4.3 of this policy).

## 5. Delegation and Authorisation

- 5.1. All proposals not meeting the Policy provisions will be considered in accordance with existing delegation 9.2.1.

## 6. Legislation & References

- 6.1. *Planning and Development Act 2005*
- 6.2. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 6.3. Residential Design Codes
- 6.4. State Planning Policy 2.5 Rural Planning
- 6.5. State Planning Policy 3.7 Planning in Bushfire Prone Areas
- 6.6. Shire of Donnybrook-Balingup Local Planning Scheme No. 7

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## 7. Version Control – Governance

**Related Policy(s):** N/A

**Related Procedure(s):** N/A

**Responsible Department(s):** Development Services

**Review to be conducted by:** Principal Planner

**Review frequency:**  Annual  Biennial  Triennial

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### Policy Version Details:

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3	Reviewed	1 May 2016	LPP 9.20
4	Amended	28 August 2024	LPP 9.20