

## Introduction

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This Policy establishes the Shire's position in relation to the development of ancillary dwellings in rural and non-urban areas of the Shire.

The development of Ancillary Dwellings in urban areas where the Residential Design Codes apply is determined in accordance with the R-codes and other relevant provisions of the Shire of Capel Local Planning Scheme No.8, rather than this Local Planning Policy.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## Purpose

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The objectives of this Policy are to:

- Promote the development of Ancillary Dwellings as a type of small-format housing that contributes to housing diversity
- Preserve the amenity of all areas from inappropriate development
- Identify development standards that the Shire will apply to proposals for an Ancillary Dwelling.

## Application

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In relation to this Local Planning Policy and the Shire of Capel Local Planning Scheme No.8, the definition of an Ancillary Dwelling is taken from the Residential Design Codes, currently defined as 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."*

This Policy applies to zoned land applicable under the Shire of Capel Local Planning Scheme No.8 except in the following instances:

- a) where the land is identified as a heritage-protected place; or
- b) in a Bushfire Prone Area, where the provisions of Deemed Provisions clause 78D(3) would apply; or
- c) A Greater Bunbury Region Scheme (GBRS) application is triggered due to the land being affected by the Floodplain Management Policy and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS.

Prior to the commencement of development works, land owners and applicants are encouraged to discuss all development proposals with Shire Officers to determine whether the terms and requirements of this policy apply.

# Policy Statement

An Ancillary Dwelling will only be approved where it meets all of the following criteria:

- a) it complies with the provisions in Table 1 below for the Zone in which it is located; and
- b) Ancillary Dwelling is not identified as an 'X' use (not permitted) in clause 17 Table 3 – Zoning Table of the Shire of Capel Local Planning Scheme No.8; and
- c) it does not vary any standards or requirements prescribed in the Shire of Capel Local Planning Scheme No.8 or the Planning and Development (Local Planning Schemes) Regulations 2015.
- d) No more than one Ancillary Dwelling may be permissible.

**Table 1 - Development requirements for Ancillary Dwellings**

Zone	Requirements
Residential; Mixed Use Residential; Urban Development <sup>1</sup>	<ul style="list-style-type: none"> <li>• Consistent with the Deemed-to-Comply requirements or Design Principles of the Residential Design Codes.</li> </ul>
Rural Residential;	<ul style="list-style-type: none"> <li>• There is a maximum plot ratio area of 80m<sup>2</sup></li> <li>• There is a minimum of one bedroom, bathroom, toilet, kitchen, laundry facility and living area</li> <li>• There is a maximum of three habitable rooms</li> <li>• The character, scale, design, colour and materials of the ancillary dwelling must complement the primary dwelling</li> <li>• The ancillary dwelling must not negatively impact on the residential amenity of the primary dwelling or on adjoining neighbours</li> <li>• The ancillary dwelling should be located no more than 50m from the primary dwelling, and should be subordinate in scale and function</li> <li>• The ancillary dwelling must be located within any approved building envelope on the lot</li> <li>• All existing services to be shared with the primary dwelling and upgraded as required</li> <li>• Second hand dwellings may be permitted where they are consistent with the other provisions of this policy</li> <li>• Vehicle access to the ancillary dwelling is to be shared with the primary 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</li> <li>• A minimum of one parking space shall be provided for any ancillary dwelling, in addition to those required for the primary dwelling</li> <li>• The existence of any ancillary dwelling is not a justification for the subdivision of any property.</li> </ul>
Rural; Priority Agriculture	<ul style="list-style-type: none"> <li>• There is a maximum plot ratio area of 100m<sup>2</sup></li> <li>• There is a minimum of one bedroom, bathroom, toilet, kitchen, laundry facility and living area</li> <li>• There is a maximum of four habitable rooms</li> <li>• The character, scale, design, colour and materials of the ancillary dwelling must complement the primary dwelling</li> <li>• The ancillary dwelling must not negatively impact on the amenity of the primary dwelling or on adjoining neighbours</li> <li>• The ancillary dwelling should be located no more than 50m from the primary dwelling, and should be subordinate in scale and function</li> </ul>

	<ul style="list-style-type: none"> <li>• All services including water supply and effluent disposal facilities to be shared with the primary dwelling and upgraded as required</li> <li>• Second hand dwellings may be permitted where they are consistent with the other provisions of this policy</li> <li>• Vehicle access to the ancillary dwelling is to be shared with the primary 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</li> <li>• A minimum of one parking space shall be provided for any ancillary dwelling, in addition to those required for the primary dwelling</li> <li>• The existence of any ancillary dwelling is not a justification for the subdivision of any property.</li> </ul>
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Notes:

<sup>1</sup> only where identified as Residential in an approved Local Structure Plan;

## Procedure

The Shire will notify any affected neighbours of a development application for an ancillary dwelling application that is required to be advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Scheme No. 8 and the Shire's Local Planning Policy LPP6.7 Community Engagement.

Before carrying out any development, any other licences, permits or approvals required must be obtained in accordance with any other law.

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Reviewer:		Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
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