

Ancillary Dwellings

Introduction

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

As a supporting document, this policy is to be read in conjunction with the provisions of the current local planning scheme and the Residential Design Codes.

All ancillary dwelling applications on land zoned Residential within the Shire of Toodyay Local Planning Scheme No.5 may consider the use of this policy when an assessment is made using design principals.

1. Provide flexibility in providing ancillary dwelling opportunities to residents to meet the needs of residents.
2. Guide the development of ancillary dwellings in the Shire of Toodyay that considers all the requirements of the Shire's Scheme provisions.
3. Ensure that ancillary dwellings are provided, constructed and located in such a way as to minimise its impact to the amenity of the locality, Special Control Area 5 – Landscape protection.

Objective

This policy resets the minimum standards that Council deem appropriate for ancillary dwellings in the Shire. There is a greater emphasis on placement in safe locations and the need to assess proportionality of the main house and the new dwelling.

Scope

Ancillary dwellings in this policy are based upon the provisions contained within the Residential Design Codes of Western Australia. However, in the Shire a policy is required to support this objective as most of the Shire's land is not zoned Residential.

These second dwellings are of lesser size than the primary house and provide support housing to the primary house. These dwellings assist with providing housing diversity and support alternate affordable housing options or holiday accommodation.

In Rural areas, Local Planning policy and Local Planning Scheme provisions are required to guide the siting, scale and scope of Ancillary Dwellings. This policy also supports Clause 32 (11)(1) in defining a second dwelling on a rural lot.

This policy applies for all Ancillary Dwelling development in the Shire of Toodyay.

Definitions

Term	Definition
Ancillary Dwelling	An ancillary dwelling is commonly known as a granny flat and is a self-contained dwelling on the same site as an existing home.

Term	Definition
	It may be attached to, integrated with, or detached from that home.
Act	<i>Planning and Development Act 2005</i>
Dwelling Separation	The distance from the primary house to the ancillary dwelling in rural areas
Heritage-protected place	As defined under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Floor Area	All of the measured area within the external walls of a dwelling but excludes garages under the main roof.
Plot Ratio	Has the same meaning as contained in the R-Codes
Primary Dwelling Area	The floorspace of the primary dwelling excluding the garage if it is under the main roof.
R-Codes	Residential Design Codes of Western Australia
Self-contained	A dwelling that could be occupied independently from another dwelling, such as a primary dwelling on the same lot.
Setbacks	As per Clause 32 of the Local Planning Scheme No.5
Scheme	Shire of Toodyay Local Planning Scheme No. 5
Special Control Area	As defined in Schedule 3 of the Local Planning Scheme No.5
Special Use Zone	As defined in Schedule 2 of the Local Planning Scheme No.5

Policy Statement

The Shire of Toodyay is committed to facilitating diverse and flexible housing options that respond to the evolving needs of its community.

This Local Planning Policy provides a framework for the development of ancillary dwellings across residential and rural zones within the Shire, ensuring such development is consistent with the objectives of the Local Planning Scheme No. 5, the Residential Design Codes of Western Australia, and relevant landscape protection provisions.

This policy applies to all ancillary dwelling proposals within the Shire of Toodyay and must be read in conjunction with the Local Planning Scheme No. 5, the Residential Design Codes, and any other relevant planning instruments.

Council retains discretion to vary the provisions of this policy where appropriate, subject to assessment against the broader planning framework and community impact.

1. Approval requirements

1.1 Development approval is not required for an Ancillary Dwelling if:

- (a) the proposal is compliant with the R-Codes (residential zone); and
- (b) the works are not located in a heritage-protected place; and
- (c) it is not located within a Special Use Zone or Special Control Area numbers 2, 3, or 4; and
- (d) is a permissible use in the Clause 17 - Zoning Table of the *Local Planning Scheme No.5*; and
- (e) and complies with this policy.

Note: *You are still required to obtain a building licence from the Shire of Toodyay*

1.2 Additional Development Provisions for Ancillary Dwellings in Rural Areas

In addition to relevant Scheme development provisions, development of ancillary dwellings on land where the R-Codes do not apply, should also satisfy the following requirements:

- (a) Ancillary dwellings must be associated with a single house (primary dwelling), which either exists or will be developed concurrently on the same lot; and
- (b) Development and design of ancillary dwellings should apply the use of materials that do not detract from the character of an existing house on the property, and the local character of the area; and
- (c) Appropriate landscaping be provided to reduce the visual impact to the landscape of the area. (SCA5 and all other areas).

1.3 Dwelling Size

This policy requires that ancillary dwellings be smaller than the primary dwelling. This is achieved by the measurement of the building's floorspace (excluding garages under the main roof) to determine an area. A subsequent ancillary dwelling (excluding garages under the main roof) shall be;

- (a) no more than 40% of the floorspace of the primary dwelling (lots over 4ha), or
- (b) have a floorspace less than the stated maximum.
- (c) Where the main dwelling is small, a cap of 70m² will remain

Land Use / Lot Size	Dwelling Size	Dwelling Separation	Maximum Dwellings
Residential	R-codes chapter 5.5	N/A	1
Rural Residential / Rural Enterprise <4ha	<100m ²	N/A unless there is a building envelope	1
Rural Smallholdings 4-40ha	<120m ² or <40% of the primary dwelling's area	N/A unless there is a building envelope	1
Rural >40ha	<130m ² or <40% of the primary dwelling's area	N/A	2*
All zones default	70m ²	N/A	1

When using this table and a lot size is smaller than that of the size of the zoned lot, then the lot size shall determine the criteria. Example, a rural lot of 35ha would then be deemed as being assessed as a Rural Smallholding.

Note: *Consideration of Clauses 32 (11-13) of the Scheme must be made for two ancillary dwellings.*

1.4 When an Ancillary Dwelling is built before the primary dwelling.

If a case arises that the owner of the lot wishes to build the ancillary dwelling before the main house, then:

- (a) It will be assessed as a single house for the purposes of the assessment under the scheme.
- (b) If later, the owner wishes to build a main house then provisions within this policy will apply.

1.5 Worked Examples

Under the current policy all applications must meet the criteria of the Table. The proposed policy will increase the dwelling caps, which may again exceed those caps where large main dwellings exist.

In some cases, the base line cap of 70m² may be applied when dealing with the proportionality criteria.

Example 1 – 20ha rural zoned lot, main house 320m².

The 20ha size of the Lot means that assessment will be made as if it were zoned Rural Smallholdings, 120m² base cap. The main house is more than 300m² so the shire can use the 40% rule to expand the base cap to 128m² (300x0.4=128m²).

Example 2 – 4ha rural residential zoned lot, main house 160m².

The 4ha sized lot and zone would use the 100m² base cap, because the main house is 160m², the 40% provision would not enlarge the cap (160x0.4=64m²) the new cap is larger.

Example 3 – 32ha Rural zoned lot, 120m² main house

The 32ha sized lot and zone would use the 130m² base cap. In this case the main house is only 120m² so we have a negative calculation.

- (a) The current house becomes the ancillary house and the new house becomes the main house, but the new house would then need to be a minimum of 300m² to meet this policy requirement, or*
- (b) The new proposed ancillary house must be less than 40% of the main dwelling = 48m². In this case a default 70m² cap would apply.*

2. Services

2.1 Water

An ancillary dwelling, where not connected to a reticulated water service, must have a minimum **92,000 litre** potable water storage supply. This is in addition to any water storage requirement for a primary dwelling.

If the primary dwelling is not constructed, then a standard potable water supply is required as if it was a dwelling.

2.2 On-site Wastewater Disposal

All ancillary dwellings must be connected to an approved sewerage system.

- (a) Connection to an Existing On-site Wastewater System:

The wastewater load for the entire property (including both the primary dwelling and the ancillary dwelling) must be recalculated, based on the combined number of bedrooms, and expanded accordingly.

- (b) Installation of an independent On-site Wastewater System:

If a separate system is installed for the ancillary dwelling, it must comply with the same regulations as a standard residential system.

2.3 Parking

Identification of parking is required adjacent to an application. This will be in compliance with either the R-Codes of WA or Schedule 6 of the Scheme.

3. Council can vary the requirements of this policy.

When an application is received that proposes development outside of the deemed provisions of this policy, then Council may approve, or refuse, or impose additional conditions on that application.

Flow Charts (if necessary)

Insert here

Reference Information

- [State Planning Policy 2.5: Rural Planning](#)
- [Local Planning Scheme No. 5](#)

Legislation

- [Planning and Development \(Local Planning Schemes\) Regulations 2015:](#)
- [Planning and Development Act 2005:](#)

Associated documents

Building Licence Applications

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