

**SHIRE OF BODDINGTON**  
**LOCAL PLANNING POLICY No. 13 – ANCILLARY DWELLINGS**

**1. Policy Statement**

The intention of this Policy is to provide guidelines for the establishment of Ancillary Dwellings, in association with a single house, within the Shire of Boddington.

**2. Background and Issues**

The *Residential Design Codes* (R Codes) for ancillary dwellings (sometimes referred to as “granny flats”). This is essentially an independent dwelling, which may or may not be physically attached, on the same lot (with a minimum lot size of 450m<sup>2</sup>) as a single house. Such dwellings can include:

- studios located above garages;
- separate rear studios; and
- self-contained quarters within a single house e.g. a second storey or separate ground floor wing that may have a shared lobby/entry or separate external access.

Recent changes to the (R Codes) have provided increased flexibility on the use of Ancillary Dwellings to any person. In various circumstances, there is an opportunity for an Ancillary Dwelling to be provided in association with a single house on the same lot.

Ancillary Dwellings can assist in providing affordable housing along with providing independent or semi-independent living in a family environment.

The Council supports Ancillary Dwellings if consistent with the R Codes, this Policy and where relevant planning considerations are met.

Based on the R Codes and this Policy, the Council considers that Ancillary Dwellings should be relatively small in size compared to grouped dwellings, and should be located in close proximity to the principal dwelling on the property.

Locating the Ancillary Dwelling in close proximity to the principal dwelling has two effects. Firstly, it will assist the occupants of the principal dwelling to manage and/or care for people occupying the Ancillary Dwelling. Secondly, in rural areas, it will remove the ability for the Ancillary Dwelling to be used as a basis for subdivision of the land. This would occur given the Ancillary Dwelling is unlikely to be able to be located on a separate lot from the principal residence, as the distance between the two dwellings would not satisfy the minimum setback prescribed for the relevant zone by LPS2.

If the restrictions are considered onerous as set out in the R Codes and/or this Policy, then the Council encourages applicants to consider applying to:

- extend an existing approved dwelling;
- construct a separate dwelling (a grouped dwelling) on the same lot as the principal dwelling (if permitted); or
- construct a dwelling on a separate vacant lot.

Provision 5.5 of the R Codes provides for the development of Ancillary Dwellings in residential areas of the municipality. There are, however, no such provisions relating to the

Rural, Rural Small Holding and Rural Residential zones in the municipality. This Policy seeks to address this along with clarifying other matters.

### 3. Definitions

In this Policy, the following definitions apply:

“Ancillary Dwelling” - as defined in the R Codes means “Self-contained **dwelling** on the same **lot** as a **single house** which may be attached to, integrated with or detached from the single house.”

“Dependant person” – as defined in the R Codes means “A person with a recognised form of disability requiring special accommodation for independent living or special care.”

“Dwelling” - as defined in the R Codes means “A **building** or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.”

“Floor Area” – refer to “plot ratio area”.

“Grouped Dwelling” – as defined in the R Codes 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 or without **common property**.”

“Plot Ratio” – as defined in the R Codes means “The ratio of the gross **plot ratio area** of **buildings** on a **development site** to the area of land in the **site** boundaries.”

“Plot ratio area” as defined in the R Codes means “The gross total area of all floors of **buildings** on a **development site**, including the area of any **internal walls** but not including the areas of any lift shafts, stairs or stair landings common to two or more **dwellings**, machinery, air conditioning and equipment rooms, space that is wholly below **natural ground level**, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, storerooms, lobbies, bin storage areas and passageways to bin storage areas or amenities areas common to more than one dwelling, or **balconies**, eaves, **verandas**, courtyards and roof terraces.”

“R Codes” - the *Residential Design Codes*, adopted by the Western Australian Planning Commission including any updates.

### 4. Objectives

The objectives of this Policy are to:

- support the provision of affordable housing;
- encourage diversity in accommodation types;
- assist in accommodating the needs of large or extended families and others for independent or semi-independent living without compromising the amenity of adjoining properties;
- facilitate the development of Ancillary Dwellings through the provision of a consistent framework for the assessment of such development in appropriate zones;

- establish guidelines concerning Ancillary Accommodation to ensure they do not become a separate dwelling in the Special Residential, Rural, Rural Residential and Rural Smallholding zones;
- facilitate the effective caring of aged or dependent persons within a family environment;
- set out the guidelines and restrictions for permitting Ancillary Dwellings opportunities in the various zones;
- retain the visual amenity of neighbourhoods, to not detract from the streetscape/landscape and to retain the amenity of adjoining/nearby properties through controlling building size, appropriate siting, materials and colours;
- generally seek to “cluster” the proposed Ancillary Dwelling adjacent to the existing dwelling to minimise off-site land use impacts;
- prevent conflict with adjacent land uses;
- recognise Ancillary Dwellings as a legitimate land use which serves social and economic means;
- provide further interpretation of the R Codes and the *Shire of Boddington Local Planning Scheme No. 2 (LPS2)* in the assessment of applications for Ancillary Accommodation (Ancillary Dwellings) within the municipality;
- provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the Council; and
- facilitate the effective and timely processing of Ancillary Dwellings applications where in accordance with this Policy.

## **5. Application of the Policy**

This Policy applies to all zones except the Industrial Zone and the Caravan Park Zone.

## **6. Links to Local Planning Scheme and Other Documents**

This Policy relates to various requirements set out in LPS2, the R Codes, the Local Planning Strategy and is also guided by the *National Construction Code*.

As set out in the Zoning Table of LPS2, Ancillary Accommodation (Ancillary Dwelling) is a discretionary use in all zones except in the Industrial Zone and the Caravan Park Zone where it is not permitted.

## **7. Policy Provisions**

### 7.1 General

The Council may be prepared to permit the establishment of Ancillary Dwellings within the Rural, Rural Small Holding, Rural Residential, Special Residential, Residential, Special Use and the Commercial Zones, in accordance with the provisions of this Policy.

The Council may approve the development of an Ancillary Dwelling associated with a single house on the same lot, provided that:

- the lot is not less than 450m<sup>2</sup> in area;
- the maximum floor area of the Ancillary Dwelling is 70m<sup>2</sup> (other than in the Rural Small Holdings and Rural Zones where up to 80m<sup>2</sup> will be considered); and
- one additional car space is provided.

Within the Residential zone and areas subject to the R Codes, an Ancillary Dwelling shall comply with the provisions and requirements of the R Codes. In particular, the development

meets the requirements set out in Part 5 – Design Elements of the R Codes as they relate to single houses with the exception of R Code clauses:

- 5.1.1 site area;
- 5.2.3 street surveillance (except where located on a lot with secondary street or right of way access); and
- 5.3.1 outdoor living areas.

Only one ancillary dwelling can be provided on the same lot as the single house.

## 7.2 Matters to Consider

The Council will have regard to matters including the following in assessing Ancillary Dwelling applications:

- Policy objectives and Policy provisions;
- zoning of the lot;
- lot size, shape and features;
- existing level of development, including the number of dwellings on the lot;
- floor area of the Ancillary Dwelling;
- ensure that the Ancillary Dwelling remains an ancillary use to the main dwelling;
- setbacks and location of the proposed Ancillary Dwelling;
- impact and amenity on adjoining/nearby properties including the potential for overshadowing;
- construction materials and proposed colour/s;
- provisions and requirements set out in LPS2, the R Codes and the *National Construction Code*;
- other planning considerations including Structure Plans, and/or Local Development Plans;
- written comments from affected landowners; and
- any other circumstance and factor affecting the application in the opinion of the Council.

The Council will have regard to other relevant Local Planning Policies including *Local Planning Policy 6 – Development in Flood Affected Areas* and *Local Planning Policy 8 – Fire Protection Measures for New Development and Subdivisions*.

The Council will favourably consider an application where:

- it is consistent with this Policy;
- it is consistent with the Local Planning Strategy; and
- the proposed location of the Ancillary Dwelling appropriately addresses fire management, environmental considerations, servicing, land use compatibility with adjoining/nearby properties and visual impact from regional roads and tourist routes.

The Council will not support Ancillary Dwellings in the mining buffer (unless it is for a temporary period), on flood impacted land, in extreme fire risk areas, where there is unacceptable visual impact, or where the location will detrimentally impact adjoining/nearby farming operations.

## 7.3 Relationship between the Primary Residence and Ancillary Dwelling

To distinguish between Ancillary Dwellings and grouped dwellings, the Council shall generally require that the Ancillary Dwelling is provided in close proximity to the existing

residence in order to give the appearance of one development. Common facilities such as use of a common driveway, co-location of private open space and outbuildings will generally be required.

While an Ancillary Dwelling is a self-contained dwelling, the extent of facilities provided would be at the discretion of the landowner. It is generally accepted that a separate kitchen and bathroom would be provided. The provision of a laundry would not be essential from a planning point of view. Meeting *National Construction Code* requirements may, however, require the provision of laundry facilities.

Services also may be shared. The rental of an Ancillary Dwelling would function in a similar manner as a boarder, however utility providers may have specific requirements for the separate provision of services, for example, separate water, power, sewer, gas and telecommunications.

#### 7.4 Size of Ancillary Dwelling

The floor area of a proposed Ancillary Dwelling, based on the R Code definition of “plot ratio area” shall not exceed 70m<sup>2</sup>, other than in the Rural Small Holdings and Rural Zones where up to 80m<sup>2</sup> floor area will be considered.

An Ancillary Dwelling by its nature is required to be subsidiary to the primary dwelling on site. In accordance with this principle, the Council generally requires the Ancillary Dwelling to be no greater than 50% of the floor area of the primary dwelling.

As set out in LPS2, Grouped Dwellings are not permitted in the Special Residential, Rural, Rural Residential and Rural Smallholding Zones. To ensure the proposed dwelling in these zones complies with LPS2, the Council needs to be satisfied that the proposed use is best described as an “Ancillary Dwelling” and not a “Grouped Dwelling”. To make this distinction, the Council will consider matters including floor area, location in relation to the primary dwelling and justification provided by the applicant.

#### 7.5 Setbacks/Location

Boundary setbacks for Ancillary Dwellings are set out in the R Codes for the Residential Zone and in the Development Table or the Appendices of LPS2 for other zones. Unless the Council approves otherwise and subject to any conditions it imposes, where a building envelope has been approved for a lot, the Ancillary Dwelling shall be contained within the approved building envelope.

Within the Rural and Rural Small Holding Zones, an Ancillary Dwelling shall not be located in a position where it may restrict or be in conflict with existing or potential legitimate productive agricultural activities on an adjoining lot. Unless the Council approves otherwise, and subject to adjoining uses, the Council will generally require a minimum 100 metre building setback for an Ancillary Dwelling in the Rural Zone.

Unless justified by the proponent and agreed to by the Council, the Ancillary Dwelling should be located within 15 metres from the principal dwelling in the Rural Residential zone, 50 metres in the Rural Small Holding Zone and 100 metres in the Rural zone. The Council will only be prepared to support a separation of greater distances between the principal dwelling and the Ancillary Dwelling as set out above where the need for such a separation can be demonstrated (i.e. the site characteristics may prevent establishment in close proximity).

The siting, location and design of Ancillary Dwellings should reflect the Council's principal objectives within the Rural Zone, to maintain agriculture practices and the rural landscape.

## 7.6 Requirements

In addition to the minimum requirements set out in section 7.1, unless justified by the proponent and agreed to by the Council, the Council will generally require that the Ancillary Dwelling should:

- be physically attached or generally in close proximity of the principal dwelling such as it uses common facilities such as driveways, private open space and outbuildings (refer to sections 7.3 and 7.5);
- utilise the same vehicular access from the public road as the principal dwelling; and
- be of similar design and materials to the principal dwelling (unless there are appropriate reasons provided by the proponent to the satisfaction of the Council).

## 7.7 Servicing

The Council will require that legal and practical access to the lot is appropriate to the satisfaction of the Council.

The Council will require the proponent to seal the crossover, if accessed from a sealed public road.

The Council will require the parking area, manoeuvring area and access way to be sealed in the Residential and Commercial Zones, and on land zoned "Special Use" which is classified as Residential on the associated Structure Plan.

In areas where connection to reticulated sewer is available, the Ancillary Dwelling is required to be connected prior to occupation.

In areas where reticulated sewer is not available, Council will need to be satisfied that on-site wastewater can be satisfactorily addressed.

A potable water supply is required to be provided to the Ancillary Dwelling prior to occupation.

Water Corporation advises the following in relation to reticulated water:

- construction of an additional dwelling, on a lot that has an existing reticulated water supply connection, should not be taken as approval to obtain an additional water connection to service a new dwelling;
- an additional water allocation should not be assumed to the site; and
- there may be a requirement to upgrade Water Corporation infrastructure and/or install new works to meet the additional water demand.

## 7.8 Design

The Council will consider *Local Planning Policy 17 Residential Development and Design* in assessing Ancillary Dwellings.

## 7.9 Subdivision and Strata Titling

The approval of an Ancillary Dwelling shall not be viewed as a basis of support for a subdivision application or strata subdivision application to separate the Ancillary Dwelling and the principal dwelling onto separate lots.

Subdivision (for example, into strata lots, built-strata lots or green-title lots) is not permissible as specified by the definition of Ancillary Dwellings under the R-Codes. Subdivision could only occur:

- subject to meeting minimum lot size requirements (and other R-Code provisions) of the density code of the site under LPS2 as grouped dwellings or two single houses in areas subject to the R Codes; or
- where consistent with LPS2 and Western Australian Planning Commission policies and strategies for areas not subject to the R Codes.

## **8. Administration**

### 8.1 Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any application.

### 8.2 Application Requirements

An application for planning consent must be submitted to the Shire for all proposed Ancillary Dwellings.

Planning Applications are to include the following:

- the requirements set out in sections 6.2.1 and 6.2.2 of LPS2 which includes a site plan (including highlighting existing dwelling) and setting out the location of any easements;
- floor plan/s and elevations detailing the area, wall and ridge heights and the cladding materials and colours to be used; and
- setting out the need for the Ancillary Dwelling.

Subject to the proposed location of the proposed Ancillary Dwelling, the Council may also require the applicant to provide:

- detailed contour information from a licensed surveyor;
- cross sections showing the extent of cut and fill;
- written information relating to the reasons why any standard requirements of this Policy should be varied;
- measures proposed to ensure that the Ancillary Dwelling will appear as an integral part of the primary dwelling on the lot and will be inconspicuous in the neighbourhood; and
- any other plan or information that the Council may reasonably require to enable the application to be determined.

Should Planning Approval be issued, it will also be necessary for the proponent to submit a Building Permit Application (which gains necessary approvals) prior to undertaking construction.

### 8.3 Consultation with Affected Landowners and/or Stakeholders

Where an application for an Ancillary Dwelling is made that does not comply with this Policy, or where the proposal may have impacts on neighbours, a copy of the application may be referred to adjoining/nearby landowners and relevant agencies and stakeholders for comment.

#### 8.4 Assessing the Application

Applications will be assessed on a case by case basis subject to this Policy (including the objectives, the LPS2, the R Codes, relevant State Planning Policies and information provided by the applicant and any submissions received.

Should an application for an Ancillary Dwelling not comply with requirements of this Policy, the application may be referred to Council for consideration.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may refuse a Planning Application where the application is inconsistent with this Policy, LPS2, the R Codes, relevant State Planning Policies or based on information provided by the applicant, or based on information set out in any submissions received.

#### **9. Approval Authorisation**

Authority to implement the Policy will be delegated to the Chief Executive Officer, other than as outlined in this Policy.

#### **10. Final Adoption**

Final adoption of the Policy was originally resolved by Council on 11 January 2011, amended by the Council on 19 June 2012 and amended by Council on 17 September 2013.