



Ancillary Dwellings

Introduction

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy – Ancillary Dwellings an LPP.

This policy is a supporting document that is it be read in conjunction with the provisions of LPS No. 4 and the State Planning Policy 7.3 Residential Design Codes – Volume 1 (R-Codes) and shall be given due regard in consideration of any development application made for ancillary dwellings.

Objectives

1. Provide flexibility in providing accommodation opportunities to residents within the same lot to meet the needs of local residents;
2. Minimise the potential for inappropriate residential development in rural areas, which could lead to fragmentation of rural zoned land;
3. Ensure that ancillary accommodation is provided, constructed and located in such a way as to minimise its impact on the amenity of the locality.

Scope

This Policy applies to all zones in the Shire of Toodyay Local Planning Scheme No. 4 except the Light Industry zone where the use is not permitted.

	Residential	Residential Development	Special Residential	Town Centre	Mixed Business	Light Industry	Rural	Rural Residential	Rural Living
Ancillary Dwelling	P	D	D	A	A	X	D	D	D

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Definitions

Ancillary Dwelling	<p>Means the same as 'ancillary dwelling' as defined in Appendix 1 of the R-Codes:</p> <p><i>"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."</i></p> <p>Detached extensions to a Single House or Grouped Dwelling that cannot be occupied independently (such as games rooms, sleep-outs, pool rooms and sewing rooms) are not considered to be ancillary dwellings.</p>
Deemed-to-comply	<p>A proposal, or a component of a proposal, that complies with the deemed-to-comply provisions of the R-Codes, or an adopted local planning policy.</p>
Design principles	<p>In R-Codes Volume 1, specific design objectives for each element of R-Codes Volume are to be met by all residential development subject to Volume 1 and are to be used in the preparation, submission and assessment for proposals for the purpose of determining their compliance with R-Codes Volume 1. A proposal is required to demonstrate compliance with design principles where it does not satisfy corresponding deemed-to-comply provisions.</p>
Plot Ratio Area	<p>Shall have the same meaning as contained in the R-Codes</p>
R-Codes	<p>State Planning Policy 7.3 Residential Design Codes Volume 1 - provide a comprehensive basis for local governments to control residential development. The R-Codes sets out the basis of design and assessment of residential development – including ancillary dwellings.</p> <p>They generally apply to residential zones throughout Western Australia. They also specify the requirements for development control and minimise the need for separate planning policies for residential development.</p>

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Scheme	The Shire of Toodyay Local Planning Scheme No. 4 , that specifies zoning and development standards gazetted pursuant to the <i>Planning and Development Act 2005</i> , as amended.
Self-contained	Living quarters that could be occupied independently from another dwelling, such as a main dwelling on the same lot. For living quarters to be occupied independently, it should include a bathroom, toilet, kitchen and laundry facility. Self-contained ancillary dwellings could either be: <ul style="list-style-type: none"> • Detached from a main dwelling on the same lot; or • Attached or integrated into one building with the main dwelling. For example, ancillary dwelling could be separated from a main dwelling within the same building by a common space (such as a garage, living area or common laundry), walls and/or internal doors.
Setback	The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.
Screening	Permanently fixed external perforated panels or trellises composed of solid or obscured translucent panels.

POLICY PROVISIONS

Residential, Special Residential, Residential Development and Town Centre Zone

A proposal for an Ancillary Dwelling that does not meet the deemed-to-comply provisions of the R-Codes will be assessed against the relevant design principles outlined in the R-Codes.

C1 Ancillary dwelling associated with a single house and on the same lot where:

- i. the lot is not less than 350m² in area;
- ii. there is a maximum plot ratio area of 70m;
- iii. parking is provided in accordance with clause 5.3.3 C3.1;
- iv. ancillary dwelling is located behind the street setback line;
- v. ancillary dwelling is designed to be compatible with the colour, roof pitch and materials of the single house on the same lot;
- vi. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area; and
- vii. ancillary dwelling complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses:

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- (a) 5.1.1 Site area;
 - (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and
 - (c) 5.3.1 Outdoor living areas.

If the deemed-to-comply provisions stipulated above cannot be satisfied, an ancillary dwelling proposal must then satisfy the design principles of the R-Codes and the Objectives provided above.

Ancillary dwelling proposals that do not meet the deemed-to-comply requirements stipulated in above are not exempt from development approval under Clause 61 of the Deemed Provisions.

Ancillary dwelling Provisions where the R-Codes do not apply

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

1. Ancillary dwellings must be associated with a single house, which either exists or will be developed concurrently on the same lot.
2. No more than one ancillary dwelling can be constructed on a lot.
3. Development and design of ancillary dwellings should apply the use of materials that do not detract from the existing house on the property and the local character or the visual amenity of neighbouring properties.
4. The plot ratio area of any ancillary dwelling should not exceed 70m², except on lots greater than 4,000m² in area where the plot ratio area of any ancillary dwelling should not exceed 100m².

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5. Notwithstanding the provisions outlined above, ancillary dwelling with a floor area exceeding 100m² may be considered where a landowner/applicant can demonstrate to the satisfaction of the City that:

1. Exceptional circumstances exist that warrant the need for the ancillary dwelling to have a floor area exceeding 100m²; and
2. The ancillary dwelling will be ancillary to the single house on the subject site.

Proposal for floor areas greater than the prescribed general development provisions

Proposals of ancillary dwellings exceeding plot ratio area of 70m² in Residential, Special Residential, Residential Development and Town Centre Zones and 100m² in rural areas will only be considered in extenuating circumstances.

Bushfire Prone Areas

If the proposed location of the Ancillary Dwelling is located within a bushfire prone area, additional requirements may apply. In accordance with State Planning Policy 3.7, a Bushfire Attack Level Assessment is required to be prepared by an Accredited Bushfire Practitioner and submitted with the development application.

Approval Requirements

In the Residential, Residential Development, Special Residential and Town Centre zone, a development application is required for an Ancillary Dwelling which does not satisfy the deemed-to-comply criteria of the R-Codes.

A development application is required for all Ancillary Dwellings in all other zones excluding the Light Industry zone where the use is not permitted.

In all instances, whether development approval is required or not – ancillary dwellings development must pay due regard to this policy.

Repurposed or Second-Hand Dwellings

Proposals for repurposed or second-hand dwellings as ancillary dwellings are also the subject of the provisions of the Shire of Toodyay Local Planning Scheme No. 4. Section 4.21.

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Subdivision note

The existence of an ancillary dwelling should not be seen as justification for subdivision

Reference Information

[State Planning Policy 3.7 Planning in bushfire prone areas](#)

[State Planning Policy 7.3 Residential Design Codes Volume 1](#)

[Residential Design Codes Explanatory Guidelines](#)

Legislation

[Planning and Development Act 2005 \(WA\)](#)

[Planning and Development Regulations 2009 \(WA\)](#)

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

[Shire of Toodyay Local Planning Scheme No. 4](#)

Associated documents

Can just list them here

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1				Council
V2				

Document control information	
Document Theme	
Document Category	
Document Title	
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Document Owner (position title)	

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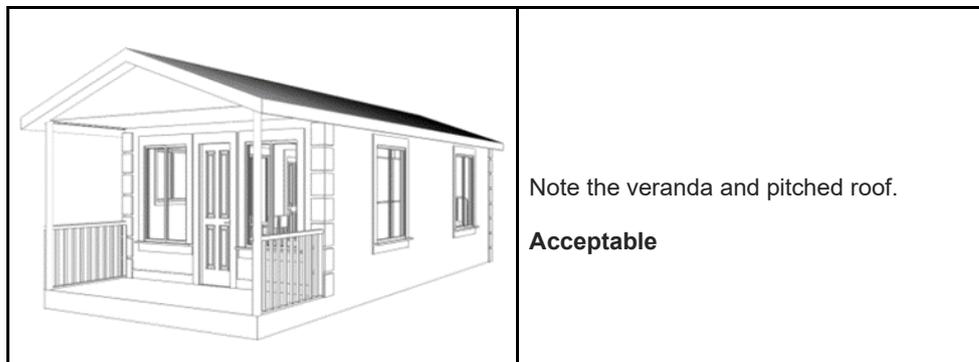
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Document control information	
Author (position title)	
Date of approval	
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Date of next review	
Archived antecedent documents and previous versions	
Location	

Appendix 1 – Acceptable Standards of Building Design

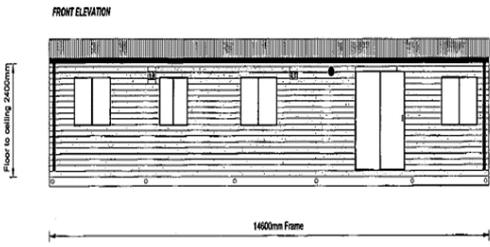


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	<p>Note the articulated window feature and pitched roof with features.</p> <p>Acceptable</p>
	<p>Converted sea container:</p> <p>Not acceptable</p>
<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>FRONT ELEVATION</p>  </div> <div style="text-align: center;"> <p>END ELEVATION</p>  </div> </div>	

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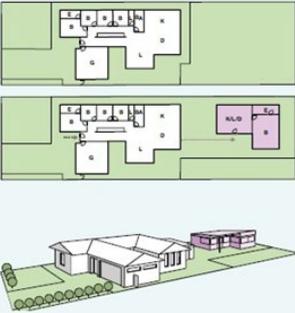
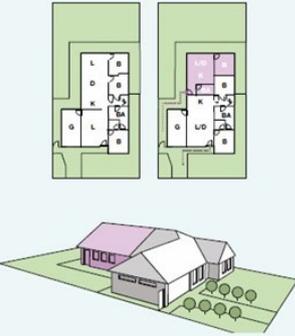
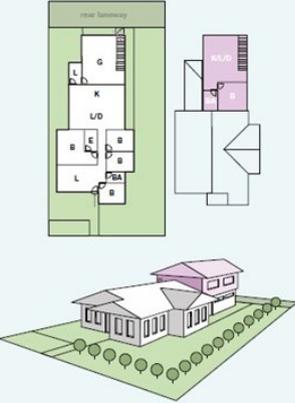
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Note the low pitch on the roof combined with the lack of architectural built form such as fenced balcony and verandah.

Not acceptable

Appendix 2 – Different types of Ancillary Dwelling

 <p>Separate dwelling</p> <p>You can build a separate dwelling on your lot that is completely detached from the main home.</p>	 <p>Convert an existing home</p> <p>You can convert part of your existing home into an ancillary dwelling by separating one part of the house.</p>	 <p>Extend your existing home</p> <p>You can extend your current home by building an addition such as an extra room or, in the example provided, adding a second storey above a garage.</p>
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