ANCILLARY DWELLINGS
Frequently Asked Questions (FAQ)

This FAQ is intended to provide general information and guidance to common questions regarding Ancillary Dwellings (also referred to as Granny Flats).

Planning Framework and Legislation
For detailed information, please refer links to the key planning framework and legislation.

- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Busselton Local Planning Scheme No. 21
- State Planning Policy 7.3 Residential Design Codes

What is an Ancillary Dwelling?
The term 'Ancillary Dwelling' is defined under Appendix 1: Definitions of *State Planning Policy 7.3 Residential Design Codes* (R-Codes) as follows:

> ***"Ancillary Dwelling"*** *self-contained dwelling on the same site as a dwelling which may be attached to, integrated with or detached from the dwelling.*

What size Ancillary Dwelling can I construct on my land?
The size of Ancillary Dwelling depends on zoning of your land.

- Residential zoned land
  On land zoned Residential, the maximum internal floor area is 70m^2.

- All other zoned land
  For all other zones, including Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection, the maximum floor area is 80m^2.

What are the relevant provisions for an Ancillary Dwelling on my land?
The relevant provisions or development standards for an Ancillary Dwelling depends on the zoning of your land.

- Residential zoned land
  Development on land zoned Residential is required to satisfy the provisions of *State Planning Policy 7.3 Residential Design Codes* (R-Codes).

  Under clause 5.5.1 of the R-Codes, the following **deemed-to-comply** provisions apply to an Ancillary Dwelling in the Residential zone.

  C1 Ancillary dwelling associated with a single house or grouped dwelling and on the same site where:

  (i) … (deleted)

  (ii) there is a maximum internal floor area of 70m^2;

  (iii) parking is provided in accordance with clause 5.3.3 C3.1;

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(iv) *ancillary dwelling is located behind the street setback line;*

(v) *… (deleted)*

(vi) *ancillary dwelling does not preclude the single house or grouped dwelling 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 and grouped dwellings, with the exception of clauses:*

a. *Part D, 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.*

The **deemed-to-comply** provision(s) provide a straightforward means for the proposal to demonstrate that it satisfies the objectives and design principles of the R-Codes. Where a proposed Ancillary Dwelling meets the **deemed-to-comply** provision(s) of the R-Codes, and any relevant provision(s) of the Scheme and local planning framework, the decision-maker shall not refuse to grant approval.

Where a proposed Ancillary Dwelling does not meet a **deemed-to-comply** provision(s) of the R-Codes and addresses a **design principle(s)**, the decision-maker is required to exercise judgement and undertake a merit-based assessment to determine the proposal.

- All other zoned land
  Under Part 4.33 of the *City of Busselton Local Planning Scheme No. 21* (Scheme), the following provisions apply to an Ancillary Dwelling in the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone:

  (a) *be integrated in terms of design, colours and materials;*

  (b) *be physically linked by form of roof cover to the single house, with the maximum separation not exceeding 10m;*

  (c) *contain not more than one bedroom;*

  (d) *utilise shared laundry facilities;*

  (e) *not exceed 80m^2 of floor area;*

  (f) *and be for the exclusive use of family members.*

  Where an application does not meet the above provisions, the decision-maker is required to exercise judgement and undertake a merit-based assessment to determine the proposal.

How do I find the zoning or density code of my land?
Please refer to the City's Online Property Maps to search general property information.

If you need assistance navigating the Online Property Maps, please refer to the How to Guide - Online Property Maps (Search General Property Information).

Will an Ancillary Dwelling require development (planning) approval?
Maybe. It depends on the land where the Ancillary Dwelling is proposed, and whether it meets the relevant planning framework.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) exempts certain works from the requirement to obtain development approval.

- Residential zoned land
  In accordance with the LPS Regulations, the development of an Ancillary Dwelling on the same lot as a Single House or Grouped Dwelling is exempt from the requirement to obtain development (planning) approval where:

  (a) The R-Codes apply to the works.

  (b) The works comply with the deemed-to-comply provisions of the R-Codes.

  (c) The works are not located in a heritage-protected place.

  Notwithstanding the above, an Ancillary Dwelling located on land identified within a Special Control Area on the Scheme maps (eg Special Character Area, Landscape Value Area etc…) is not exempt from the requirement to obtain development (planning) approval.

- All other zoned land
  For all other zones, including Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection, there are no exemptions from the requirement to obtain development (planning) approval.

Bushfire Prone Areas
Where an Ancillary Dwelling is located within an area designated as bushfire prone on the Map of Bushfire Prone Areas, and on lot with a total area of 1,100m^2 or more, additional requirements may be applicable.

What supporting information will I need to submit with my application?
Please refer to the Planning Checklists.

How do I lodge an application for development (planning) approval?
Please refer to the How-to Guide – Application for Development Approval.

What is the development (planning) application fees?
Please refer to the Planning Fees and Charges.

How will my application for development (planning) approval be assessed?
In considering an application for development (planning) approval, the local government shall have due regard to the matters to be considered under cl 67 of the *Planning and Development*

(Local Planning Schemes) Regulations 2015 (Deemed Provisions) and apply the principles of orderly and proper planning.

Other Legislations
Please be aware that this FAQ only refers to the planning framework. Additional requirements or approvals may be required under other legislations, such as the *Building Regulations 2012* or other regulations as established under the *Public Health Act 2016*.

Further Assistance
If you need further help, contact Planning at (08) 9781 1731 or lodge an enquiry request online:

https://www.busselton.wa.gov.au/council/report-an-issue-or-request-assistance

*** Disclaimer ***
This FAQ sheet is intended for general information purposes only and should not be relied upon as a comprehensive source of guidance. For accurate and official information, please consult the relevant planning framework, Local Laws and applicable legislation. The City of Busselton accepts no liability for any errors, omissions, or reliance on the information contained herein.