

# Ancillary Dwellings (Granny Flat)

## What is an Ancillary Dwelling?

An ancillary dwelling is sometimes referred to as a 'Granny Flat' and essentially is an independent dwelling which may or may not be attached to single house on the same lot. The dwelling is used for residential living with no restrictions on who may live in the dwelling.

## Does my lot need to be a certain size for me to build an ancillary dwelling?

The Deemed-to-Comply requirements of the R-Codes require a minimum lot size of 450m<sup>2</sup>. I.e. if your lot is less than 450m<sup>2</sup> in area you may not be permitted to construct an ancillary dwelling.

## I live on a strata-titled lot, can I build an ancillary dwelling on my lot?

Ancillary dwellings are only permitted on lots where the land title does not contain any common property (I.e. must be a survey strata subdivision with no common property or green title).

## How big can I build the ancillary dwelling?

The Deemed-to-Comply requirements of the R-Codes permit a maximum area of 70m<sup>2</sup>.

## What are the requirements for an ancillary dwelling?

The planning requirements can be found in Clause 5.5.1 (Ancillary Dwellings) of the Residential Design Codes available on the Department of Planning's [website](#).

## Is additional car parking on the lot required?

The number of car parking spaces required on the lot is dependent on the distance the lot is from a high frequency bus route and/or rail route.

Where a lot is within 800m of a train station or 250m of a high frequency bus route no additional car parking is required to be provided. If a lot is outside the above distances then one additional car space per ancillary dwelling is required to be provided on the lot.

## **How far from the boundary does the ancillary dwelling need to be located?**

The distance from the boundary to the wall of the ancillary dwelling depends on the length and height of the wall. The minimum setback is 1m. Please refer to Table 2A and 2B of the R-Codes to determine the required setbacks.

Please note that the setback to a secondary street is required to be in accordance with Table 1 of the R-Codes (generally a setback of 1m – 1.5m).

Please refer to the R-Codes for further detailed information regarding setbacks.

## **Can I build an ancillary dwelling on the boundary?**

The R-Codes do permit boundary walls if your land is zoned R20 and above. Boundary walls are permitted to one side boundary and have height limits (please refer to the R-Codes for further information on boundary wall requirements). It should be noted that if your dwelling has another boundary wall you will require development approval and neighbour comment for the second boundary wall.

## **Does the ancillary dwelling affect my site coverage?**

The site cover of the ancillary dwelling is included in your site cover and will reduce the amount of open space on the lot. The lot is still required to be provided with the required amount of open space for the zone.

## **Do I need my neighbour's approval?**

Consultation with neighbours will be required where a variation to the requirements of the R-Codes is sought. The City is able to undertake neighbour consultation as part of the planning assessment process.

## **Do I need development or building approval?**

Development approval for an Ancillary Dwelling is required where variations to the deemed-to-comply requirements of the Residential Design Codes are sought. Additionally, associated works relating to an ancillary dwelling such as retaining walls, raised decking and fill may require development approval if they do not meet the deemed-to-comply requirements of the Residential Design Codes.

A building permit is required for ancillary dwellings.

## What information is required for a Planning Application?

1. Completed Planning Application Form
  - Signed by each owner of the property
2. Planning Application Fee
  - Please refer to the fee schedule to determine the relevant fee.
3. Certificate of Title (within 6 months)
4. Site Plan – one copy – Scale 1:200 showing:
  - North Point
  - Lot boundaries
  - Existing dwelling and other structures
  - Location of the proposed Ancillary Dwelling in relation to the lot boundaries
  - Any changes to the existing ground level / floor level

Refer to the example at the end of this document.

5. Floor Plans – one copy – Scale 1:100 showing:
  - Internal room layouts

Refer to the example at the end of this document.

6. Elevation Plans – one copy – Scale 1:100 showing:
  - Front, side and rear elevations showing, height, natural ground levels, finished floor levels and height of Ancillary Dwelling.

Refer to the example at the end of this document.

7. Additional Information (where applicable)
  - Written justification for variations to Deemed-to-comply requirements of the R-Codes
  - Materials and roof colour for properties within the Heritage Protection Area.

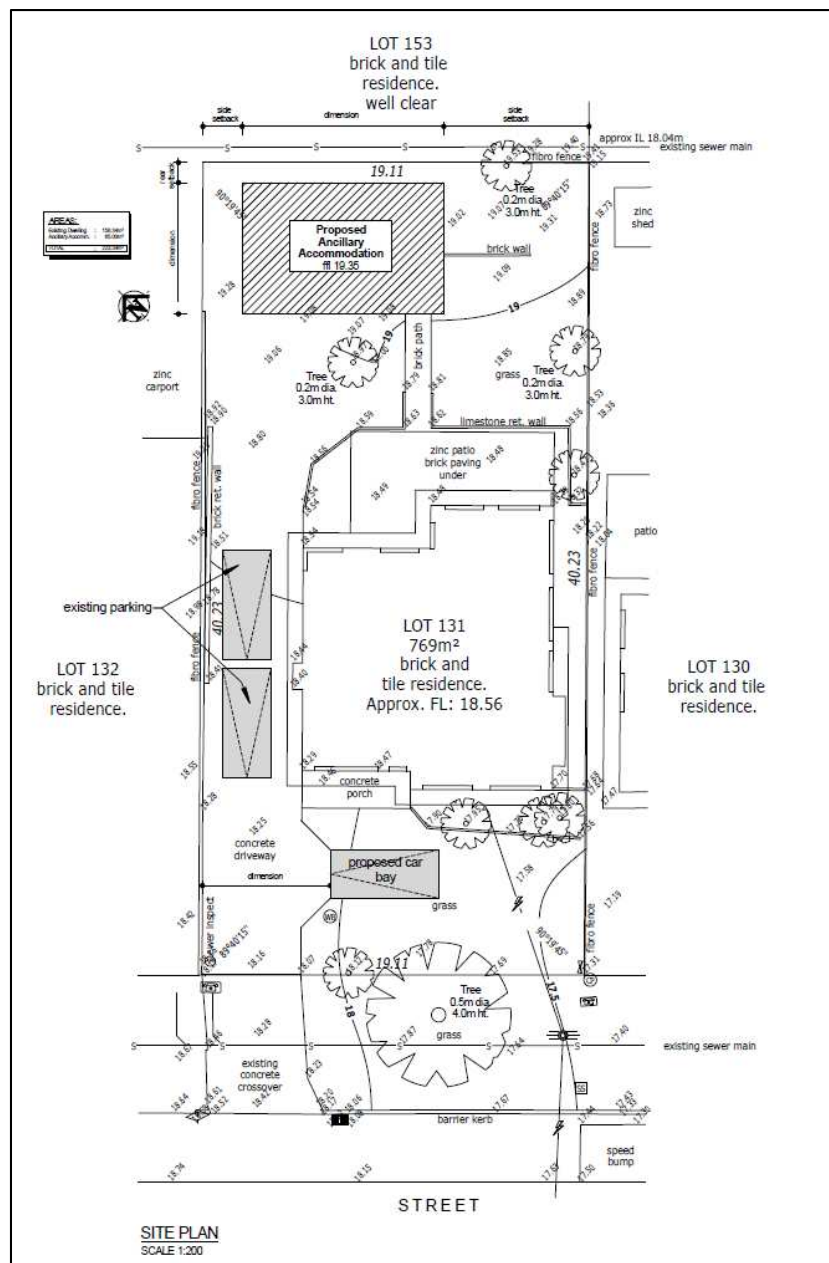
## How do I remove a Section 70A Notification from my title?

Previously, the City required ancillary dwellings to only be occupied by family members of the main house and required a Notification to this effect to be placed on the Certificate of Title. A change in legislation removed the requirement for family members of the main house to occupy the ancillary dwelling. If you have previously had an approval from the City for an ancillary dwelling and have a Section 70A

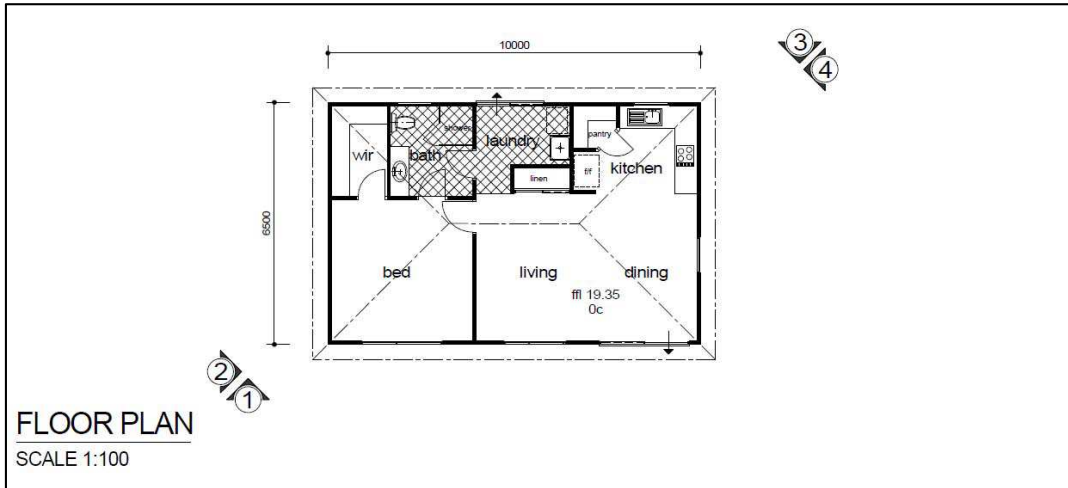
notification on the title this can now be removed. The following process can be followed to remove the notification:

1. Submit a request for written planning advice (including relevant fee) to the City asking if the notification can be removed.
2. Once written endorsement from the City has been received this correspondence can be provided to Landgate as confirmation that the Section 70A notification can be removed from the Certificate of Title. Please contact Landgate for further information on 9273 7373.

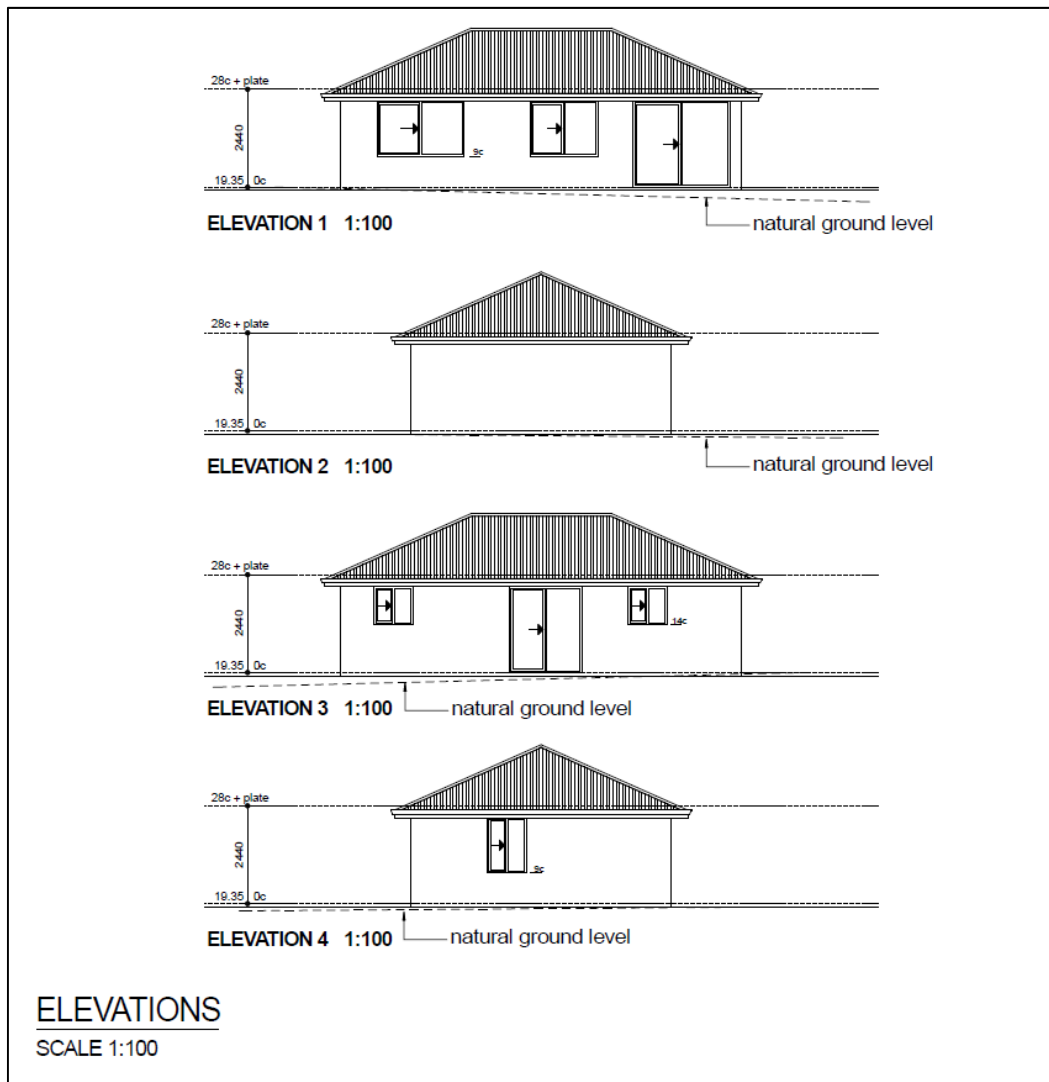
## Site Plan



## Floor Plan



## Elevations



**Last update:** 17.11.16

**Disclaimer:**

This information is produced by the City of Stirling in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original Local Laws, planning schemes and other relevant documents is recommended for detailed references.