



**Minister for Planning; Culture & the Arts  
Government of Western Australia**

Our Ref: 33-22354

Michael and Sara  
Ultimate Property Investment Coaches  
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Dear Michael and Sara

**NEW GRANNY FLAT LAW CLARIFICATION**

Thank you for your email of 10 August 2013 requesting clarification of the new rules applying to granny flats.

The Residential Design Codes (R-Codes) do not constrain the type of tenure under which dwellings may be occupied. Both the single house and the ancillary dwelling may be occupied or rented by any person(s), at the owner's choice.

Recent changes to the R-Codes, which can be accessed via the following link: [www.planning.wa.gov.au/rcodes](http://www.planning.wa.gov.au/rcodes), include the following 'deemed-to-comply' standards for ancillary dwellings:

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

- i. the lot is not less than 450m<sup>2</sup> in area;
- ii. there is a maximum plot ratio area of 70m<sup>2</sup>;
- iii. parking provided in accordance with clause 5.3.3 C3.1; and
- iv. complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses:
  - (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."

Recent amendments include the removal of the current family member occupancy restriction for ancillary accommodation (also known as 'granny flats') and a small increase in the floorspace limit (from 60m<sup>2</sup> to 70m<sup>2</sup>). Only one ancillary dwelling can be provided on the same lot as the single house.

Please note that where there is an inconsistency between the R-Codes and the Local Planning Scheme, the latter prevails. Individual owners may wish to check with their local council to ensure that there is no locally imposed constraint before making an investment decision. Advice on taxation issues and any potential impact on eligibility for social welfare payments is also recommended.

I appreciate you raising this matter with me and trust the above information is of assistance.

Yours sincerely



**JOHN DAY  
MINISTER FOR PLANNING;  
CULTURE AND THE ARTS**

10 SEP 2013