

## **QCC Secondary Dwelling in Urban Areas:**

- First, it would need to be established if the construction of a secondary dwelling is permissible on the land and secondly, people would need to be aware of the various planning rules that apply to secondary dwellings.
- The three most important planning documents to be aware of that govern secondary dwellings are the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) (“the SEPP”), the [Queanbeyan Local Environmental Plan 2012 \(QLEP\)](#) and the [Queanbeyan Development Control Plan \(QDCP\) 2012 – Part 3b – Secondary Dwellings in Residential Development](#).

### **1. Permissibility**

- a. Under the Affordable Rental Housing SEPP and the QLEP 2012 secondary dwellings are permissible in the majority of residential zones. You can confirm permissibility by finding out the land use zone of your land. Please refer to this page of Council’s website for information about how to confirm zoning - <http://www.qcc.nsw.gov.au/Building-and-Planning/Land-Use-Zoning-and-Maps>.
- b. Assuming that a secondary dwelling is permissible on your land you then need to determine which mechanism you will use to obtain a development consent.

### **2. Obtaining a Development Consent**

- a. There are two ways to obtain a development consent for a secondary dwelling. Either by applying for a Complying Development Certificate (CDC) or by submitting a Development Application (DA).
- b. Complying Development is a streamlined form of assessment which takes 10 days. You can apply for a CDC to either a private building certifier or Council. However, the development must comply exactly with every applicable development control (there is no flexibility).
- c. A DA takes longer to assess (typically 4 to 6 weeks) and can only be done by Council. This does allow for some flexibility in the assessment and application of development controls, however, this flexibility does not extend to the permitted size of the secondary dwelling.

### **3. Complying Development**

- a. Complying Development for secondary dwellings is controlled under the Affordable Rental Housing SEPP. *Division 2 – Secondary Dwellings*, contains the general provisions and *Schedule 1 – Development standards for secondary dwellings* contains a list of very specific controls.
- b. If you can meet all of the provisions and controls in Division 2 and Schedule 1 then you can look at obtaining a development consent for a secondary dwelling as a complying development. If you cannot 100% meet these controls then you will need to lodge a Development Application with Council.

### **4. Development Application (DA)**

- a. DAs for secondary dwellings are controlled under the QLEP 2012 and the QDCP 2012 (specifically Part 3b – Secondary Dwellings in Residential Areas).

- i. **Size Control and Subdivision**

- Clause 5.4 (9) of the QLEP 2012 states that the total floor area of a secondary dwelling cannot exceed whichever is greater of 60 square metres or 30% of the floor area of the main house (principal dwelling). To calculate the floor area of the main house you need to reference the definition of gross floor area contained in the Dictionary attached to the QLEP 2012. Council staff are happy to help you to interpret this and advise what the maximum size of any secondary dwelling could be.
- Clause 2.6 of the QLEP 2012 states that secondary dwellings cannot be subdivided, i.e., the secondary dwelling cannot be sold as a separate dwelling, however, this does not prevent it being rented as you would any other residence.

- ii. **Other Relevant Controls**

- Part 3b – Secondary Dwellings in Residential Development of the QDCP 2012 contains various controls on secondary dwellings relating to things like private open space, design, materials and solar access.

## 5. Servicing

- a. Secondary dwellings are connected to the same water service as the main house and storm water and sewerage is connected to Council's infrastructure as appropriate to the individual site. Council does not require that the secondary dwelling has a separate water meter, however, you can apply for one. Electricity connection and metering needs to be checked with the electricity authority (Essential Energy).
- b. Please note that developer contribution charges are levied on approvals for secondary dwellings under Section 64 of the *Local Government Act 1993* for the additional load on Council's water and sewer infrastructure. These vary depending on where the site is and how big the secondary dwelling is, but they tend to be between \$3,000 - \$9,000. A more accurate quote can be provided with more information. This fee is payable before work can commence on an approved secondary dwelling and applies whether the development consent is obtained via complying development or development application.

## 6. Miscellaneous

- a. Any application for a secondary dwelling must be accompanied by a BASIX Certificate, which is a water and energy efficiency certificate. These can be obtained from the [BASIX website](#).