

14 SECONDARY DWELLING

This section of the DCP only provides Council's additional specific requirements for Secondary Dwelling developments. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

14.1 INTRODUCTION

The [SEPP \(Affordable Rental Housing\) 2009](#) (AHSEPP) provides for the development of secondary dwellings (commonly referred to as granny flats) as complying development. [SEPP \(Exempt and Complying Development Codes\) 2008](#) (Codes SEPP) also contains provisions relevant to the development of a secondary dwelling as complying development.

If all requirements for a secondary dwelling specified under the AHSEPP and Codes SEPP are met, a complying development approval can be obtained from Council or an accredited certifier without the need for a development application. Where the requirements for a secondary dwelling under the AHSEPP and Codes SEPP cannot be satisfied, a development application must be lodged with Council. This section of the DCP provides Council's detailed controls for secondary dwellings that require a development application.

Under Lake Macquarie LEP 2014 **secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with the principal dwelling, and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or attached to, or separate from, the principal dwelling, and
- (d) has a maximum floor area of 60m² or 25% of the principal dwelling (whichever is the greater).

Under Lake Macquarie LEP 2014 a **secondary dwelling** is permitted with consent in the following zones:

- (a) R1 General Residential
- (b) R2 Low Density Residential
- (c) R3 Medium Density Residential

14.2 LOT REQUIREMENTS

Objectives

- a. To ensure that secondary dwellings are provide on appropriately sized lots.
- b. To ensure that development densities are not out of character with adjacent lots.
- c. To ensure that the amenity of residents is maintained.

Controls

- 1. Development of a secondary dwelling must result in only one principal dwelling and one secondary dwelling on the same lot.
- 2. Development of a secondary dwelling must be on the same lot as the principal dwelling.
- 3. A lot must be a minimum size of 450m² for the development of a secondary dwelling separate from the principal dwelling.
- 4. Development of a secondary dwelling separate from the principal dwelling on a battle-axe lot must not occur.
- 5. A lot on which a secondary dwelling is erected must have lawful access to a public road.

14.3 SITE COVERAGE

Objectives

- a. To ensure that development allows permeable surfaces and maintains a balance between built and unbuilt areas.
- b. To ensure that secondary dwelling development complements the density and built character of the area.

Controls

1. The maximum site coverage of the principal dwelling and secondary dwelling on a lot must be less than:
 - i. Fifty-five percent for lots less than 900m² in area,
 - ii. Forty-five percent for lots between 900m² and 1500m² in area,
 - iii. Thirty-five percent for lots more than 1500m² in area.

Note: Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

Note: Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

Note: Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

14.4 CAR PARKING

Objectives

- a. To ensure that secondary dwellings remain an affordable housing option.
- b. To ensure that where car parking is proposed, it is located and designed to complement the amenity and character of the surrounding development.

Controls

1. The provision of a car park for a secondary dwelling is not mandatory.
2. Where car parking (car port or garage) is proposed for a secondary dwelling, it must:
 - i. Not interfere with parking and the movement of vehicles associated with the principal dwelling, and
 - ii. Be limited to one car park, and
 - iii. Be a maximum of 24m², and
 - iv. Be located adjacent to the secondary dwelling and not within the street, side or rear setback.

14.5 SERVICES AND FACILITIES

Objectives

- a. To ensure that occupants of secondary dwellings have access to relevant services and facilities to support independent living.

Controls

1. Secondary dwellings must have access to facilities such as a kitchen, bathroom, laundry and clothes drying area. These facilities may be shared with or independent from the principal dwelling.
2. Secondary dwellings must be serviced with utility infrastructure (reticulated water and sewer, gas (where available), electricity, telecommunications). The utility infrastructure for the secondary dwelling may be shared with or independent from the principal dwelling. Separate metering of utility infrastructure for the secondary dwelling is subject to concurrence from the utility infrastructure provider.

14.6 BUILDING DESIGN AND MATERIALS

Objectives

- a. To ensure that secondary dwellings meet relevant design and construction standards.
- b. To ensure that the design of secondary dwellings meet the needs of its occupants.
- c. To ensure that secondary dwellings complement surrounding development.

Controls

1. Secondary dwellings must meet the requirements of the Building Code of Australia.
2. Secondary dwellings must meet the requirements of SEPP (BASIX) 2004.
3. Secondary dwellings attached to or within the principal dwelling must include at least one direct external access.
4. Secondary dwellings attached to or within the principal dwelling can either be totally separated or accessed through an internal door between the secondary and principal dwelling.
5. A secondary dwelling within or attached to the principal dwelling, that:
 - i. shares facilities with the principal dwelling including a laundry, metering for utility infrastructure, mail box, postal address, car parking, and
 - ii. has direct internal access to a habitable room of the principal dwelling, and
 - iii. is provided with individual smoke alarms that are interconnected with smoke alarms in the principal dwelling in accordance with relevant legislation and Australian Standards, are defined as a single dwelling for the purposes of the Building Code of Australia.
6. Secondary dwellings must not include a rooftop terrace.
7. The secondary dwelling or principal dwelling must have the main entrance door visible from the primary road frontage.
8. The secondary dwelling or principal dwelling must have a window to a habitable room facing a primary road and secondary road where the land is a corner lot.
9. External building materials, finishes and colours on the secondary dwelling must complement and be consistent with the principal dwelling.

14.7 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure that occupants of secondary dwellings have access to private open space to support independent living.
- b. Ensure the private open space is usable, functional and easily accessible for occupants.

Controls

1. Secondary dwellings separate from the principal dwelling must have a minimum area of principal private open space of 16m². The principal private open space must be:
 - i. on a grade less than 1:50, and
 - ii. have a minimum dimension of three metres, and
 - iii. directly accessible from a habitable room of the secondary dwelling.
2. Principal private open space is not mandatory for secondary dwellings attached to or within the principal dwelling.

14.8 PRIVACY AND AMENITY

Objectives

- a. To ensure adequate privacy is provided to occupants of secondary dwellings and the principal dwelling.

Controls

1. A landscaped area at least 2 metres wide must be planted between the principal dwelling and the principal private open space of the detached secondary dwelling to provide suitable privacy screening.