



**Queanbeyan  
Development  
Control Plan 2012  
Part 3B**

**Secondary Dwellings  
in Residential, Rural  
and Environmental  
Zones**

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## Secondary Dwellings in Residential Zones

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## Part 3B Secondary Dwellings in Residential Zones

### 3B.1 Introduction – Secondary Dwellings

#### 3B.1.1 Purpose of this part

This part of the development control plan outlines the requirements for Secondary Dwellings within areas zoned Residential under *Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022)*.

#### What is a ‘Secondary Dwelling’?

A secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The size of a secondary dwelling is controlled by Clause 5.4 (9) of the *QPRLEP 2022*.

#### 3B.1.2 Objectives applicable for secondary dwellings

In the case of secondary dwellings the objectives to be complied with include:

- 1) Compliance the objectives and relevant provisions *QPRLEP 2022* as well as the objectives of the applicable Zones.
- 2) To provide an affordable housing option that respects the established streetscape and character of the neighbourhood and that is suitably integrated with existing development on a site, while not compromising the amenity of the site or adjoining properties.

#### 3B.1.3 Relationship to other Plans, Council Policies and the like

There are a number of clauses in the *QPRLEP 2022* and *State Environmental Planning Policy (Housing) 2021* which include provisions that apply to secondary dwellings. These include:

- 1) *Queanbeyan-Palerang Regional Local Environmental Plan 2022*:
  - a) Clause 5.4(9) Secondary Dwellings  
This applies to all secondary dwellings and restricts the size of the dwelling.
  - b) Clause 4.1C Erection of Secondary Dwellings  
This applies to Rural and Environmental zones and requires the land to have the minimum lot size specified on the Minimum Lot Size map or Lot Averaging map if the land is identified as “Lot Averaging”.
- 2) *State Environmental Planning Policy (Housing) 2021*  
The *State Environmental Planning Policy (Housing) 2021* allows secondary dwellings in all residential zones identified under the *QPRLEP 2022*. Refer to <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714>

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A number of heritage requirements and additional local provisions may also apply, these are set out in Part 4 Heritage Conservation of this DCP.

## 3B.2 Approval for secondary dwellings

### 3B.2.1 General Requirements of the *State Environmental Planning Policy (Housing) 2021* for secondary dwellings

The *State Environmental Planning Policy (Housing) 2021* (at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) allows secondary dwellings in residential zones as long as they meet the following requirements:

- 1) There is only one principal dwelling and one secondary dwelling on the lot.
- 2) The combined total floor area of the principal dwelling house and the secondary dwelling complies with the floor space area controls in the local environment plan.
- 3) The maximum floor area of the secondary dwelling is no greater than:
  - a) 60m<sup>2</sup>, or
  - b) The maximum floor area prescribed by Council in the *Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022)*
- 4) The lot is not subdivided.
- 5) The secondary dwelling meets the requirements of the *Building Code of Australia* which covers issues such as fire safety, building materials, ventilation and minimum ceiling heights.

There are no requirements under the policy to provide any additional parking for the secondary dwelling although this can voluntarily be done by the homeowner.

### 3B.2.2 Options for Approval of Secondary Dwellings

There are two options to gain approval for a secondary dwelling.

The first is a Complying Development Approval which requires certain pre-determined conditions to be met.

Where these conditions cannot be met then the second option is a Development Application directly to the Council for determination. The requirements for a Development Application are outlined below (clause 3.3).

### 3B.2.3 How Can I Obtain a Complying Development Approval?

If all general requirements for secondary dwellings in the *State Environmental Planning Policy (SEPP) (Housing) 2021* are met and the provisions the SEPP are complied with, a Complying Development approval can be obtained from Council or an accredited certifier without the need for a development application.

Particular Complying Development provisions apply for a:

- 1) Secondary dwelling within existing housing where internal alterations are made to create a secondary dwelling, typically with a separate external entrance.
- 2) Secondary dwellings attached or detached to an existing house or garage where external alterations are made such as:
  - a) a new wing to the house.
  - b) a new floor added to the house.

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- c) new floor on top of the garage.
  - d) a cabin or studio in the back or side yard.
- 3) Secondary dwellings with a new house with a single application for both.

## 3B.2.4 When is a Development Application Required?

If the circumstances restrict an applicant from seeking Complying Development approval (due to non compliance with the *SEPP*) they can lodge a development application with Council. In residential zones a development application can be lodged with Council for a secondary dwelling. However, Council cannot refuse the application on the following grounds:

- *Parking* - If no additional parking is provided.
- *Site Area* - If the lot size is at least 450m<sup>2</sup> or if the secondary dwelling is attached to or within the principal dwelling.

To consent to the development for the purpose of a secondary dwelling the development must:

- a) Satisfy the definition of a secondary dwelling, and
  - i. The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
  - ii. 60m<sup>2</sup>, or
  - iii. 50% of the total floor area of the principal dwelling

However, Council can refuse the application on a range of other grounds such as drainage, privacy, excessive height, overshadowing, urban design, heritage and tree loss if those impacts are considered to be unreasonable.

## 3B.3 Controls – Secondary Dwellings when a Development Application is required

### 3B.3.1 Setbacks in Zones R2, R3, R4 and R5

#### Objectives

- 1) Protect the privacy and solar access of adjacent properties.
- 2) Maintain and enhance established streetscape and character of the neighbourhood.
- 3) To ensure there is access to the secondary dwelling for emergency personal when the main dwelling is locked.

#### Controls

- a) Secondary dwellings require minimum side setback of 900mm and 3m to a rear boundary.
- b) Where a secondary dwelling is proposed on a corner lot, a minimum secondary street setback of 4m is required.
- c) If the Secondary dwelling is above a garage, the rear setback is to be the same as the garage setback. A 0m setback is permissible.

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## 3B.3.2 Building Appearance

### Objectives

- 1) Maintain and enhance the established, character and amenity of the neighbourhood.
- 2) To ensure the building appearance of a secondary dwelling is of a high standard, the design and materials are regulated by this document.

### Controls

- a) The appearance, the position and the height of the secondary dwelling is to be designed to avoid adverse effects on the amenity of the site and the character of the neighbourhood.
- b) Generally prefabricated site sheds, moveable dwellings, transportable homes, prefabricated homes, converted shipping containers and the like would not meet the standards prescribed and are unlikely to be approved. They also do not require energy efficiency design measures required with the issue of a BASIX Certificate.

## 3B.3.3 External Design

### Objectives

- 1) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing principal dwelling on a site.

### Controls

- a) Building bulk and height, scale, massing, roof form and materials should be sympathetic to existing built forms and complement rather than detract from the existing principal dwelling on the site.
- b) Building design should be of a high quality and of architectural merit.
- c) Architects/designers should avoid a monolithic appearance created by large expanses of blank walls through the use of architectural design features, articulation and fenestration.
- d) The building appearance should preserve the visual amenity and residential quality that surrounding residents enjoy.
- e) An attached secondary dwelling must feature a physical/ structural attachment with the principal dwelling on a site and include sympathetic integration with the roof structure of the principal dwelling.

## 3B.3.4 Materials

### Objectives

- 1) Ensure building materials used for a secondary dwelling are sympathetic to the principal dwelling.
- 2) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing development on a site.
- 3) Construction should aim at maximum energy efficiency.

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## Controls

- a) Any new development, when viewed from the street should be compatible with the principal dwelling on site and the character of buildings in the site's visible locality by using similar shaped windows and similar building materials.
- b) Secondary dwellings shall not be prefabricated site sheds, moveable dwellings, cabins or converted shipping containers.
- c) External building materials and their colours should be compatible with the character of the locality. For example, use bricks and tiled roofs or weatherboard and sheet metal roofing, where these predominate.
- d) Where a garage, carport or outbuilding is proposed to be converted to a secondary dwelling, external building materials and their colours should be compatible with the principal dwelling on site and the character of the locality.
  - i. variations may be considered by Council where it can be demonstrated that the materials used meet construction standards relevant under the *Building Code of Australia* and will result in a building appearance which is compatible with existing development on the subject site and surrounding area.
  - ii. exemptions will also be considered in the case of heritage items where the design and materials utilised for construction are sympathetic with the heritage item and satisfy other heritage requirements specified by Council.
- e) The materials used in secondary dwelling housing must achieve the following outcomes:
  - i. Durable and robust construction, and
  - ii. Achieve adequate acoustic amenity, natural ventilation and access to sunlight for the occupants of the secondary dwelling.
  - iv. All new dwellings and renovated dwellings in NSW are required to meet minimum water and energy rating requirements specified by State Legislation – *BASIX* (Building Sustainability Index). Further details regarding *BASIX* can be found at <http://www.basix.nsw.gov.au/iframe/about-basix.html>
  - iv. Compliance with the *Building Code of Australia* is also required.
    - e) Where conversion of an existing structure is proposed to create a secondary dwelling, applicants need to be aware of construction standards specified under the Building Code of Australia and should seek technical advice to ensure compliance with the relevant Australian Standards.

## 3B.3.5 Internal Design

The internal design of a secondary dwelling facilitates a functional enriched environment for the occupancy. To ensure the internal design is of a high standard it is regulated.

### Objectives

- 1) Maintain a high quality of amenity within the secondary dwelling.
- 2) Ensure room sizes are functional, are of sufficient size and cater for intended use.
- 3) Furnish secondary dwellings with basic amenities to ensure the occupants are provided with an acceptable standard of independent living.
- 4) Ensure private open space is easily accessible.

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## Controls

- a) The following minimum combined size requirements apply to secondary dwellings:
  - i. the main bedroom must have a minimum floor area of 11m<sup>2</sup>.
  - ii. a living room and kitchen must have a minimum floor area of 14m<sup>2</sup>.
  - iii. where the application is proposing a second bedroom the minimum floor area shall be 7.5m<sup>2</sup>.
- b) Dwelling entrances should create a sense of individuality and act as a transitional space between communal and private areas.
- c) Dwelling construction should minimise noise penetration between dwellings.
- d) Living areas should connect to private outdoor areas.
- e) Entries, doors and passageways should be wide enough to allow furniture movement.
- f) The secondary dwelling must contain a kitchen/bar, bathroom, living room and laundry facilities.

### 3B.3.6 Private Open Space

To ensure that all residents have access to private open space to meet their needs e.g. clothes drying, gardening and pet options, it is necessary to require a separate private open space for the secondary dwelling. To ensure private open space is provided for secondary dwellings, it is regulated.

## Objectives

- 1) Ensure the private open space is usable, functional and easily accessible for residents.
- 2) Ensure private open space includes landscaping and soft areas.
- 3) Ensure direct access and a relationship between indoor and outdoor living areas.

## Controls

- a) A secondary dwelling must have a minimum private open space of 24m<sup>2</sup> with at least one 4m x 4m portion of level ground. The principal dwelling shall retain a private open space areas as a separate courtyard with a minimum area of 50m<sup>2</sup>.
- b) In the calculation of private open space:
  - i. A minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard.
  - ii. No area is less than 2.5m in width.
  - iii. Outdoor clothes drying areas are included as private open space.
  - iv. Car parking spaces are not included in open space calculations.
- c) The private open space must have direct and level access to the dwelling's living areas, such as a lounge room, a family room, a dining room or a kitchen.
- d) An access path from the street to the secondary dwelling must be provided. The access path may pass through a carport/driveway or a path along the main dwelling. The path must demonstrate a clear path to the secondary dwelling from the street and is suggested to be 1.2m wide.
- e) The private open space has a grade of not more than 2.5% and is usable, functional and easily accessible for residents.



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## 3B.3.7 Visual Privacy

### Objectives

- 1) To ensure that the secondary dwelling is arranged so that reasonable internal privacy and reasonable privacy in respect of proposed and existing adjoining dwellings and private open space are achieved.

### Controls

- a) The secondary dwelling should be sited to prevent direct views into habitable rooms from a public place, neighbouring properties or from any other dwelling within the development. This may be achieved by:
  - i. locating any proposed building or windows so that major living room windows do not directly face those of a neighbouring building;
  - ii. the use of long narrow windows that provide daylight and sunlight without significantly reducing privacy or use windows above 1700mm from floor level;
  - iii. provide screening by way of walls, fences or planting;
  - iv. planning a wall facing another habitable room to have no windows;
  - v. using slope or changes in level of the site to obscure views into the room;

## 3B.3.8 Solar Energy/Climate Control

### Objectives

- 1) Ensure a secondary dwelling achieves energy efficiency and minimises any overshadowing of existing dwellings.

### Controls

- a) The secondary dwelling should be designed to:
  - i. Minimise overshadowing of any other dwelling and particularly to avoid overshadowing any solar energy collectors.
  - ii. Limit exposure to summer sun yet admit winter sun (wherever practicable).
  - iii. Ensure reasonable access to sunlight for living spaces within dwellings and for open space around dwellings.

## 3B.3.9 Car Parking

### Objectives

- 1) Ensure existing on-site parking provisions for the principal dwelling are maintained and any parking structures for the secondary dwelling are minimised.

### Controls

- a) No additional on-site parking is required to be provided for the secondary dwelling. However, car parking is required to be provided for the principal dwelling in accordance with Council's parking requirements.
- b) Where a carport is proposed for a secondary dwelling it will only be supported with a maximum area of 25m<sup>2</sup> for the carport and other awning like structures.
- c) Attached garages to a secondary dwelling will not be supported.

### **3B.3.10 Adaptation of Existing Buildings:**

Council will only consider adaptation of an existing structure for the purpose of a secondary dwelling on a site where it meets the requirements of the *Building Code of Australia*, a *BASIX* certificate can be issued if necessary, it does not displace any existing onsite car parking requirements specified by Council, complies with the maximum floor space as specified in the *QPRLEP 2022* and the proposal meets the above objectives and controls relating to external appearance, visual privacy and solar energy.

### **3B.3.11 Contribution Charges**

Developer contributions charges apply under the relevant Council Development Contributions Plans and relevant Development Services Plans for water supply and sewerage.

For further information relating to contributions contact Council.