

# Secondary dwellings

## What is a secondary dwelling?

A secondary dwelling or granny flat is self-contained accommodation within, attached or separate from the principal dwelling.

A secondary dwelling must be:

- established in conjunction with a principal dwelling;
- on the same lot of land (not being a lot in a strata plan or community title scheme) as the principal dwelling; and
- have a maximum floor area of 60m<sup>2</sup> or 25 per cent of the principal dwelling (whichever is greater).

A secondary dwelling may be permissible with consent in the following zones under the **Lake Macquarie Local Environmental Plan 2014 (LEP 2014)**:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential

## Do I need approval?

You need to obtain approval before building a secondary dwelling through one of the following approval processes.

### 1. Complying Development

A secondary dwelling can sometimes be approved under a complying development certificate, which is a fast track application that combines approval for use of the land and the building construction.

Council certifiers can certify secondary dwellings as complying development provided they meet the specific development standards in **State Environmental Planning Policy (Affordable Rental Housing) 2009**.

Further information on secondary dwellings under complying development is found on **NSW Planning Portal**.

### 2. Development Application

If requirements under complying development cannot be satisfied a development application must be lodged with Council.

Applications submitted as a development application must comply with the requirements of LEP 2014 and Development Control Plan 2014.

An approved construction certificate is also required prior to starting any construction.

## What if my land is identified as bushfire prone?

As secondary dwellings increase the density on land, **NSW Rural Fire Service (RFS)** may not support the development on land with high bushfire attack levels as this exposes additional people to unacceptable levels of risks.

Council may consult with RFS during the assessment.

## What if my land is identified as flood prone?

The floor will need to meet the floor height planning level for your property.

For more information, call us on 4921 0333.

## Developer contributions - section 94 contributions

Council levies for a wide range of development types, including secondary dwellings.

It is important to make contact with the Development Contribution team to **establish if a section 94 levy applies to your proposal**.

More information on Section 94 development contributions is available on our website or by contacting us on 4921 0333 or [developmentcontributions@lakemac.nsw.gov.au](mailto:developmentcontributions@lakemac.nsw.gov.au).

## Building certification

Council provides building certification services that are flexible and personalised. For information about this service, please contact Lake Mac Planning and Building Services on 4921 0021 or [pbs@lakemac.nsw.gov.au](mailto:pbs@lakemac.nsw.gov.au).

## Need help?

If you have any questions, please contact Council's Duty Building Officer on 4921 0333 or [dutyofficer@lakemac.nsw.gov.au](mailto:dutyofficer@lakemac.nsw.gov.au).

## Disclaimer

This fact sheet provides a summary of key elements of secondary dwellings. Any person using this document must do so on the basis that, not every scenario and issue can be addressed, and discussion with relevant staff at Council should be undertaken. This document is subject to change without notice.

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