



15/13214

Dear

I am writing regarding your request for information under the *Government Information (Public Access) Act 2009* relating to the purpose, intent, interpretation and operation of the drafting and adoption of clause 22 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AH SEPP).

Thank you for clarifying your request and agreeing to a letter from the Department confirming the intent of this clause. I understand that your request relates to the floor space controls contained within clause 22(3)(b) of the AH SEPP.

Clause 22(3)(b) of the AH SEPP states the floor area for secondary dwellings is:

- 60 square metres; or
- a greater floor area where a secondary dwelling is permissible on the land under another environmental planning instrument.

The intent of this provision is to allow larger secondary dwellings where permitted under another environmental planning instrument, such as an LEP.

I understand you are investigating the appropriate floor space control for land zoned R5 Large Lot Residential under the *Wingecarribee Local Environmental Plan 2010* (LEP). The LEP provides that, where secondary dwellings are permitted under the LEP, the total floor area can be 60 square metres or 33 percent of the total floor area of the principal dwellings (whichever is greater). However, secondary dwellings are prohibited in the R5 zone under the LEP. The floor space controls outlined in the LEP for secondary dwellings do therefore not apply in this zone. The AH SEPP does, however, permit secondary dwellings in the R5 zone despite the prohibition under the LEP.

Should you have any further enquiries, please contact Ms Carlie Ryan, Team Leader, Housing Policy, at the Department on (02) 9228 6206.

Yours sincerely

Elizabeth Kinkade 14/9/15
A/Deputy Secretary, Policy and Strategy