

SECONDARY DWELLINGS

What is a secondary dwelling?

A secondary dwelling (commonly referred to as a granny flat) is a self-contained dwelling that is built on the same lot as a principal dwelling (main house). A secondary dwelling can be attached to, or separate from the principal dwelling.

Is approval required?

Development consent is required for any secondary dwelling. There are two approval pathways available for secondary dwellings, depending on land zoning and site constraints, Complying Development or Local Development.

1. COMPLYING DEVELOPMENT

Application for a Complying Development Certificate (CDC) under *State Environmental Planning Policy (Housing) 2021 (SEPP Housing)* can be made on properties zoned R1, R2, R3, R4, and R5 (or equivalent).

Land zoning can be checked via the [Eplanning Spatial Viewer](#).

Zoning information will be displayed once the property address has been entered (top left-hand corner). If the layer does not display, you can check that the map is selected under the 'Principle Planning Layers' tab (magenta). Zoning information applicable to the site can also be obtained by generating a property report (green), or selecting the search result (blue). The blue also contains a link to the legislation where you can view the land use table.



A secondary dwelling can be issued a CDC by either Council or a Private Certifier provided it fully complies with the requirements of [Chapter 3 Part 1](#) of the SEPP Housing.

For more information about lodgement through the NSW Planning Portal, please review the information via this link: [Planning Portal Support Hub](#)

2. DEVELOPMENT APPLICATION

The development application (**DA**) approval pathway is available for secondary dwellings proposed on land other than R2, R3, and R5 (or equivalent), or does not fully comply with the development standards of Chapter 3 Part 1 of SEPP Housing.

A DA for a secondary dwelling must address *Wollondilly Local Environmental Plan 2011* ([WLEP 2011](#)) and Wollondilly Development Control Plan 2016 ([WDCP 2016](#)). The relevant provisions for secondary dwellings are set out in Volume 4 of WDCP 2016.

Please see Council's [DA Lodgement Checklist](#) for what information needs to accompany your application.

3. GENERAL SECONDARY DWELLING RESTRICTIONS

3.1 Western Sydney Airport –Aircraft Noise (ANEF/ ANEC)

[Part 4.3](#) of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (**SEPP PWPC**) sets out the airport safeguards aimed at ensuring that development around the Western Sydney Airport does not lead to unnecessary constraints on its 24 hr/day operations.

While secondary dwellings are permitted on land affected by the 20 – 25 Aircraft Noise Exposure Contour Map (**ANEF**), development applications must demonstrate that the required internal noise levels can be achieved.

3.2 Bushfire/ Flooding

Bushfire affected land contains certain limitations of constructing a secondary dwelling. An assessment of the Bushfire Attack Level (**BAL**) is required for a secondary dwelling located on bushfire prone mapped land. The BAL for the location of the secondary must be assessed at BAL 29 or less to proceed with a development application.

If your land is affected by bush fire or is flood prone, specific controls are likely to apply to the construction of a secondary dwelling. It is recommended that you obtain a

section 10.7 Planning Certificate for your property to establish whether the land is affected by such constraints You can apply online for a [10.7 Planning Certificate](#).

3.3 Wilton Growth Area

Secondary dwellings are permitted with development consent via a Development Application under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. This legislation sets a housing cap for each precinct that must be considered when proposing a secondary dwelling. Written approval from the developer of the respective precinct is also required.

4. CONTRIBUTIONS

All Secondary Dwelling approved after 1 July 2020 attract a development contribution payment to Council as per the [Wollondilly Contributions Plan 2020](#). The contribution amount payable is subject to Consumer Price Indexing and can increase over time. Please contact Customer Service to obtain the current figure payable for your area.

5. FAQs

5.1 Can I subdivide a secondary dwelling from the principal dwelling?

No, secondary dwellings cannot be subdivided from the principal dwelling unless each lot created by the subdivision is at least the minimum lot size required by the Lot Size Map.

5.2 Can I build a new house and secondary dwelling at the same time?

Yes, you can do this through either a combined DA or a CDC, subject to meeting the relevant approval requirements.

5.3 Can I convert an existing structure into a secondary dwelling?

Sheds and garages can be converted if the building complies with Class 1 construction requirements from the Building Code of Australia (BCA) and the relevant development controls set out in WDCP 2016.

The conversion of a shipping container is not supported by Council as these do not meet the requirements of the BCA/ NCC and are not appropriate in a residential or rural environment.

5.4 Can a manufactured home/relocatable home be a secondary dwelling?

Yes, approval via the DA pathway is required. A Section 68 approval under the Local Government Act will also be required.

FACT SHEET



A Construction Certificate and BASIX Certificate will not be required, however, certification by a Structural Engineer and compliance plates will need to be obtained from the manufacturer.

For more information about any of the above information, please book an appointment with Council's Duty Planner via our [website](#) or calling Council on 02 4677 1100