

Building a Secondary Dwelling in Wollondilly Shire

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 located within, attached to or separate to the principal dwelling.

Do I Need Approval?

Yes, approval is required for a secondary dwelling and can be obtained through one of the following two methods:

Method 1: Complying Development Certificate (CDC)

If your property is zoned R1, R2, R3 or R4 you may be eligible for a Complying Development Certificate (CDC). This process is a fast tracked method for the approval of secondary dwellings.

To be eligible for a CDC, the secondary dwelling must comply with the following sections of the *State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009*:

- Part 2 Division 2 ([Click Here](#)).
- Schedule 1 ([Click Here](#)).

There are additional considerations for land in proximity to the new Western Sydney Airport in response to noise exposure which may limit approval pathways. Further information below.

There is no complying development pathway for secondary dwellings located on land zoned 1 Urban Development within the Wilton Growth Area.

Method 2: Development Application (DA)

If your land is not zoned R1, R2, R3 or R4 or does not meet the necessary requirements outlined in the *SEPP (Affordable Rental Housing) 2009*, you will not be able to construct a secondary dwelling through the CDC process. Instead, a Development Application (DA) must be submitted to Council in accordance with the *Wollondilly Local Environmental Plan 2011*, the *Wollondilly Development Control Plan 2016* and any other applicable policy.

My property is in Silverdale, Warragamba or Wallacia and is identified by the Noise Exposure Contour map as being in ANEF or ANEC contour of 20 or greater.

A secondary dwelling cannot be approved if is proposed on land that is in an ANEF or ANEC contour of 20 or greater as mapped in [SEPP \(Western Sydney Aerotropolis\) 2020](#) (WSA SEPP).

Clause 19 of the WSA SEPP prohibits noise sensitive development where the land is mapped as being affected by the Australian Noise Exposure Forecast (**ANEF**) or Noise Exposure Concept (**ANEC**) contour of 20 or greater as part of the Airport Safeguarding Provisions.

To understand if you land is affected by the Noise Exposure Contour map, you can request a 10.7 Planning Certificate from Council or utilise the NSW Planning Portal's eplanning spatial viewer tool [\(Click Here\)](#).

Secondary dwellings outside of the Wilton Growth Centre

If the land is zoned under the *Wollondilly Local Environmental Plan 2011*, then a DA must meet the requirements of:

- Clause 5.4 of *Wollondilly Local Environmental Plan 2011* [\(Click Here\)](#).
- Volumes 1 and 4 of the *Wollondilly Development Control Plan 2016* [\(Click Here\)](#).
- Any other applicable *SEPP* or *Sydney Regional Environmental Plan (SREP)*.

Secondary Dwellings within Wilton Growth Centre

If the land is identified within a Growth Centre and is zoned under the *SEPP (Sydney Region Growth Centres) 2006*, then a DA for a secondary dwelling must meet the requirements of:

- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*;
- *Wilton Development Control Plan 2021*
- Any other applicable *State Environmental Planning Policy (SEPP)* or *Sydney Regional Environmental Plan (SREP)*.

Wilton Growth Area is a master planned township that has been strategically planned to deliver 15,000 homes over the next 20 years. Infrastructure, open space and employment needs to support the growth in Wilton have been based on 15,000 homes.

Each precinct within Wilton has a limit on the number of dwellings allowed (which is set out by the legislation), this is a proportion of the overall total of 15,000 homes. This cap will be a major consideration in any assessment process for a secondary dwelling, and Council cannot approve more dwellings than set out by the legislation.

How big can my secondary dwelling be?

Secondary dwellings in zones other than in Rural zones, must have a total floor area that does not exceed 60m² or 25% of the total floor area of the principal dwelling (whichever is greater).

The size of secondary dwellings in Rural Zones will be assessed on merit, should not dominate the landscape and should remain secondary in nature to the principal dwelling. A secondary dwelling that doesn't meet this criteria is defined as a dual occupancy.

Do I need to pay Contributions?

Yes, secondary dwelling DAs and CDCs determined on or after 1 July 2020 will need to pay a development contribution to Council as per the Wollondilly Contributions Plan 2020. To obtain an approximate contributions figure for your development, please refer to Council's website.

Do I need anything else?

For all secondary dwellings (apart from manufactured dwellings and relocatable homes) the following are needed:

- A BASIX Certificate is required in order for your CDC or DA to be approved.
- A Construction Certificate (CC) is needed before work can commence on the site.
- An Occupation Certificate (OC) is needed before people can move into the dwelling.

You will also need to contact Sydney Water to discuss whether or not you will be able to connect to water and sewerage in your area.

If reticulated sewer is not available for your property, a wastewater report may be required to ensure that the site has an adequate area for on-site wastewater disposal.

If your property is located in a mine subsidence area you will need approval from [Subsidence Advisory NSW](#) prior to submitting your DA or CDC.

Do Bush Fire and Flood Controls apply?

If you are located in bush fire or flood prone land, 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 ([Click Here](#) to apply for a 10.7 Planning Certificate).

Can I Subdivide a secondary dwelling from the principal dwelling?

No, subdivision of a secondary dwelling is not permissible.

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.

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 Council's LEP.

The conversion of a shipping container is not supported by Council as they do not meet the requirements of the Building Code of Australia NCC and are not appropriate in a residential or rural environment.

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

Yes, however, you will need to get DA approval. A Section 68 Approval under the Local Government Act will also be required.

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

For further questions please book in a time to speak our Senior Planner – Development Information on 4677 1100, via our [online booking system](#) or email at council@wollondilly.nsw.gov.au.