

SECONDARY DWELLING

FACT SHEET

WHAT IS IT?

A secondary dwelling (often called a 'granny flat') is a self-contained dwelling that is:

- (a) established in conjunction with another dwelling (the principal dwelling), and
- (b) on the same lot of land (not being a lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) located within, attached to, or separate from the principal dwelling.

A secondary dwelling differs from a dual occupancy in that the total floor area of the secondary dwelling typically cannot exceed 60m².

DO I NEED APPROVAL?

Yes. You must get approval before building a secondary dwelling, through one of two approval paths:

1. Complying Development

A secondary dwelling can sometimes be approved by seeking a Complying Development Certificate (CDC) issued by Council or a Private Certifier. This certificate combines approval for the use of the land and the building construction.

For a CDC to be issued, the proposal must comply with the provisions within [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#). Schedule 1 contains some key matters for consideration and compliance.

A CDC cannot be issued for a manufactured home or moveable dwelling.

2. Development Application

If a proposal doesn't meet the complying development provisions, you may lodge a Development

Application (DA) with Council for assessment and determination.

Applications submitted as a DA must comply with the requirements of the relevant Local Environmental Plan (LEP) and Development Control Plan (DCP) that applies to the land.

If the DA is approved, you also need to apply for a Construction Certificate (CC) before any work can start on the site.

SITE REQUIREMENTS

Residential Zones

Secondary dwellings are permissible in all residential zones on lots greater than 450m².

Rural Zones

Secondary dwellings are permissible in rural zones under Council's LEP on lots greater than 2ha, and on lots less than 2 hectares in rural village zones. Secondary dwellings are not permitted in Twin Creeks.

Council may consider approving a secondary dwelling on lots less than 2ha where it can be demonstrated that the existing on-site effluent disposal system has sufficient capacity for the secondary dwelling.

CAN I SUBDIVIDE A SECONDARY DWELLING?

No. Subdivision is not allowed under the provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

CONVERTING EXISTING STRUCTURES

Many existing structures (such as a garage, screen enclosure or awning) are not constructed to the same standards as a dwelling. Anyone wanting to convert an existing structure to a secondary dwelling must ensure the building complies with the Class 1 (habitable)

construction requirements of the Building Code of Australia (BCA).

Some things to consider include:

- The slab must be constructed in accordance with AS2870, be at least 150mm above ground level and have a damp-proof membrane.
- The structure must have termite protection measures.
- The structure must meet natural light and ventilation requirements.
- There must be adequate fire separation between property boundaries and other buildings.
- Floor to ceiling height must be 2.4m.

The existing structure must also comply with the minimum rear and side setback requirements of Council's LEP. In most residential cases, a 4m or 6m rear setback and a 900mm side setback is required. Setbacks are encouraged to be maximised in rural areas.

If the existing structure doesn't meet all these requirements an upgrade of the existing structure will be required. A Building Code of Australia report may assist in determining any upgrade requirements.

BASIX REQUIREMENTS

A BASIX Certificate is required for all new secondary dwelling proposals, including conversion of an existing structure to a secondary dwelling.

NEIGHBOUR NOTIFICATION

Your neighbours will be told about your application a minimum of 14 days before an approval can be issued.

If a CDC has been issued, the owner must also notify neighbours at least seven days before works start on the site.

DEVELOPER CONTRIBUTIONS APPLY

Certain development proposals require payment of contributions under Section 94 of the Environmental Planning and Assessment Act 1979. Council uses this money to provide public amenities and services where a development may increase demand on them.

Section 94 Developer Contributions are levied on secondary dwelling approvals.

BUSHFIRE AND FLOOD PLANNING REQUIREMENTS

Bushfire and flood related development controls apply to all secondary dwelling proposals. Check the Section 10.7 Zoning Certificate for the property to see if any restrictions apply to the land. A Section 10.7 Certificate can be obtained on application to Council.

NEED MORE INFORMATION?

Please note this fact sheet provides a summary of the key considerations concerning secondary dwellings. Not every scenario and issue can be addressed here. For more information:

- Visit the [State Government Department of Planning & Environment website](#), or
- phone Council's Development Enquiry Unit on 4732 7991.