



SECONDARY DWELLINGS (Granny Flats) Information Sheet

State Environmental Planning Policy (Affordable Rental Housing) 2009 now permits the construction of secondary dwellings or 'granny flats' in most residential zones in NSW. Bellingen's Local Environmental Plan has built further on this foundation by also permitting secondary dwellings in certain rural zones in the shire.

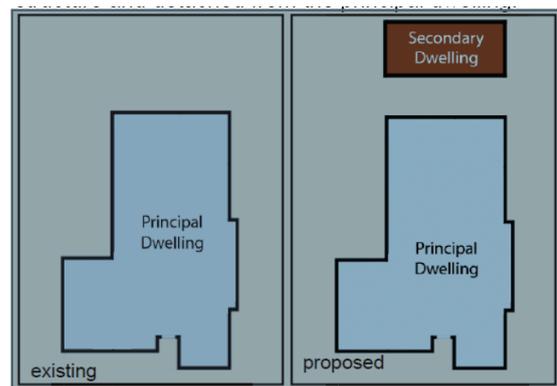
A secondary dwelling is by definition no greater than 60m² in area, or 25% of the area of the principal dwelling on the land. They can be occupied by any person and offer a range of social and sustainability benefits such as encouraging greater levels of urban consolidation and allowing for transition in dwelling size as people move through age and family cycles.

A secondary dwelling is a self-contained dwelling that:

- a. *is established in conjunction with another dwelling (the principal dwelling), and
Example: Change of use from a garage to a secondary dwelling.*
- b. *on the same lot of land as the principal dwelling (not being an individual lot in a strata plan or community title scheme), and
Example: An addition to the existing dwelling.*
- c. *may be located within, or attached to, or separate from, the principal dwelling.
Example: A separate building detached from the main dwelling.*

Where can I have a secondary dwelling in Bellingen Shire?

Zone	Complying Development	Development Application & Construction Certificate
R1 General Residential	Yes	Yes
R5 Large Lot Residential	No	Yes
RU1 Primary Production	No	Yes
RU2 Rural Landscape	No	Yes
RU4 Primary Production Small Lots	No	Yes



Example: Detached Secondary Dwelling

Does my secondary dwelling need to be attached to the principal dwelling if my property is in a rural zone?

Unlike existing controls that regulate attached dual occupancy development in rural zones, a secondary dwelling does not need to be attached to the principal dwelling. Council has adopted this position to provide a greater degree of flexibility in dwelling location and to address a common concern that attached dwellings do not provide sufficient levels of privacy for occupants.

Even though there is no requirement for the secondary dwelling to be attached to the principal dwelling, there may however be benefits from clustering the dwellings in the same general location on the property. This can assist with minimising additional infrastructure costs and limiting the environmental impacts of establishing a new dwelling in a separate location.

For example, matters such as bushfire risk will require fresh assessment as part of any application and the NSW Rural Fire Service have advised that secondary dwellings will not be granted the same concessions from relevant legislation that a single dwelling application may enjoy. (See NSW Rural Fire Service Fast Fact 4/12 – Increased Density on a Single Parcel of Land)

http://www.rfs.nsw.gov.au/_data/assets/pdf_file/0019/4627/Fast-Fact-4-12-Increased-Density-on-a-Single-Parcel-of-Land.pdf

Can I request a variation to the maximum size requirements for a secondary dwelling to construct a larger dwelling?

Whilst certain numerical controls on developments can be the subject of a request for variation (eg: the height of a building), the maximum size limitations for a secondary dwelling cannot be varied. This is a requirement of NSW State Government legislation.

Should you not be able to comply with the maximum size limitations for a secondary dwelling, there may be other options that you could still explore to have the dwelling approved as part of a dual occupancy development. If in Zones R5, RU1, RU2 or RU4, both dwellings would however need to be physically attached.

WHERE TO START

A great starting point, if you are considering doing a secondary dwelling or granny flat, is the Department of Planning and Infrastructure's website where you will find [Fact Sheets](#) about the various forms of secondary dwellings and responses to Frequently Asked questions www.planning.nsw.gov.au

Who can help me with my plans? You might want to speak to an architect, building designer and/or planning consultant who can advise what sort of development you can undertake.

These professionals can help you draw up plans to get a complying development certificate approval from council or a certifier within ten days, or to lodge a development application. A lot of companies are starting to specialise in secondary dwellings and there is a lot of information available online which can assist you.

WHAT HAS COUNCIL DONE TO MAKE IT EASIER

In order to encourage and make these forms of development easier, Council has streamlined the development controls applicable and also reduced the development contributions that constructing a second dwelling would normally attract. More information can be found in [Council's Development Control Plan 2010](#).

So if you are thinking about lodging a development application or doing a secondary dwelling as complying development contact Bellingen Shire Council's Operations Division on 6655 7300.