



## What is a Secondary Dwelling?

Secondary dwellings are commonly referred to as granny flats. By definition a Secondary Dwelling is a self-contained dwelling which:

- (a) is established in conjunction with another dwelling (the principal dwelling);
- (b) is on the same lot of land as the principal dwelling; and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

A Secondary Dwelling is essentially a small self-contained unit. It can be an internal conversion or extension to the existing dwelling, or a new building located apart from the main dwelling, for example in the back yard.

The Secondary Dwelling can be either a prefabricated manufactured home, or a new on-site construction.



## What are the benefits of a Secondary Dwelling?

Secondary dwellings are an affordable way to provide space for additional family members, such as elderly parents or adult children, while maintaining some level of independence. They can offer greater choice of housing and the chance to provide affordable rental opportunities.

In the Richmond Valley Council area, secondary dwellings are in most circumstances exempt from Council's developer contributions for water and sewer levies, and are exempt from annual sewer and water availability charges. The exemption is available where:

1. the Secondary Dwelling is less than 60m<sup>2</sup> or 25% of the floor area of the principal dwelling, (whichever is greater);
2. there are five or less bedrooms on the land; and
3. the dwelling is not let for temporary accommodation, such as holiday rentals.

Please note secondary dwellings are not entirely exempt from all charges, other fees may apply.

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For further information phone Richmond Valley Council on (02) 6660 0300, email [council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au) or visit [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)

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## **Can I subdivide a Secondary Dwelling?**

No. Secondary dwellings cannot be subdivided or strata titled. They must remain on the same title as the principal dwelling and can only be sold together. If subdivision is important other forms of development such as Dual Occupancy should be considered.

## **Where can secondary dwellings be built?**

Secondary dwellings can be constructed in all residential zones (R1, R5 and RU5). These are the Main Township, village or rural residential areas. Secondary dwellings cannot be built in rural zones. You can check the zoning of your land by contacting Council.

If you are in a rural zone you may be able to construct an Attached Dual Occupancy, which is a Second Dwelling that is generally within six meters of the main dwelling and shares a common property access.

## **Are there any specific requirements for a secondary dwelling?**

Yes. The requirements are set out under State Environmental Planning Policy (Affordable Rental Housing) 2009. The main requirements are:

- There must be only one principal dwelling and one Secondary Dwelling on the land.
- The maximum floor area of the granny flat is no greater than either 60m<sup>2</sup> or 25% of the floor area of the principal dwelling, (whichever is the greater).
- The land must have a minimum area of 450m<sup>2</sup>.
- The granny flat meets planning controls such as building height and setbacks, floor space ratios, landscape and open space under the Affordable Rental Housing Policy.
- The granny flat meets the requirements of the Building Code of Australia.

A full copy of the requirements can be found at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2009-0364#pt.2-div.2>

## **Are there other requirements or costs which may be incurred?**

Yes. There may be a variety of costs associated with a particular project due to the specific design and individual site conditions. Things to investigate and consider further are requirements for flood prone land, bushfire, Basix certificate, the location of services such as water, sewer and electricity, driveways, easements or restrictions on the land, fire hydrant coverage, fire separation between buildings, soil issues such as slope and stability, acid sulphate soils, possible contamination.

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Council is able to assist identify constraints which may exist on your land, and can provide you a quote for Complying Development or Development and Construction Certificate charges.

Note: Water/Sewer contributions may be applicable dependent upon your locality.

### **How do I get approval for a secondary dwelling?**

Applications can be made to Council as either a Complying Development or as a Development Application and Construction Certificate. You can discuss with a Council Officer the best method to suit your individual circumstances.

### **Further Information**

The NSW Department of Planning has further information and fact sheets available on their website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

<https://www.planningportal.nsw.gov.au/building-or-renovating/do-i-qualify-fast-track-approval/granny-flats>

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