

## Dual Occupancy

A dual occupancy refers to what is commonly known as a 'duplex', and refers to two dwellings on one parcel of land, and as per the below definition can be either attached or detached.

They are defined in the Wollondilly Local Environmental Plan 2011 as follows:

***dual occupancy (attached)*** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

***dual occupancy (detached)*** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Attached and detached dual occupancy developments are permissible uses in a wide range of land use zones. To check whether or not a dual occupancy is permitted on your land, the first step is to obtain a 10.7 planning certificate or check the zoning of your land on the NSW Planning Portal <https://www.planningportal.nsw.gov.au/> and refer to the Wollondilly Local Environmental Plan.

### Approval pathways

Dual occupancy developments require consent. There are two approval pathways for a dual occupancy development, the State Environmental Planning Policy (Exempt and Complying Development Codes) Part 3B Low Rise Medium Density Housing Code (Complying Development Certificate pathway), and the Wollondilly Local Environmental Plan 2011 (DA pathway).

#### Complying Development Certificate pathway

Applications for Complying Development under Part 3B Low Rise Medium Density Housing Code, can be approved by an appropriately qualified building certifier either through Council, or a private building surveyor. Division 2 of the Code provides detailed development standards for certain dual occupancies and attached development. The link to the Code:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.3B>. For more information regarding the on the

Complying Code, it is recommended to consult with a building certifier.

#### Development Application pathway

Approval for a dual occupancy development can be sought via a development application through Council.

#### ***Dual occupancies in R2, R3 and B4 zones***

Council has a minimum lot size required for the construction of a dual occupancy on a residential lot within clause 4.1C of the Wollondilly Local Environmental Plan 2011 <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0085#sec.4.1C>. This clause requires that for an attached dual occupancy, the lot must be between 800sqm and 1400 sqm (inclusive). For a detached dual occupancy, the lot must be between 975sqm and 1400 sqm (inclusive).

Clause 4.1A of the Wollondilly Local Environmental Plan 2011 applies to zones R2 and R3 to allow for subdivision under the minimum lot size where there is an existing dual occupancy on the lot, subject to a development application. Clause 4.1A can be viewed here: <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0085#sec.4.1A>.

For development controls relating to dual occupancy developments in these zones, see Volume 4 clause 3.16 of the Wollondilly Development Control Plan 2016, accessible on Council's website.

#### ***Dual occupancies in RU1, RU2, RU4 and E4 zones***

Only attached dual occupancies are permissible within these zones.

For development controls relating to dual occupancy developments in these zones, see Volume 4 clause 3.170 of the Wollondilly Development Control Plan 2016, accessible on Council's website.