



DUAL OCCUPANCIES

WHAT IS A DUAL OCCUPANCY?

A dual occupancy is two dwellings on one lot of land. The dwellings can either be attached to each other or detached.

The Hills Shire Council's Local Environmental Plan 2019 (LEP 2019) defines dual occupancies as follows:

Attached dual occupancy - '2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.'

Detached dual occupancy - '2 detached dwellings on one lot of land, but does not include a secondary dwelling.'

A dual occupancy is different to a **semi-detached dwelling**, which is a dwelling that is on its own lot of land and is attached to only one other dwelling.

IS APPROVAL FROM COUNCIL REQUIRED?

Yes. All dual occupancy applications need to obtain Council's consent before proceeding. This means a development application must be lodged with Council for determination.

WHERE CAN I BUILD A DUAL OCCUPANCY AND HOW MUCH LAND DO I NEED?

Dual occupancies can be built in land use zones where they are permitted with consent. The table opposite shows the land use zones where dual occupancies are permitted with consent, as well as the minimum lot sizes required for dual occupancies.

Refer to The Hills LEP or the Land Use Matrix (www.thehills.nsw.gov.au/local-environment-plan) for further information and to confirm permissibility.

Land use zone	Type of Dual Occupancy permitted with consent	Minimum lot size
RU1 Primary Production	Attached only	10 hectares
RU2 Rural Landscape	Attached only	10 hectares
RU6 Transition	Attached only	2 hectares
C4 Environmental Living	Attached only	2,000m ²
R1 General Residential	Attached and detached	1800m ² (attached) 1800m ² (detached)
R2 Low Density Residential	Attached and detached	600m ² (attached) 700m ² (detached)
R3 Medium Density Residential	Attached and detached	600m ² (attached) 700m ² (detached)
R4 High Density Residential	Attached and detached	1800m ² (attached) 1800m ² (detached)

Please refer to Part 4 of The Hills LEP 2019 for further information on minimum lot size.

DESIGNING A DUAL OCCUPANCY DEVELOPMENT

Dual occupancy developments must be designed in accordance with The Hills Development Control Plan 2012 (DCP 2012) Part A Section 1 – Introduction and Part B Section 3 - Dual Occupancy. These documents are available on Council's website or can be purchased at Council's Customer Service Centre.

You are advised to discuss your proposal with your neighbours to consider their feedback and thereby avoid delay in the processing of the application at a later date.

CAN I SUBDIVIDE MY DUAL OCCUPANCY?

The Hills LEP (clause 4.1C) prohibits the subdivision of dual occupancies either through Torrens or Strata title arrangements, except under very limited circumstances. Unless the dual occupancy was:

- (a) erected, or the building work for the erection of the dual occupancy had commenced, before 5 December 2012, **and**
- (b) the erection was, or is being carried out, under a development consent granted before 18 October 1996, **and**
- (c) the plans approved by the development consent showed parts of the building as being intended for separate occupation, **and**
- (d) the subdivision would create lots that substantially correspond with the parts shown on those plans as being for separate occupation, **and**
- (e) the land is being subdivided under a strata plan, the dual occupancy cannot be subdivided.

It is important to note that all of the above criteria must be satisfied in order to be able to subdivide a dual occupancy development under The Hills LEP.

These limitations are in place to assist with managing impacts on residential character and the implications on infrastructure planning and delivery.

NORTH KELLYVILLE AND BOX HILL

North Kellyville and Box Hill growth area precincts are governed by the *State Environmental Planning Policy (Precincts - Central River City) 2021 (Precincts SEPP)*, and The Hills LEP does not apply here unless the policy states so.

The SEPP allows for dual occupancies to be strata subdivided in certain circumstances.

Information about North Kellyville can be found in Appendix 5 of the SEPP and information for Box Hill can be found in Appendix 10 of the SEPP.

These precincts also have their own Development Control Plans, which can be found on the Department of Planning, Housing and Infrastructure website.

LODGING A DEVELOPMENT APPLICATION FOR A DUAL OCCUPANCY

All applications for dual occupancies are to be submitted through the NSW Planning Portal and accompanied by a Statement of Consent to Lodge an Application, signed by ALL owners of the subject site.

For details about what documentation is required as part of a development application for dual occupancies, please see the minimum submission requirements detailed in Part B Section 3 – Dual Occupancy of the Hills Development Control Plan.

FEES

Submission of a development application must be accompanied by the development application fee.

A fee estimate can be obtained through Council's website.

Council's complete schedule of Fees and Charges is available online or at Council's Customer Service Centre.

FURTHER INFORMATION

If you are unsure, please ask – time spent early may avoid delays later.

Customer Service Centre: 9843 0555
3 Columbia Court, Norwest NSW 2153

Phone: 9843 0555

Hours: 8:30 am to 4:30 pm, Monday to Friday

Website: www.thehills.nsw.gov.au

DISCLAIMER

This fact sheet provides a summary of the major issues concerning dual occupancy. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council's Customer Service Centre should be undertaken.

This document is subject to change without notice.

Last updated 8/11/2024