



FACT SHEET – DUAL OCCUPANCY

A dual occupancy development is where two residential dwellings are, or are proposed to be, located on a single allotment of land. These types of proposals are sometimes known as “Duplexes”, “Granny Flats” or “Studios”. Under Council’s Local Environmental Plan (LEP) and corresponding Development Control Plan (DCP) there are three (3) main types of dual occupancy development:

The LEP and DCP set out the broad planning requirements, rules and regulations for a range of development types, including dual occupancy. This Fact Sheet explains how you can apply for approval for these types of developments and what issues require specific consideration.

For information on secondary dwellings in rural areas (rural workers’ dwellings), please refer to the separate Council Fact Sheet.

Attached and Detached Dual Occupancy

Attached and detached dual occupancies are permissible uses in a wide range of land use zones in the Shire. To check whether or not a dual occupancy is permitted on your land, the first step is to obtain a section 10.7(2) planning certificate, or, send a letter to Council with a sketch of your proposal seeking confirmation that a dual occupancy is allowed on the land. Both attached and detached dual occupancies require a Development Application (DA) to be submitted and approved by Council. Examples of attached and detached dual occupancy developments are provided in the pictures below:



A range of development standards exist for detached and attached dual occupancy, for example, landscaping requirements, parking rate provision, building setbacks and vehicle access arrangements. These standards are fully detailed in the Lachlan Shire Council Development Control Plan which can be downloaded from Council’s website: www.lachlan.nsw.gov.au. Prospective applicants are encouraged to seek the assistance of a suitably qualified and experienced building professional when collating their plans and supporting documentation. It is also recommended that contact be made with Council early (well in advance of lodgement) to ensure that the proposal will comply with the relevant standards.





Granny Flats

There are now two (2) available approval paths for Granny Flats:

- **Complying Development**—via lodgement of a Complying Development Certificate Application to Council or an Accredited Private Building Certifier, or
- **Local Development**— through submission of a Development Application (DA) to Council.

As with other forms of dual occupancy development, there are a range of requirements for consideration under the relevant State Environmental Planning Policy (SEPP) including setbacks, minimum allotment size and the zoning of the land. Prospective applicants for granny flat development are encouraged to contact Council or an accredited private building certifier early to determine the most appropriate approval path.

Do the same building standards apply to my granny flat as a house?

Yes *they do*. Because the granny flat is designated as a residential building (known as a Class 1a building), compliance with the standard residential requirements under the *National Construction Code (NCC)* is required. In essence, the same standard of construction and inclusions are needed as that expected for a house.

What design considerations are there?

In designing your granny flat, or when deciding on the floor plan of your pre-fabricated granny flat, a range of matters should be considered including:

- *Appropriate location on the site:* Granny flats should be positioned behind the primary building line.
- *Using appropriate and complementary building materials:* External finishes should be selected to match the main dwelling. Shed conversions are generally not supported as their design makes compliance with BASIX difficult and their lesser aesthetic appearance is not desirable nor is it in the interest of the health and well-being of the occupants.
- *Ensure that the occupant's needs have been fully considered:* Immediate and future anticipated needs of the occupant should be assessed, for example, wheelchair accessibility, bathroom design, heating and cooling systems, vehicle accessibility and the need for privacy.

For further information on Granny Flats:

The NSW Department of Planning & Environment has also prepared a detailed Fact Sheet on Granny Flats: *Supporting Secondary Dwellings (Granny Flats)* which can be accessed from the Department's website www.planning.nsw.gov.au.

