

Can I subdivide a Dual Occupancy under the Low Rise Housing Diversity Code (LRHDC)?

A summary of requirements for the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) -Part 6 Subdivision Code-Low Rise Housing Diversity for Manor Homes/Dual Occupancies/Multi-Dwelling Housing (Terraces)

Step 1 – Check Permissibility of dual occupancy development in land use zone R2

The Council Local Environment Plan(LEP) must be checked for the specific site. The following table 1.1 and table 1.2 have been prepared as a general guide to summarise the permissibility of dual occupancy development in land use zone R2, and lot requirements within each Local Government Area (LGA) listed. If the LGA is not listed below, or if the development is for dual occupancies, manor homes and multi-dwelling housing (terraces) in zones RU5, R1 or R3, a case by case review is required. Please contact Subdivision Certifiers on (02) 9002 4245 or email admin@subdivisioncertifiers.com.au for more information. In addition, confirmation that a dual occupancy under complying development can be **built**. Advice will need to be sought from a building certifier and/or a town planner.

Table 1.1

Council LGAs (LEP) where subdivision of dual occupancies are prohibited in R2*	
Ballina 2012	Botany Bay 2013
Ku-ring-gai 2015	Liverpool 2008
Mosman 2012	Hornsby 2013
Hawkesbury 2012	Lane Cove 2009 (permissible to construct in this area)
Warringah 2011	Parramatta (former hills) 2012 (permissible to construct in this area)
Strathfield 2012	The Hills 2019 (permissible to construct in this area)
Gosford 2014	Marrickville 2011

**Note: Dual Occupancy development may or may not be allowed in land use RU5, R1 or R3. Contact Subdivision Certifiers Pty Ltd for dual occupancies in these zones.*

Table 1.2

Local Environment Planning Policy (LEP)	Permissible	Minimum total site area required to construct (sqm)	Minimum resultant lot size per dual occupancy (Strata Subdivision Minimum is 180sqm per lot)
Ashfield 2013	Yes (attached only)	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Auburn 2010	Yes(Strata Only)	Subject to Lot Size for Dual Occupancy Development Map	Strata Only(180m2)
Bankstown 2015	Yes (excl. designated area 2)	500 (attached), 700 (detached)	250 (attached) and 350 (detached)
Bayside 2021	Yes	700	350
Blacktown 2014	Yes (strata subdivision, detached or corner only)	500 (attached), 600 (detached)	300(Corner Lot) or subject to minimum area shown on the Lot Size Map for the property address (Detached)
Blue Mountains 2015	Yes	900 (attached), 1100 (detached)	Code SEPP (minimum 200)
Burwood 2012	Yes	500 (attached), 600 (detached)	Subject to the minimum subdivision lot size specified for dual occupancy in LEP
Camden 2010	Yes	800 (corner lot) otherwise 600	Code SEPP (minimum 200)
Campbelltown 2015	Yes	Subject to Lot Size for Dual Occupancy Development Map	300
Canada Bay 2013	Yes	450 (attached), 800 (detached)	Code SEPP (minimum 200)
Canterbury 2012	Yes	600	300
Fairfield 2013	Yes	Subject to Lot Size for Dual Occupancy Development Map	300
Holroyd 2013	Yes	Subject to Lot Size for Dual Occupancy Development Map	Code SEPP (minimum 200)
Hunters Hill 2012	Yes	700 (attached), 900 (detached)	Code SEPP (minimum 200)
Hurstville 2012	Yes	650 (land identified as "G" in lot size map) 1000 (land identified as "K" in lot size map)	Code SEPP (minimum 200)
Manly 2013	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Maitland 2011	Yes(Zone R1)	400 (code applies as no minimum specified in the LEP)	300
Muswellbrook 2009	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
North Sydney 2013	Yes (attached only)	450 (attached), Detached Prohibited	Code SEPP (minimum 200)
Newcastle 2012	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Pittwater 2014	Yes	800	Code SEPP (minimum 200)
Parramatta 2011	Yes (Exc .“South Parramatta Conservation Area”)and subject to Dual Occupancy Prohibition Map)	Minimum 600sqm and Subject to Minimum Lot Sizes for Dual Occupancy Development Map	Code SEPP (minimum 200)
Penrith 2010	Yes	650 (attached), 750 (detached)	Code SEPP (minimum 200)
Ryde 2014	Yes (attached only)	580 (attached), Detached Prohibited	290
Randwick 2012	Yes (attached only)	450 (attached), Detached Prohibited	Code SEPP (minimum 200)
Shoalhaven 2014	Yes	500 (attached) and 700 (Detached)	Code SEPP (minimum 200)
Sutherland 2015	Yes	600	Code SEPP (minimum 200)
Sydney 2012	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Waverley 2012	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Willoughby 2012	Yes (excluding dual occupancy restriction Map)	700 (attached), 900 (detached)	Lot Size Map or 350(Subject to LEP provisions- contact us*)
Wingecarribee 2010	Yes	1000	Code SEPP (minimum 200)
Woollahra 2014	Yes (Strata Only)	460 (attached), 930 (detached)	180sqm
Wollondilly 2011	Yes	Between 800 to 1400 (attached) Between 975 to 1400 (detached)	Code SEPP (minimum 200)
Wollongong 2019	Yes	400 (code applies as no minimum specified in the LEP)	Code SEPP (minimum 200)
Wyong 2013	Yes	Subject to Lot Size Map	Code SEPP (minimum 200)

**Minimum resultant lot size (last column) subject to site confirmation. Please contact Subdivision Certifiers Pty Ltd on (02) 9002 4245 or email admin@subdivisioncertifiers.com.au for more information.*

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Step 2 – Comply with the Code SEPP subdivision requirements of Dual Occupancy

- Each dwelling faces the street and are not located behind one another (unless the site has a dual/two street frontage such as a corner lot)
- Each lot has a minimum of six (6) metre frontage (measured at the building line)

For Strata Title

- Each lot achieves 180m² (strata area) on the ground floor of each dwelling; or

For Torrens Title

- The site is located in land use zone RU5, R1, R2 or R3 land zones.
- The minimum parent lot size complies with the LEP- Refer to table 1.2 in step 1
- The minimum resultant lot size complies with the specified lot size in the LEP – refer to table 1.2 in step 1
- For dual occupancies in zones RU5, R1 and R3, please contact Subdivision Certifiers.

Step 3 - Lodgment for approval - What documents do I need for a CDC approval for subdivision?

- A **building Complying Development Certificate (CDC)** for the dual occupancy/manor home/multi dwelling housing (terraces) issued by a Building Certifier under the Low Rise Housing Diversity Code.

Note: This will be one of the two (2) Complying Development Certificates that will be issued for the development, one for the building works and one for the subdivision as explained in this guide.

- A **draft subdivision plan** prepared by a registered surveyor.
- A **Planning Certificate** (known as a 10.7 planning certificate and previously known as the 149 certificate) issued by the local Council.

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