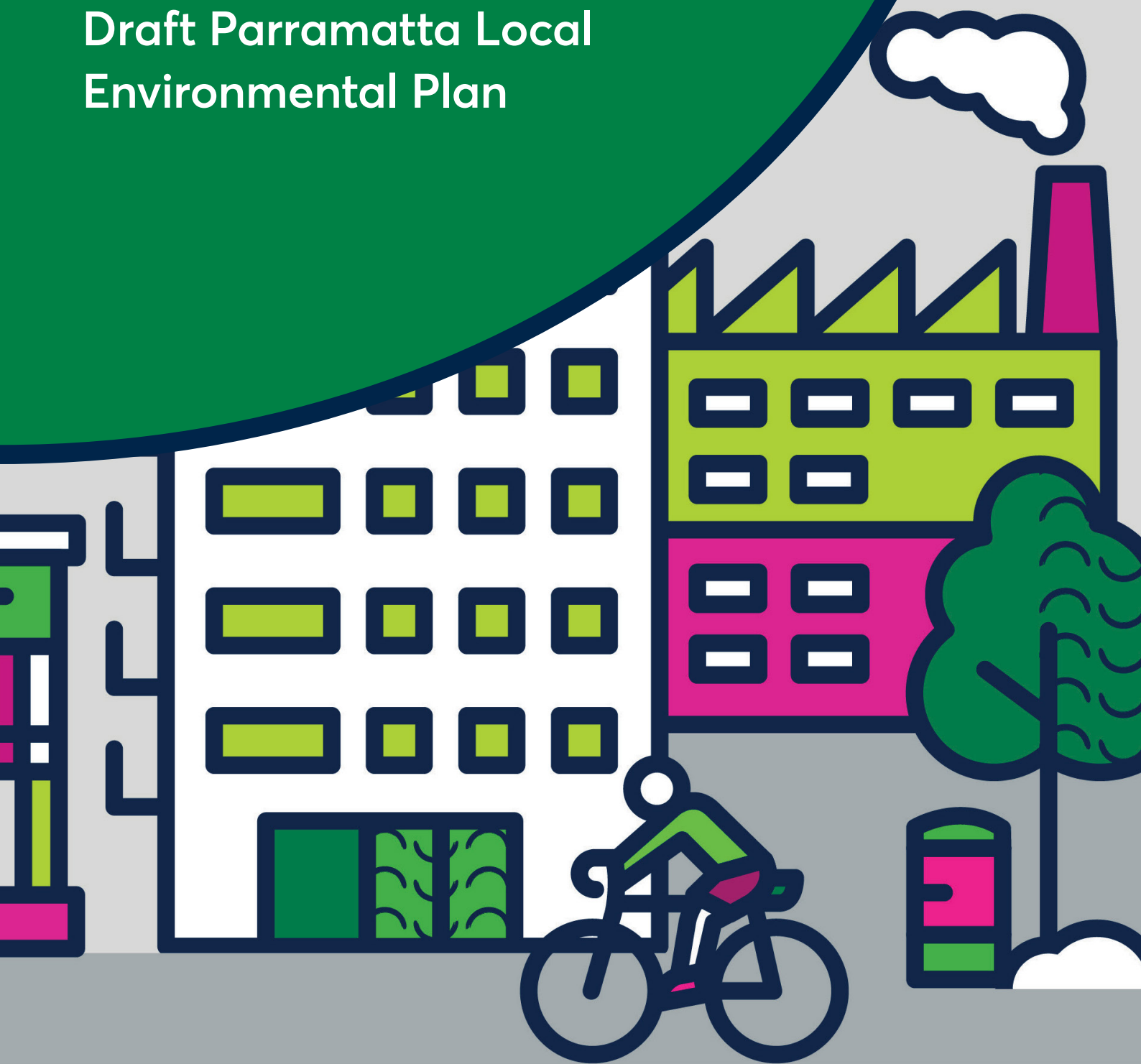


# Fact Sheet Dual Occupancies

Draft Parramatta Local  
Environmental Plan



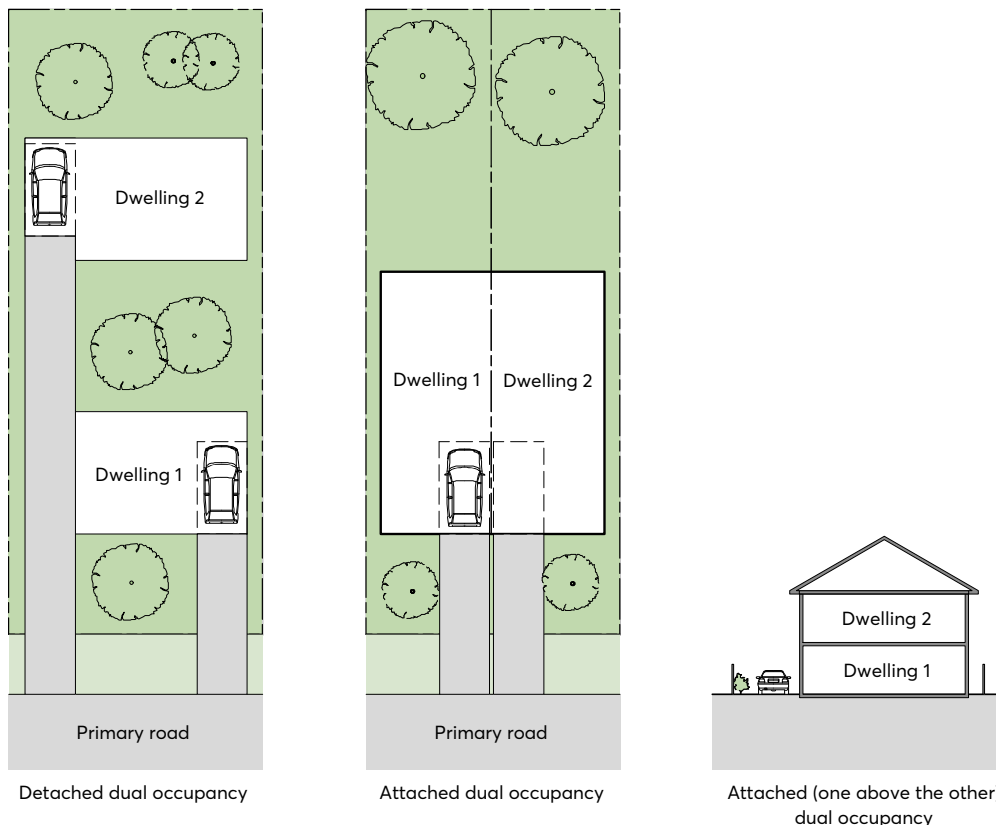
**CITY OF  
PARRAMATTA**

City of Parramatta Council is exhibiting proposals for a new local environmental plan (LEP) for the Council area. This includes several proposals relating to dual occupancy development. This fact sheet provides a summary of the key changes proposed as well as an overview of previous feedback received on the issue.

## What is a dual occupancy?

A dual occupancy (sometimes referred to as a duplex) is a type of development where two homes are built on the same lot of land. Dual occupancies can take a variety of forms.

Both homes can be detached (no shared walls) or attached (either side by side, one in front of the other or one above the other). Once built, dual occupancies can be subdivided so that each can be sold as separate properties, where planning controls allow this. The different types of dual occupancies are illustrated in the diagram below:



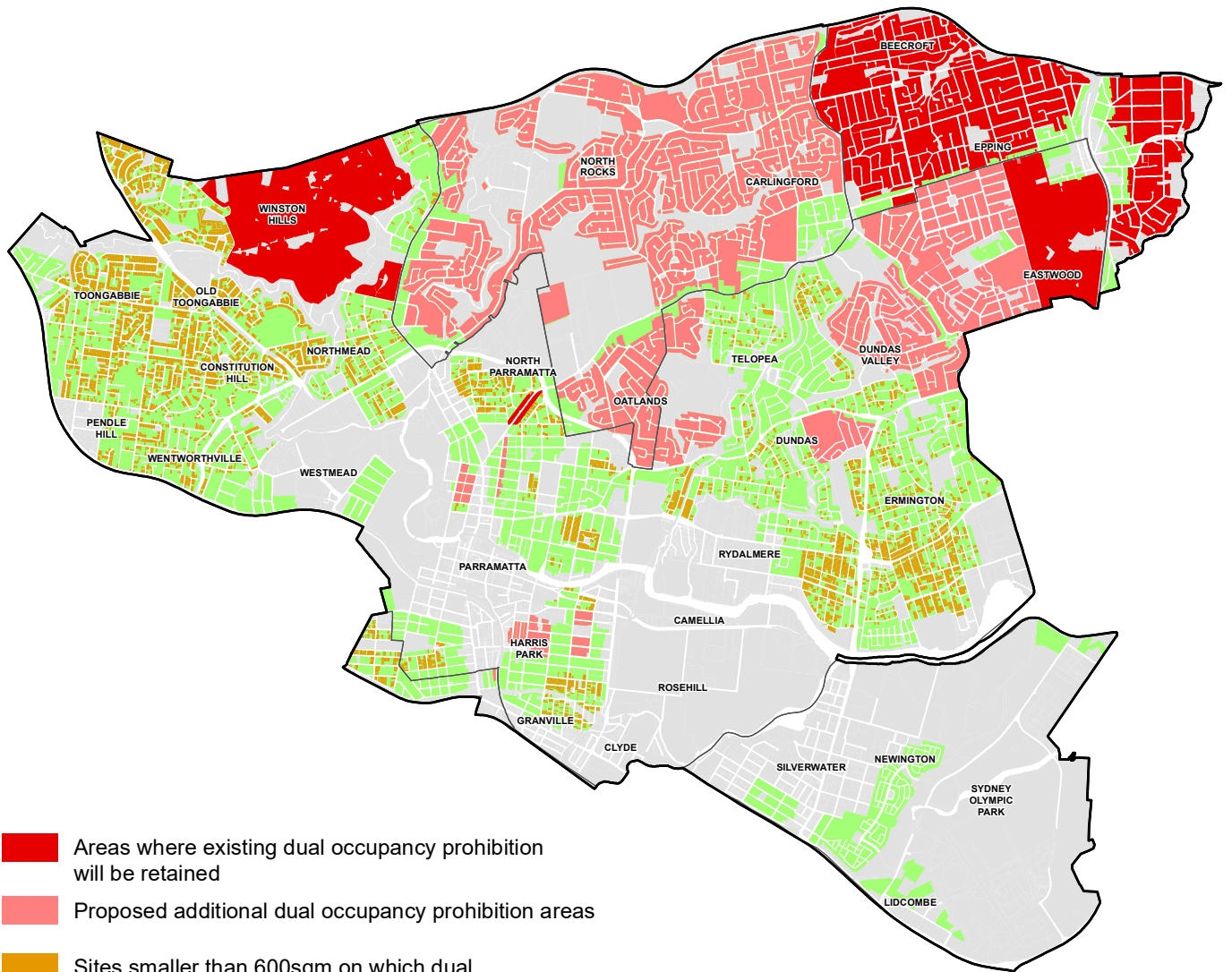
## Where will dual occupancies be allowed?

Council is proposing to prohibit dual occupancies in locations which have environmental constraints. These include:

- In the former Parramatta Council area, existing dual occupancy prohibition areas identified under *Parramatta Local Environmental Plan 2011* will be retained (such as that applying to the Winston Hills Special Character Area), plus additional low density residential areas (R2 zoned land) in Carlingford, Dundas, Dundas Valley, Eastwood, Epping and Oatlands.
- Low density residential areas (R2 zoned land) in the former Hornsby Council area, with the exception of some properties fronting Carlingford Road.
- Low density residential areas (R2 zoned land) in the former The Hills Council area, with the exception of properties fronting Pennant Hills Road and Windsor Road.
- Land in heritage conservation areas (except in the South Parramatta Conservation Area); and
- Outside the above locations, any site zoned for low density housing (R2 zoned land) that is less than 600sqm in size.

Land on which dual occupancies are proposed to be prohibited will be identified on a Dual Occupancy Prohibition Map that will be included in the new LEP. A representation of this map is shown in the following diagram.

Dual occupancies will be allowed in the remainder of low density residential areas. It is also proposed to allow dual occupancies in areas zoned R3 Medium Density Residential and R4 High Density Residential.



- Areas where existing dual occupancy prohibition will be retained
- Proposed additional dual occupancy prohibition areas
- Sites smaller than 600sqm on which dual occupancies will be prohibited
- Remaining residential zoned land on which dual occupancies will be permitted
- Existing Local Environmental Plan Boundary



A more detailed version of this map is included in the exhibition material.

### How do the proposals differ from current planning controls?

The majority of the proposed prohibition areas apply to land where there are already restrictions on dual occupancy development:

- Dual occupancies are currently prohibited on all land in the former Hornsby Council area and on identified dual occupancy prohibition areas in the former Parramatta Council area.
- While dual occupancies are allowed in residential zones in the former The Hills Council area, current planning controls do not allow them to be subdivided. This limits the viability of dual occupancy development and has had an effect similar to a prohibition, with very few dual occupancies being built in recent years.
- Existing planning controls covering the former Parramatta and The Hills Council areas already limit dual occupancies to sites of 600sqm or larger.

Where new dual occupancy prohibitions are proposed, these have been based on consideration of the development constraints that exist in these locations.

## What is the reason for the proposals?

While dual occupancy development can help contribute to housing supply and diversity, it is important to ensure that development occurs in the right locations.

The proposed dual occupancy prohibition areas have been informed by a detailed analysis of environmental factors across the Council area that could worsen the impacts of dual occupancy development over time. This included consideration of local character, tree coverage, street pattern, road widths and access to public transport.

The analysis found that low density neighbourhoods at Beecroft, Carlingford, Epping, North Rocks, Northmead, Oatlands and Winston Hills have a high level of constraints to dual occupancy development. There are also some smaller pockets of highly constrained land in Eastwood, Dundas, Dundas Valley and heritage conservation areas.

The report outlining this analysis, called the *Dual Occupancy Development Constraints Analysis*, is available as part of the exhibition material.

## What other changes are proposed relating to dual occupancies?

In areas where dual occupancies are allowed, the following development controls are proposed to be included in the new Parramatta Local Environmental Plan:

Proposal	Extent of change	Reason
<p><b>Minimum lot size:</b> It is proposed to introduce a consistent minimum lot size (MLS) requirement of 600sqm to build a dual occupancy in residential zones (R2, R3 or R4 zoned land.) Sites will also be required to have a minimum road frontage of 15 metres.</p>	<p>This change would be consistent with <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> requirements for attached dual occupancies. Smaller MLS requirements currently apply to land in the former Holroyd and Auburn Council areas.</p> <p>The proposed 15 metre frontage requirement is consistent with the controls already applying to land in the Council area under Parramatta, Auburn and Holroyd development control plans.</p>	<p>This is considered the minimum site area required to achieve a good level of amenity, landscaping, private open space and appropriate setbacks.</p> <p>A 15 metre frontage ensures sufficient width is available to accommodate well-designed homes which are not overly dominated by garages and driveways and provide good sized internal rooms.</p>
<p><b>Restriction on design:</b> It is proposed to limit dual occupancy development to attached forms, except on sites with a heritage item or sites with more than one street frontage (where detached forms will be allowed).</p>	<p>Maintains the approach taken under the <i>Parramatta LEP 2011</i> and will apply it to all other parts of the Council area where dual occupancies are allowed.</p>	<p>The intent of this control is to achieve better design and amenity outcomes from dual occupancy development, including ensuring both homes face a public street and have a street address.</p>
<p><b>Subdivision of dual occupancies:</b> It is proposed to permit dual occupancies to be subdivided in areas where this form of housing is allowed. Special provisions will apply to existing dual occupancies built in areas where they will no longer be permitted.</p>	<p>Applies current controls under Parramatta and Holroyd LEPs to other areas where dual occupancies will be allowed. Currently, <i>The Hills LEP 2012</i> does not permit subdivision of dual occupancies. <i>Auburn LEP 2010</i> does not allow Torrens Title subdivision.</p>	<p>Prohibiting subdivisions acts as a barrier to delivery of dwellings.</p>

Further information on proposed LEP provisions relating to dual occupancies is provided in Part 2 of the Planning Proposal.

In addition to the proposed LEP controls, Council is preparing a new Development Control Plan (DCP) for the Council area, which will include other design controls for dual occupancy development. The draft DCP will be exhibited separately for community feedback.

### How does NSW Government policy apply?

From 1 July 2020, the NSW Government's *Low Rise Housing Diversity Code* commenced in the City of Parramatta. This policy allows dual occupancy development to be undertaken through the fast-track complying development process, provided specific design and site requirements are met.

Dual occupancies will only be able to be built through complying development in areas where this form of housing is allowed under local planning controls. The Code does not allow dual occupancies to be built in areas where they are prohibited under a LEP.

### What other forms of housing will be allowed in dual occupancy prohibition areas?

In areas where dual occupancies are prohibited other forms of low density housing will continue to be allowed. This includes extensions to existing homes and knock-down and rebuilds of single houses.

In addition, NSW Government planning policy currently allows secondary dwellings (sometimes referred to as 'granny flats') to be built on sites over 450sqm. Secondary dwellings are limited in size to 60sqm and cannot be sold separately to the main house.

### How has previous feedback been taken into account?

In early 2019, Council consulted the community on a Discussion Paper which included options for planning controls for dual occupancy development. Much of the feedback received related to the issue of where dual occupancies should be allowed.

The Discussion Paper outlined three options for dual occupancy prohibition areas. A summary of this feedback is outlined below:

### Feedback on prohibiting dual occupancies in certain parts of the Council area

301 submissions were received specifically in relation to where dual occupancy development should be allowed. Of these:



**20%**

(59 out of 301 submissions)  
Preferred Option 1 to prohibit dual occupancies in low density neighbourhoods in the former Hornsby Council and The Hills Council areas, plus some additional parts of Oatlands and Winston Hills.



**12%**

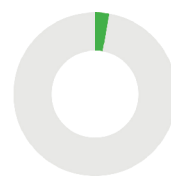
(36 out of 301 submissions)  
Preferred Alternative Option 1 to have larger prohibition areas, to prohibit dual occupancies in areas identified in Option 1 plus in parts of Carlingford, Dundas, Eastwood, Epping and Rydalmere.

A small number of submissions recommended prohibition areas be extended to other parts of the LGA including Ermington, Dundas Valley, Oatlands and Melrose Park.



**65%**

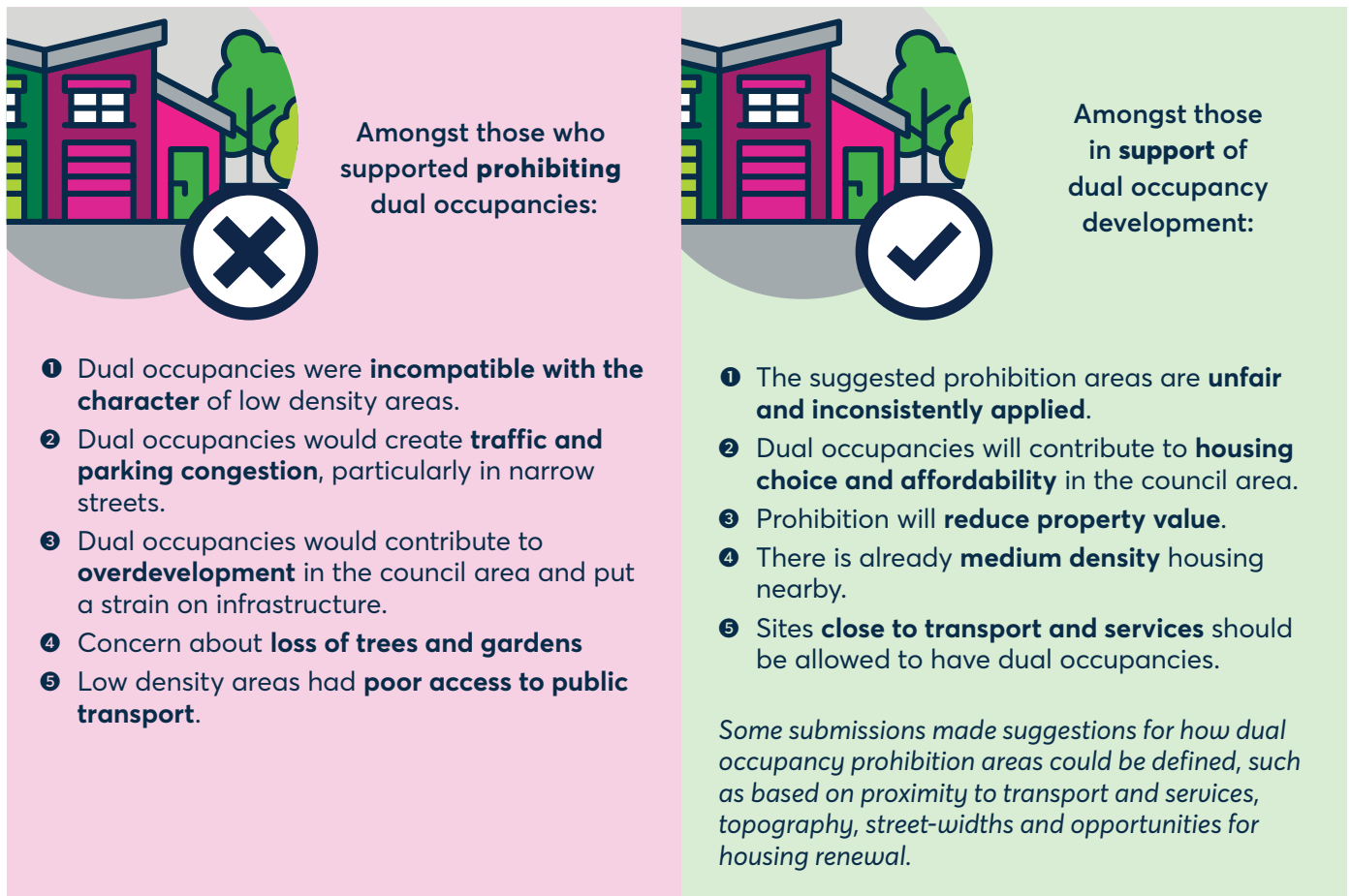
(196 out of 301 submissions)  
Preferred Alternative Option 2 to have fewer prohibition areas. Most of those who supported this option wanted to see dual occupancies allowed in Epping and Carlingford, particularly in areas that were part of the former Hornsby Council area, where dual occupancies are currently prohibited.



**3%**

(10 out of 301 submissions)  
Did not indicate a clear preference for a particular option.

## The top five reasons people gave for supporting or not supporting dual occupancies



In response to the feedback received, and to provide a consistent basis for identifying appropriate locations for dual occupancies, the *Dual Occupancy Development Constraints Analysis* was undertaken to map, at a finer grain, the various constraints that exist to dual occupancy development across the LGA. As outlined above, this analysis has informed the proposals in the draft Parramatta LEP.

The table below provides responses to some of the common issues raised in the feedback.

Common reasons given in support of prohibiting dual occupancies	Response
Dual occupancies are incompatible with the character of low density areas	The constraints analysis has considered areas with a special character where there is a strong case to prohibit dual occupancy development.
Dual occupancies would create traffic and parking congestion	The constraints analysis has considered areas where the existing street network may not be able to support dual occupancy development without negative parking and traffic impacts, as a result of increasing the number of dwellings in an area.
Dual occupancies would contribute to overdevelopment and a strain on infrastructure	The proposals have been informed by the constraints analysis which has considered factors such as access to public transport as well as the ability of existing streets to accommodate extra housing. Where dual occupancy development does occur, development contributions will be required to help fund necessary infrastructure in the LGA.
Concern about loss of trees and gardens	This issue has been considered as part of the constraints analysis, which has identified locations with significant tree canopy cover and established garden settings.



Low density areas have poor access to public transport	This issue has been considered as part of the constraints analysis, which has identified areas with relatively poor access to frequent public transport.
Concerns over impact on heritage	Dual occupancies are recommended to be prohibited in most heritage conservation areas. Redevelopment of heritage sites outside of HCAs are required to meet additional planning controls aimed at conserving heritage significance.
<b>Common reasons given in support of smaller prohibition areas</b>	<b>Officer comment</b>
Prohibition areas are unfair and inconsistently applied	A key role of the planning system is to achieve a balance between allowing new development and avoiding negative impacts on communities. The proposals have been informed by a constraints analysis that has examined the whole Council area using a consistent set of considerations.
Dual occupancies will contribute to housing choice and affordability	<p>While dual occupancies can help contribute to housing supply and choice, it is important to ensure that development occurs in the right locations, taking into consideration potential negative impacts on local amenity and character.</p> <p>Council has prepared a Local Housing Strategy (LHS) that identifies how the local area's housing needs will be met over the next 20 years. The LHS identifies that the City of Parramatta will easily achieve its new dwelling targets, with most housing being delivered in planned growth precincts, rather than in low density neighbourhoods. These growth precincts, and other large sites, will provide opportunities for a mix of housing types to be delivered, improving housing choice.</p> <p>Each year dual occupancy development contributes only a small amount to housing supply in the Council area. It is estimated that outside the prohibition areas, there will remain sufficient sites to provide more than 50 years of dual occupancy development, at current delivery rates.</p>
Prohibition will reduce property values	As outlined above, the majority of areas where dual occupancies are recommended to be prohibited are locations where this form of development is already restricted in some way. As such, in many areas, there will not be a reduction in development rights.
There is already dual occupancies and medium density housing nearby	While some low density areas may contain previously developed sites built under previous planning controls, this is not considered sufficient justification on its own to allow dual occupancy development, given the constraints that have been identified in these areas. Allowing dual occupancies in these locations would likely create or worsen existing negative impacts associated with medium density development.
Sites close to transport and services should be allowed to have dual occupancies.	The proposals have been informed by a constraints analysis, which has considered transport accessibility and a range of environmental issues. Sites fronting major road corridors of Carlingford Road, Pennant Hills Road and Windsor Road are proposed to be excluded from the prohibition areas, as these offer more direct access to transport and services and generally do not have the character constraints associated with low density areas.
Traffic and amenity impacts will be negligible compared to other types of development	Dual occupancies will increase traffic generation as they are replacing one house with two – potentially doubling the number of houses in an area over time. In low density neighbourhoods with certain types of street network, this would lead to unacceptable traffic and amenity impacts over time.
Dual occupancies have the same character and appearance as single houses	<p>While similar design controls may be applied to both types of housing, the appearance of dual occupancy development does differ from single housing in some respects, such as by having two sets of driveways and garages.</p> <p>In addition, dual occupancies built through the NSW Government's <i>Low Rise Housing Diversity Code</i> would not be required to meet Council's design requirements, limiting Council's control over their design.</p>

Proposals are not consistent with NSW Government policy	Council has prepared a Local Housing Strategy that outlines a strategy for meeting housing needs, in accordance with current State Government policy. The proposals will not significantly impact housing delivery in the LGA. The <i>Low Rise Housing Diversity Code</i> does not override proposed prohibition areas.
Allowing dual occupancies would encourage housing renewal and investment	While dual occupancies can help encourage housing renewal, it is important to ensure that development occurs in the right locations to avoid potential negative impacts on communities.
Dual occupancies should be managed through design controls and not outright prohibition	Council's local planning controls will include detailed design requirements for dual occupancy development. While these can be used to assess development applications for dual occupancies, they would not apply to housing delivered through the complying development pathway, under the NSW Government's <i>Low Rise Housing Diversity Code</i> . This limits Council's ability to control the design of new development in response to local constraints.  Currently, setting minimum lot sizes and prohibition areas are the only ways Council can manage dual occupancy development with any certainty.
Granny flats are allowed and have the same or worse impacts as dual occupancies	NSW Government planning policy allows secondary dwellings (granny flats) to be built on sites where a single dwelling is permitted. Local planning controls cannot override this.  However, secondary dwellings are distinct from dual occupancies in a number of ways. They are limited in size to 60sqm, meaning they are relatively small additions to existing homes and would have fewer occupants than a dual occupancy, which would lead to fewer potential local impacts. They are also not able to be subdivided and sold separately from the main house.  It is also noted that allowing dual occupancies would not stop granny flats being built. On large sites over 900sqm, it would be possible to construct dual occupancies and two granny flats, resulting in an additional three dwellings on a site. This has the potential to significantly change the density of an area, particularly areas in the north of the LGA where there is a higher concentration of sites over 900sqm.

A full overview of the feedback received on the Discussion Paper and officer responses to issues raised is provided in a Consultation Report that forms part of the exhibition material.

### Where do I get further information on the proposals?

The exhibition material, including maps of the proposed dual occupancy prohibition areas, is available on Council's website at: [www.cityofparramatta.nsw.gov.au/planningharmonisation](http://www.cityofparramatta.nsw.gov.au/planningharmonisation)

You can contact the Land Use Planning Harmonisation team on (02) 9806 5050 or via email at [planningharmonisation@cityofparramatta.nsw.gov.au](mailto:planningharmonisation@cityofparramatta.nsw.gov.au) if you have any questions.

Council is committed to making sure everyone can access the information they need in a format that is right for them. If you would like information supplied in another language or format, please call 1300 617 058 or contact [planningharmonisation@cityofparramatta.nsw.gov.au](mailto:planningharmonisation@cityofparramatta.nsw.gov.au)