



Urban Dual Occupancy

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What is dual occupancy development?

Dual occupancy development is defined in the Cessnock 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; and
- Dual Occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Where is dual occupancy development permitted in urban areas of the Cessnock Local Government Area?

Dual occupancy is permissible in a number of urban zones under the Cessnock LEP 2011 namely:

- R2 Low Density Residential Zone
- R3 Medium Density Residential Zone
- R5 Large Lot Residential Zone (except attached or semi attached dwellings)

What information is required if I wish to lodge a Development Application for a dual occupancy?

If you are interested in undertaking dual occupancy development, Council recommends that you contact a reputable planning and design consultant to assess the potential of the land and its capability for development.

If you are satisfied that the site is suitable, you will need to lodge the information outlined in Council's Development Application Submission Matrix and Checklist, along with a completed application form.

What statutory considerations are relevant?

For a Development Application to be considered, you must address mandatory statutory requirements in a "Statement of Environmental Effects", namely:

- The Cessnock Local Environmental Plan 2011 and its relevant clauses;
- The Cessnock Development Control Plan 2010, especially the Urban Housing component; and
- Any State Environmental Planning Policies or SEPP's where relevant.

Can I subdivide a dual occupancy once constructed?

A dual occupancy (attached or detached) may be subdivided with consent from Council.

To undertake a Torrens title subdivision, thereby placing each dwelling on a separate lot, both allotments are not to be less than the minimum size shown on the Lot Size Map in relation to that land under the Cessnock Local Environmental Plan 2011. Further information on Torrens title subdivision can be found on our Subdivision Fact Sheet (Fact Sheet 1).

To undertake a Strata Subdivision of a dual occupancy, there are no minimum lot size requirements, however the dwellings must be constructed prior to subdivision.

To obtain consent for strata subdivision of a dual occupancy, a registered surveyor will prepare a Strata Plan of subdivision showing which parts of the Strata Scheme will be lots, with the remaining parts being common property. All lots are allocated a unit entitlement and the original schedule of unit entitlements is shown on the Strata Plan and on the Common Property Title.

'The advice provided in this fact sheet in no way fetters the discretion of Council in the provision of any site-specific advice and/or the assessment and determination of any future Development Application for the site. In particular, other issues not identified in this fact sheet may emerge during a detailed assessment of matters relevant to the site, and in the case of a development application, public consultation, submission and consideration of specialist studies/reports, detailed assessment of planning-related matters, and consideration of a complete application'.