

Dual Occupancy

Fact sheet

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.

[Shoalhaven Local Environmental Plan 2014](#) defines dual occupancies 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.
- dual occupancy (detached) means 2 detached dwellings on one lot of land but does not include a secondary dwelling.

Does a Dual Occupancy Development require approval?

You must obtain development consent (approval) for dual occupancy development through either a Development Application submitted to Council or through the Complying Development pathway.

A Complying Development Certificate (CDC) for a dual occupancy may be issued by a certifying authority if the proposed development complies with all relevant provisions of State Environmental Planning Policy (Housing) 2021.

Where can I build a Dual Occupancy and what is the minimum lot size?

Dual occupancies can be built in land use zones where they are permitted with consent.

Please click [here](#) to view the Shoalhaven Local Environment Plan Matrix for applicable zones

Zone	Minimum Lot Size
Dual Occupancy (attached) RU5 (Village), R1 (General Residential) and R2 (Low Density Residential) zones	500sqm
Dual occupancy (detached) RU5 (Village), R1 (General Residential) and R2 (Low Density Residential) zones – minimum lot size is 700m ²	700sqm

If the lot is a battle-axe lot, or other lot with an access handle, the access handle is **not** to be included in calculating lot size. Please refer to [clause 4.1A of Shoalhaven Local Environmental Plan 2014](#) for further details.

Additionally, dual occupancy (attached) development is permitted with consent in the RU1, RU2, RU4, RU5, C2, C3 and C4 zones if minimum lot sizes are met as per the Lot Size Map. Please refer to [clause 4.2B of Shoalhaven Local Environmental Plan 2014](#) for further details as to where this applies in the local government area.

In Land Use zone R3 (Medium Density Residential), dual occupancy development is only permitted with consent if the area of the lot is **less** than 800m² and Council is satisfied that amalgamation of the lot with other land in that zone is not feasible. Please refer to [clause 4.1B of Shoalhaven Local Environmental Plan 2014](#) for further details.

Dual Occupancy Development Design

Dual Occupancy developments must be designed in accordance with the [Shoalhaven Development Control Plan Chapter G13 - Medium Density Development](#).

The documents required to be submitted with a development application can be found by accessing [Council's Development Application Requirements for Lodgement Checklist](#).

Disclaimer

This fact sheet provides a summary of key elements. Any person using this document must do so on the basis that not every scenario and issue can be addressed. This document is subject to change without notice.