Dual occupancy

What is a dual occupancy?

A dual occupancy is two houses on one lot of land. They can be separate or attached.

Note: Dual occupancies are different from secondary dwellings (often called granny flats). For more information on secondary dwellings, please refer to our Secondary Dwellings fact sheet.

Is approval from council required?

Development Consent and a Construction Certificate are required from Council.

Is a dual occupancy permitted in your zone?

Dual occupancies are permitted in the following zones under Kiama Local Environmental Plan 2011 (LEP 2011):

- R2 Low Density Residential
- R3 Medium Density Residential

To confirm the zoning of any land, please refer to the NSW Planning Portal

What are the lot requirements?

The minimum land size for dual occupancy development changes depending on the zone of the land, whether the site is within a heritage precinct and the type of land.

- Generally, within residential zones, the minimum frontage width is 15m
- In Jamberoo, within residential zones, the minimum frontage width is 25m. Alternatively dual occupancies can be constructed on corner blocks or behind each other
- In Silver Hill, Cedar Ridge, and South Kiama Drive precincts a block must be a minimum of 2,000m^2.

How do I design a dual occupancy development

It is recommended you engage a suitably qualified consultant.

Developments must be designed so they meet with the rules in the Kiama Development Control Plan (DCP).

You are advised to discuss your proposal with your neighbours and consider their concerns to avoid delay in the processing of the application.

Can I subdivide my dual occupancy?

The subdivision of land (Torrens Title) is allowed within Low Density Residential (R2) and Medium Density Residential (R3) zones when the final lot sizes are at least 250m^2, except for Jamberoo where they must be 400m^2.

If the application does not meet the above requirements, strata subdivision of the dwellings may be applied for.

Please note: subdivision of the land may not take place until the dual occupancy is constructed.

Lodgement of a development application

An application fee must be paid when submitting a development application. .

You can get a fee estimate by using Council's online request form.

What if my land is identified as bushfire prone?

If a dual occupancy increases the risk of fire, NSW Rural Fire Service (RFS) may not support the development..

Council may consult with RFS during the assessment.

What if my land is identified as flood prone?

Your floor will need to meet the floor height planning level for your property.

For more information please refer to Chapter 29 of the DCP.

Development contributions- s7.11

Council charges for a wide range of development types, including dual occupancy.

It is important to review Council's Development Contribution Plan to establish if a s7.11 charge or 'levy' applies to your proposal.

More information on s7.11 development contributions is available on our website.

Building certification

Council provides building certification services that are flexible and personalised. More information about this service is available on our website.

Need help?

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours, subject to availability. Council staff can only provide general advice and cannot help in the preparation of your application or the supporting documents.

Disclaimer

This fact sheet is a summary of dual occupancy. Not every situation can be anticipated and listed. If you wish to find out more about dual occupancy visit:
http://www.kiama.nsw.gov.au/planning-and-development
or call or email to make an appointment with Council to discuss.

This document is subject to change without notice.

KIAMA MUNICIPAL COUNCIL

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