DUAL OCCUPANCY GUIDELINES
(Development Control Plan No. 57)

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INTRODUCTION

Dual occupancy provides opportunities to develop two dwellings on one lot. This may take the form of conversion of part of an existing dwelling to a second dwelling; additions to an existing dwelling for the purpose of a second dwelling or two detached dwellings.

The aims of dual occupancy include –

1. Optimum utilisation of land for residential purposes.
2. Better use of existing services and facilities including utility services, transport systems and community facilities.
3. Increasing the range of available housing choices.
4. Creating opportunities for home owners to receive rental income or provide relatives with self-contained accommodation.

This control plan is designed to provide for dual occupancy development whilst maintaining and enhancing the amenity and environmental character of the area. In this plan –

PART 1 Sets out the aims and objectives of the plan, gives definitions for terminology used throughout and identifies land to which the plan applies.

PART 2 Establishes specific design guidelines (which incorporate some numeric development standards) aimed at achieving the objectives.

PART 3 Outlines procedures for making application for Dual Occupancy Development and details circumstances where financial contributions may apply.

PART 1

1.1 CITATION

This plan may be cited as Shoalhaven Development Control Plan No. 57 (as amended) – Dual Occupancy Development.

The plan applies to all land in the City of Shoalhaven within the zones specified under the heading “Applicable Zones”. Council reserves the right to make minor amendments to the plan from time to time without notice and to allow variations from the development standards contained herein on merit.

Note: Amendments to DCP 57 were made on 19/5/1995 as a result of amendments to State Environmental Planning Policy (SEPP) No 25 (see Government Gazette of 19/5/1995).

1.2 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This plan relates to and should be read in conjunction with the relevant provisions of State Environmental Planning Policy No. 25 and Shoalhaven Local Environmental Plan 1985 (as amended).

1.3 OBJECTIVES

- To ensure a high standard of dual occupancy development throughout the City.
- To preserve and enhance the amenity and environmental character of the area.
- To ensure that scale and design of dual occupancy development is compatible with existing environmental character and adjoining development.
- To minimise visual prominence and impact of development.
- To preserve and compliment any natural or heritage characteristics of the area.
1.4 DEFINITIONS

**Attached** means physically connected by a roofed over structure which provides an all-weather link between the dwellings and integrates the total development giving the outward appearance of a single dwelling.

*Note: More specific requirements for the attachment of dwellings apply in residential zones 2(a2) and 2(a3). See Part 2 "Special Provisions".*

**Drying Area** means that part of the site which is principally used for the purpose of drying of clothing etc.

**Dual occupancy development** means development that may result in 2 dwellings, whether attached or detached, on a single allotment of land (or which would have that result were it not for the fact that the allotment is to be subdivided as part of the development).

**Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**Floor space ratio** means the ratio of the Total floor area of all development on the allotment to the area of the allotment upon which those dwellings are situated.

**Gross floor area** means the sum of the areas of each floor of the total development excluding verandahs, garages, carports, storage sheds and the like. The area of each floor is taken to be the area within the outer face of the external enclosing walls. Columns, fin walls, and any elements, projections of works outside the general line of the outer face of the external wall are excluded from the calculation.

*Note: Gross floor area is used to calculate the number of car parking spaces required for the development as detailed in item (h) of the specific guidelines.*

**Landscaped Area** means that part of the site not occupied by any building or buildings, and includes swimming pools, open air recreation facilities, and parts of the site which are predominantly landscaped by way of the planting of trees, shrubs, grass etc. but does not include driveways, car parking spaces or drying areas.

**Natural ground level** means the level of the site before any site filling, excavation or development is carried out on the site.

**Parking Space** means an unobstructed area accessible to and suitable for parking of motor vehicles having minimum dimensions of 2.6 metres x 5.5 metres.

**Private Recreation Area** means that part of the site which is paved or not which may be effectively used for private outdoor recreation activities and which is adjacent to a dwelling.

**The Act** means the Environmental Planning and Assessment Act, 1979.

**Total floor area** means the sum of the areas of each floor of the total development **including** all roofed over structures which are enclosed by walls (such as garages, storage sheds and the like) but **not including** open sided structures (such as carports, verandahs, etc). The area of each floor is taken to be the area within the outer face of the external enclosing walls. Columns, fin walls, and any elements, projections or works outside the general line of the outer face of the external wall are excluded from the calculation.

*Note: Total floor area is used to calculate the floor space ratio referred to in item (c) of the specific guidelines.*

1.5 APPLICABLE ZONES

These guidelines apply to land zoned under Shoalhaven Local Environmental Plan 1985 as –

**1.5.1 Urban Zones**

Residential 2(a1), 2(c), 2(e).

**1.5.2 Low Density Residential Zones**

Residential 2(a2), 2(a3).

*Note: Dual Occupancy Development in these Low Density Residential Zones is subject to further special provisions (see sections in Part 2).*
1.5.3 Medium Density Residential Zones

Residential 2(b1), 2(b2).

Note: Council will only consider dual occupancy development in these zones where the lot size does not meet the minimum requirements of the Medium Density Code and consolidation with adjoining land is not feasible.

1.5.4 Rural Zones

Rural 1(a) 1(b) 1(d) 1(c1) 1(c2) 1(c3)

Note: Dual occupancy development in Rural Zones is subject to special provisions (see sections in Part 2).

Subdivision of Dual Occupancy Development in Rural Zones is not permitted under SEPP 25 or Shoalhaven LEP 1985.

1.5.5 Deferred Areas

Some parts of Shoalhaven have not yet been zoned under Shoalhaven Local Environmental Plan, 1985. These areas retain their zoning under Interim Development Order No. 1. Where Dual Occupancy is legally permitted under the I.D.O. development will be subject to these guidelines and may also be subject to further controls, depending on the nature of the area.

PART 2

2.1 DESIGN GUIDELINES

It is Council’s intention to encourage well designed and innovative Dual Occupancy development. For this reason the following guidelines focus more on the purpose of design criteria than on numeric development standards although in some cases these are necessary to achieve the objectives of the guidelines.

2.1.1 Variations

Departures from the standards set out in the specific guidelines will only be considered where strong justification is demonstrated and such variation will clearly not compromise the objectives of the standard. Council must take into account the precedent which may be established by allowing departures and their possible cumulative effects on the area.

2.1.2 Procedure

Before an application for variation is submitted to Council the applicant should discuss the proposal with the Area Planner. A written submission should then be lodged with the Development Application, clearly setting out the grounds for variation and addressing the objectives of the standard for which the variation is sought.

The notice of proposed development which is sent to neighbouring owners will make reference to the proposed variation.

Note: Compliance with the numerical standards outlined does not necessarily guarantee approval, if the aims and objectives of these guidelines have not been met.
## 2.2 SPECIFIC GUIDELINES

<table>
<thead>
<tr>
<th>Aims of Standard</th>
<th>Standard</th>
</tr>
</thead>
</table>
| **a) Building Lines** | Minimum front building line 7.5 metres.  
*Note:* This may be reduced to 5 metres if necessary to provide adequate spatial arrangements for the total development. Factors such as site area, land slopes, road widths and traffic noise exposure or other exceptional conditions will be taken into account when determining an appropriate setback (see notes under "variations" in Part 2). |
| To provide practical building envelopes for dual occupancy development. | |
| To reduce visual impacts on the streetscape and ensure sympathy with adjoining development. | |
| To allow adequate separation between adjoining properties. | |
| To facilitate privacy and solar access for residents of the dual occupancy and adjoining properties. | |
| To retain the amenity of public open space. | |
| Minimum front building line 7.5 metres.  
*Note:* This may be reduced to 5 metres if necessary to provide adequate spatial arrangements for the total development. Factors such as site area, land slopes, road widths and traffic noise exposure or other exceptional conditions will be taken into account when determining an appropriate setback (see notes under "variations" in Part 2). | |
| Minimum side building line of **900mm** to walls and 675mm to eaves (outer edge of guttering). |
| Note: For new attached dual occupancy a building line of 1.2 metres will be required unless walls are fire rated and contain no window openings required for light and ventilation. | |
| Minimum rear building line of **4.0 metres** (or 7.5 metres in the case of lots abutting public reserves). |
| Note: This may need to be increased depending upon factors such as land slopes. | |
| For corner lots a side building line of **3.5 metres** to the street or laneway applies. | |

<table>
<thead>
<tr>
<th><strong>b) Height and Bulk Controls</strong></th>
<th>All new development shall conform with Council’s Policy to Control Building Height and Amenity in Residential Areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To reduce overlooking and overshadowing of adjoining properties.</td>
<td>In the case of detached dual occupancy the dwelling furthest from the street shall be of single storey construction and have a maximum height to the underside of eaves of <strong>3.0 metres</strong> above natural ground level at any point. Consideration will be given to a mezzanine or loft within the roof space.</td>
</tr>
<tr>
<td>To minimise the visual impacts of obtrusive development in the locality which exaggerate the built form.</td>
<td><strong>Note:</strong> Variations will be considered where minimum floor levels are required in flood prone areas, however, where minimum floor heights necessitate two storey or elevated construction, Dual Occupancy may not be appropriate due to loss of privacy or overshadowing of adjoining properties.</td>
</tr>
<tr>
<td>All new development shall conform with Council’s Policy to Control Building Height and Amenity in Residential Areas.</td>
<td></td>
</tr>
</tbody>
</table>
SPECIFIC GUIDELINES (Cont’d)

<table>
<thead>
<tr>
<th>Aims of Standard</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>c) Floor Space Ratio</strong></td>
<td>For lots up to 1000 m² in area the maximum floor space ratio for any dual occupancy shall be <strong>0.4:1</strong> (total floor area:site area) – see figure below. For lots greater than 1000 m² in area the maximum total floor area shall not exceed <strong>400m²</strong>.</td>
</tr>
</tbody>
</table>

| **d) Minimum Lot Sizes** | In the case of detached dual occupancy, development will not be permitted on lots having an area of less than **700m²**. In the case of attached dual occupancy development will not be permitted on lots having an area of less than **500m²**. |

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For lots up to 1000 m² in area the maximum floor space ratio for any dual occupancy shall be **0.4:1** (total floor area:site area) – see figure below.

For lots greater than 1000 m² in area the maximum total floor area shall not exceed **400m²**.

**Floor Space Ratio 0.4:1 means:**

- A+B total gross floor area cannot exceed 0.4 site area
- A = floor area of first dwelling
- B = floor area of second dwelling
- C = site area

In the case of detached dual occupancy, development will not be permitted on lots having an area of less than **700m²**.

In the case of attached dual occupancy development will not be permitted on lots having an area of less than **500m²**.

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## Aims of Standard

<table>
<thead>
<tr>
<th>e) Solar Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>To minimise impacts on amenity of adjoining residents through overshadowing.</td>
</tr>
<tr>
<td>To provide reasonable levels of solar access to neighbouring properties and</td>
</tr>
<tr>
<td>to residents of the dual occupancy.</td>
</tr>
</tbody>
</table>

Greater side boundary setbacks are encouraged to Northern or Eastern Boundaries. New development shall be designed to maintain at least 4 hours of sunshine to adjoining properties between 9 a.m. and 3 p.m. at the time of the winter solstice i.e. 22nd June. Development shall be designed to maximise solar access by orientation of buildings and appropriate placement of window openings and private recreation areas. The use of deciduous trees as part of the landscaping is encouraged in situations where evergreen species may reduce winter sunlight to adjoining properties.

## Standard

<table>
<thead>
<tr>
<th>f) Energy Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>The design of dual occupancy development may achieve the energy conservation objectives</td>
</tr>
<tr>
<td>where –</td>
</tr>
<tr>
<td><strong>P1</strong> Buildings are sited to maximise solar access to the north-facing windows of</td>
</tr>
<tr>
<td>living areas and principal areas of open space having regard to slope, views,</td>
</tr>
<tr>
<td>existing vegetation and overshadowing.</td>
</tr>
<tr>
<td><strong>P2</strong> Windows are located, sized and shaded to facilitate thermal performance.</td>
</tr>
<tr>
<td><strong>P3</strong> Building materials and insulation are selected to assist thermal performance,</td>
</tr>
<tr>
<td>and maintain internal comfort levels.</td>
</tr>
<tr>
<td><strong>P4</strong> Landscape design assists in micro-climate management for the reduction of fossil</td>
</tr>
<tr>
<td>fuel use and conservation of water.</td>
</tr>
</tbody>
</table>

An example of how a dual occupancy development may conform with the energy conservation performance criteria is as follows:

<table>
<thead>
<tr>
<th>A1 Dual Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A certificate from an accredited assessor showing a minimum natHERS or equivalent</td>
</tr>
<tr>
<td>rating of 3.5 stars.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A2 Alterations and additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Deemed to satisfy” provision of minimum R1.5 insulation to external wall or</td>
</tr>
<tr>
<td>equivalent and R2.5 insulation to ceilings.</td>
</tr>
</tbody>
</table>

| A3 North facing living areas of neighbouring dwellings do not have their sunlight |
| reduced to less than 3 hours of sun between 9.00 am and 3.00 pm on June 21.        |

**NOTE**: Dwellings unable to achieve the required rating may be eligible for an Exemption/Concession. There are special conditions, under which an Exemption can be claimed from the achievement of the minimum energy performance, refer to the special conditions within the Energy Efficiency Guidelines.
### SPECIFIC GUIDELINES (Cont’d)

<table>
<thead>
<tr>
<th>Aims of Standard</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>g) Privacy</strong></td>
<td>Buildings shall be designed and orientated to minimise overlooking of adjoining dwellings and private recreation areas. Design elements such as obscure glass shall be incorporated where openings required for light and ventilation overlook or intrude upon adjoining residences. Driveways and parking areas shall be located and designed to minimise noise disturbance and visual intrusion upon neighbours.</td>
</tr>
</tbody>
</table>

**h) Landscaping**  
To soften the visual impacts of development.  
To enhance the urban streetscape.  
To provide an amenable living environment and privacy for residents of dual occupancy development and their neighbours.  
To preserve existing tree cover.  

A minimum of **40%** of the total site shall be landscaped area (see definition in Part 1).  
Landscaping should be designed to enhance the natural features of the site and compliment the development  
A detailed landscape plan will be required with the building application showing plant species to be used grassed areas, treatment of garden beds etc. and indicating existing natural vegetation and which vegetation will be retained.  
Council will require a Landscape Completion and Maintenance Legal Deed of Agreement to be submitted with the building application.
### SPECIFIC GUIDELINES (Cont’d)

<table>
<thead>
<tr>
<th>Aims of Standard</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Carparking Requirements</td>
<td>A minimum of one on-site car parking space shall be provided for each dwelling having a gross floor area of <strong>125 square metres or less</strong>. A minimum of two on-site car parking spaces shall be provided for each dwelling having a gross floor area exceeding <strong>125 square metres</strong>. For lots fronting high traffic volume roads, manoeuvring areas will be required on site to allow vehicles to enter and leave the site in a forward direction. Where a dwelling does not have road frontage or provision of parking is proposed at the rear of the development, vehicular access shall be provided (having minimum width of <strong>2.7 metres</strong>) to the dwelling or parking space(s). If subdivision is proposed, such access shall have a minimum width of <strong>3.0 metres</strong>. Formed driveways, parking spaces and manoeuvring areas shall be provided to a <strong>minimum all weather gravel standard</strong>. <strong>Note:</strong> In situations where gravel surfaces are likely to create noise nuisance to adjoining residents or the site is steeply sloping other finishes may be required. Concrete footpath and gutter crossing shall be provided.</td>
</tr>
</tbody>
</table>

Note that gravel surfaces, particularly if steeply sloping, may require the use of other finishes to prevent noise disturbance to adjoining residents. The standard of footpath and gutter crossing should meet the requirements for all weather conditions, ensuring safety and accessibility.
### SPECIFIC GUIDELINES (Cont’d)

<table>
<thead>
<tr>
<th>Aims of Standard</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>j) Private Recreation Areas and Laundry Facilities</td>
<td>A minimum area of <strong>50m²</strong> shall be provided as an identifiable private recreation area for each dwelling. The private recreation area should be adjacent to the dwelling and be useable and appropriately proportioned. In this regard at least part of the area shall have minimum dimensions of <strong>6 metres x 4 metres</strong>. The private recreation area should be grassed or paved and provide privacy and solar access. Laundry facilities shall be provided for each dwelling. Shared facilities will only be permitted if separate from each dwelling and access is not required via either unit. Screening shall be provided for each dwelling where the drying area is likely to be visible from adjacent dwellings or private recreation areas.</td>
</tr>
</tbody>
</table>

![Diagram of private recreation area and laundry facilities](image)

| k) Building Materials and Design | Generally for new development masonry walls will be required with some timber or textured fibrous cement infill permitted. For additions to existing development materials and colours should match those used in the original dwelling where possible. Building design should relate to existing development through roof pitch, materials and external form. |

To integrate development with existing buildings and local character.

To ensure that the outward appearance of dual occupancy development has that of a single dwelling when viewed from the street or a public place.

To provide low maintenance development which will retain an attractive appearance.

To provide privacy for residents through the use of materials with noise reducing properties.
2.3 OTHER CONSIDERATIONS

2.3.1 Services

Council will require Dual Occupancy Development to be connected to water, sewer and electricity services where these are available. In areas where these services are not available the applicant will be required to provide alternatives to Council’s satisfaction. Details will be required with the Development Application.

Where Torrens Subdivision of dual occupancy is proposed and is permitted under SEPP No 25, separate water meter, electricity meter and sewer connection shall be provided to each allotment. In some cases this may require the creation of easements over adjoining allotments to cater for such services. A Council maintained sewer line will be required to each lot boundary.

In the case of detached dual occupancy the electricity service to the dwelling furthest from the street shall be underground.

2.3.2 Effluent Disposal

Unsewered Urban Areas

Many of the villages in Shoalhaven are located within the catchments of coastal water bodies which have low flushing characteristics. Dual Occupancy development in these areas has the potential to adversely affect local water quality due to increased effluent volumes.

Council has resolved to permit Dual Occupancy in urban areas only where a reticulated sewerage system is operational or under construction. Where such a scheme is not yet operational, compulsory scheduled pump-out systems will be required as an interim means of effluent disposal.

Existing Development

Where Torrens subdivision of existing Dual Occupancy is proposed (see under Part 3) in unsewered areas, Council will require a separate scheduled pump-out system for each dwelling. Any existing system which uses absorption trenches extending outside new allotment boundaries shall be replaced by a scheduled pump-out system.

Note: Compulsory scheduled pump-outs require that the tank is pumped out by Councils contractor at regular intervals with a specified minimum number of services per year.

Unsewered Rural Areas

In unsewered rural areas, on site disposal will only be permitted where the land has a minimum area of one hectare. In such cases, the applicant will need to demonstrate that all effluent can be disposed of on the property without adversely affecting surface or ground water quality.

In this regard evidence of satisfactory hydrogeological investigations conducted by a suitably qualified consultant will be required with the Development Application. These investigations should examine surface and lower soil horizons, rainfall patterns and evapotranspirational losses particular to the area and their effects on effluent disposal in relation to “waters” (as defined by the Clean Waters Act 1970).

These on site systems shall provide for storage of effluent during wet weather and should not allow for effluent percolation. Soils in absorption trenches “bind up” over time and water tables are prone to rise seasonally.

Before any approval is given to Dual Occupancy development, Council will need to be satisfied that the proposed means of effluent disposal will not adversely affect local water quality.

Council requirements for effluent disposal may be subject to future variation should new information regarding environmental management measures come to hand.

2.3.3 Drainage, Kerb and Gutter, etc

In areas where kerb and gutter is proposed in the future applicants for dual occupancy development will be required to provide concrete kerb and gutter to Council’s specification for the full frontage of the lot together with a concrete layback and footpath crossing. In the case of corner allotments, kerb
and gutter will be required for the longer frontage and kerb return. (Contact Council’s Asset Construction and Maintenance Division for details).

In other areas adequate all weather access between the road formation and property boundary will be required.

Stormwater from the site will need to be disposed of to Council’s nearest drainage facility or natural drainage outlet. Concentrated roof water or surface water from driveways, paved areas etc. will not be permitted to discharge onto adjoining private properties. If levels do not permit and inter-allotment drainage is not possible water may be conveyed by drainage pipes at least three metres clear of the buildings to disposal pits constructed to Council’s satisfaction.

2.4 SPECIAL PROVISIONS

2.4.1 Dual Occupancy Development In Low Density Residential Areas

Generally, the aims and standards set out in the foregoing “specific guidelines” apply to zones 2(a2) and 2(a3) except that –

a) Only attached forms of Dual Occupancy are permitted in these zones. In this regard –

1) Both dwellings shall be physically attached and such linkage shall form part of the roofline and result in a continuous roof profile with identical pitch and continuity of design for the whole building.

2) Both dwellings shall be constructed using the same materials and colours. Where a second dwelling is attached to an existing dwelling, similar materials and colours shall be used if identical materials are unavailable.

b) The Total Floor Area shall not exceed 400m².

c) The minimum front building line shall be 15.0 metres.

The minimum side building line shall be 3.5 metres.

The minimum rear building line shall be 7.5 metres.

d) Both dwellings shall utilise a common access point from the public road.

e) Greater flexibility will be given with regard to building materials where adequate separation from dwellings on adjoining lots is demonstrated.

2.4.2 Land in the Vicinity of Riverview Road, Nowra

The Riverview Road area has been identified as subject to high hazard flooding. Generally, Council does not favour any increase in population density in this area but a limited form of Dual Occupancy Development will be considered for the purpose of accommodating
relatives of the owner, subject to the following provisions –

a) Only attached forms of Dual Occupancy designed in accordance with the “specific guidelines” contained in Part 2 of this document will be permitted.

b) Compliance with the construction standards for this area contained in Council’s Interim Flood Policy (Refer Minute No. 801 of April 20, 1990).

c) Council will not support applications for any form of subdivision of Dual Occupancy Development.

Note: The area affected is defined as all residential allotments having frontage to Riverview Road, Lyrebird Drive, Elia Avenue, Hawthorne Avenue and Ferry Lane.

2.4.3 Rural Dual Occupancy

Rural Dual Occupancy developments are not subject to the foregoing “specific guidelines” but are permissible in accordance with the following requirements.

a) All dual occupancy within rural zones (ie 1(a), 1(b), 1(c1), 1(c2), 1(c3), 1(d)) shall be attached. Detached dwellings are not permitted.

b) No more than two self-contained dwellings shall be permitted within the building.

c) No further clearing is required for the provision of services or bushfire prevention.

d) No additional vehicular access point is required.

e) Provision is made on site for all weather driveway and parking spaces to service both dwellings.

f) The development is adequately landscaped where sites are in visually prominent locations.

g) Any extensions to an original dwelling (to permit dual occupancy) shall have a design relationship with the existing dwelling house.

h) Building materials and colours are used which blend with the natural features of the landscape.

i) Effluent is disposed of to Councils satisfaction – see earlier section in entitled ‘Effluent Disposal’

PART 3

3.1 APPLICATIONS AND CHARGES

Council approval of dual occupancy development requires both a Development Consent and Construction Certificate and will involve the payment of contributions in accordance with Section 94 of the Act and Part 3 (Divisions) of The Water Supply Authorities Act. Enquiries regarding preparation or lodgement of applications and associated fees should be referred to Council’s Development and Environmental Services Group.

3.1.1 Development Application

A development application for planning approval must be made as prescribed in the Act. In most cases this can take the form of a combined Development Application/Construction Certificate. Four copies of plans are to accompany the application and these must be prepared to a professional standard and include the following details –

a) Site plan drawn to scale showing North point and locations of –

i. All buildings on the land (existing and proposed).

ii. Private open space areas.

iii. Driveways and car parking spaces (with details of construction materials).

iv. Landscaped areas.

v. Existing trees to be removed and retained.

vi. Location of existing development on adjoining properties.

b) Full Elevation details of both dwellings, drawn to scale.
c) Floor plan details of both dwellings, drawn to scale and showing the locations of all window openings.

d) Contour information as well as details of proposed cut and or fill.

**Note:** Where council is concerned that development may result in loss of sunlight to adjoining properties it may insist on the submission of shadow diagrams.
3.1.2 **Subdivision of Dual Occupancy Under SEPP No 25**

Council may only grant approval to the subdivision of dual occupancy development if a development application for the dual occupancy was made between 1 January 1992 and 8 May 1995 and was subsequently approved. Council will not release the survey plan of subdivision unless a Construction Certificate has been issued. Subdivision of Dual Occupancy development in rural zones is not permitted under SEPP No 25 or Shoalhaven LEP 1985.

3.1.3 **Construction Certificate**

This is the second stage of the approval process. Applications should be prepared in accordance with the requirements of the Development Consent (unless a combined Development and Construction Certificate Application is submitted – see note below).

As well as the information required for the Development Application Council will need other details such as specifications, sections, footing design etc. and a properly prepared landscape plan.

*Note: A Construction Certificate will not be issued until all fees and charges have been paid.*

A final Building Certificate will not be issued until all conditions of Development Consent and Building Approval have been complied with.

3.1.4 **Combined Applications**

Where the proposed development has been designed to comply strictly with the specific guidelines contained in this document, Council will accept a combined Development and Construction Certificate Application.

3.1.5 **Notification**

Council will notify owners of properties in the vicinity of the development of all applications for dual occupancy. This is normally undertaken at Development Application Stage and will require payment of a fee.

3.1.6 **Fees**

Cost of fees for Development and Construction Certificate Applications relate to the estimated value of the development. Subdivision fees relate to the number of allotments proposed. In addition a fee for advertising of the application will be required (see note above).

3.1.7 **Contributions**

In areas where town water and sewerage schemes exist Council will require payment of contributions to assist in the augmentation of these schemes. This will require the applicant to obtain a Compliance Certificate from Council.

For the development of any land with Dual Occupancy additional contributions may be required for community facilities, active recreation facilities and public open space, etc. These contributions generally relate to the second dwelling only and are calculated in accordance with Council’s Section 94 Contributions Plan.

3.1.8 **Further Advice**

Should you need assistance regarding preparation and/or submission of an application for Dual Occupancy Development contact Council’s Development and Environmental Services Group.