

DUAL OCCUPANCY DEVELOPMENT ON RURAL AND ENVIRONMENTAL ZONED LAND

FACT SHEET

DEVELOPMENT TYPES

A Dual occupancy is generally referred to as the erection of two dwellings on a single allotment of land in either a detached or attached arrangement. [Penrith Local Environmental Plan 2010](#) defines a dual occupancy as:

Dual occupancy (attached)	<i>Two dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.</i>
Dual occupancy (detached)	<i>Two detached dwellings on one lot of land but does not include a secondary dwelling.</i>

SITE CONSIDERATIONS AND PLANNING REQUIREMENTS

A section [10.7 Planning Certificate](#) should be obtained from Council prior to the pursuit of any dual occupancy proposal. This certificate outlines key land-based attributes affecting a property which must be considered in the preparation of any development application.

When proposing a dual occupancy, the following [Penrith Local Environmental Plan 2010](#) provisions are typically applicable. These provisions must be considered and addressed in any application pursued.

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2.3	Zone objectives including land use table
4.3	Maximum building height
5.21	Flood planning controls
7.3	Development considerations to be addressed for mapped natural resources sensitive land
7.5	Development considerations to be addressed for mapped scenic character and landscape value land
7.7	Servicing
7.10	Dual occupancies in certain rural and environmental zones

The mapping associated with the [Penrith Local Environmental Plan 2010](#) is available from the [NSW Planning Portal](#).

DESIGN CONSIDERATIONS AND REQUIREMENTS

[Clause 7.10 of Penrith Local Environmental Plan 2010](#) outlines the minimum lot sizes that must be complied with for any dual occupancy development on specified rural and environmental zoned land. If a Development Application is pursued, the application must also address [Penrith Development Control Plan 2014](#). This includes *Part C – City Wide Controls* and clause 1.2.5 of *Part D1 – Rural Land Uses*.

Part E – Key Precincts outlines further controls and considerations relevant to specific locations across the Penrith Local Government Area which must also be considered and addressed.

Key controls within the Development Control Plan which influence the design of a dual occupancy development on rural or environmental zoned land

- The location on the dwelling on the site is selected to minimise impacts and disturbance to existing vegetation noting implications of vegetation removal and the requirements of the NSW Government Biodiversity Offset Scheme.
- The second dwelling must be significantly smaller than the existing dwelling house (approximately 50% in floor area) Consideration will be given to a variation where the existing house has a floor area of less than 200m²
- The location of the dwellings on the site considers if the site is affected by flooding or overland flow and ensures the proposed finished floor level is compliant with the applicable flood planning level for the site (where applicable)
- The resulting setback and separation of the structure to effluent management areas is in accordance with Council's On-site Sewerage Management and Greywater Reuse Policy
- The location on the site is to ensure that any required asset protection zones and inner/outer protection areas associated with the proposed dwelling/s to minimise impacts to existing vegetation and consider the cost implications of Bushfire Attack Level (BAL) ratings.

LODGEMENT REQUIREMENTS AND FURTHER INFORMATION

For further information on planning and documentation lodgement requirements, please contact Council's Development Advisory Officer on 02 4732 7991 between 8:30am and 4:00pm.