

# DUAL OCCUPANCY DEVELOPMENT ON RESIDENTIAL 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:

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

CI	
<a href="#">2.3</a>	Zone objectives including land use table
<a href="#">4.3</a>	Maximum building height
<a href="#">4.1(A)</a>	Minimum lot size to accommodate a dual occupancy development
<a href="#">5.21</a>	Flood planning controls
<a href="#">7.3</a>	Development considerations to be addressed for mapped natural resources sensitive land
<a href="#">7.5</a>	Development considerations to be addressed for mapped scenic character and landscape value land
<a href="#">7.7</a>	Servicing

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

### DESIGN CONSIDERATIONS AND REQUIREMENTS

[Clause 4.1\(A\) of Penrith Local Environmental Plan 2010](#) outlines the minimum lot sizes that must be complied with for any dual occupancy development on residential zoned land. Due to the design controls that apply to the different development typologies, there is variation between the requirements for a *detached* and *attached* dual occupancy.

Zone	Attached Dual Occupancy		Detached Dual Occupancy	
	Min lot size	Min battle-axe	Min lot size	Min battle-axe
<b>R2</b>	650m <sup>2</sup>	Not permitted	750m <sup>2</sup>	Not permitted
<b>R3</b>	550m <sup>2</sup>	600m <sup>2</sup>	650m <sup>2</sup>	700m <sup>2</sup>

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 2.2 of *Part D2 – Residential Development*.

*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 residential zoned land

- Demonstrated integration with the existing local character in terms of building location, architectural design, bulk, scale, and landscape design treatments.
- A front setback that has regard to the front setback of adjoining properties and provides an average of those setbacks to no less than 5.5m.
- A minimum 900mm side boundary setback with demonstrated building envelope compliance.
- A minimum 6.0m rear boundary setback for any two-storey element and a minimum 4.0m rear setback to any single storey element.
- Compliant landscape area that excludes any landscaping of less than 2.0m in width. **Note:** landscaping does not include driveways, waste storage or other impervious areas.
- Minimum built form separation of 4.0m where one dwelling is located behind another
- Provision of no less than 30sqm (minimum dimensions 6m x 4m) of private open space for each dwelling, separated by suitable fencing, landscape embellishment and compliant solar access.
- Consideration of window locations and dimensions to minimise direct views between dwellings and neighbouring properties.

#### Key controls that influence the design of a dual occupancy development on residential zoned land for a corner allotment

- A minimum 3.0m setback is permitted to the secondary street frontage where the dwelling has frontage to two streets. Where a dwelling is proposed with only one street frontage, a minimum setback of 5.5m applies being the primary street frontage for that dwelling.
- Where a 3.0m setback is applicable, a minimum 5.5m setback is required for garages.
- Living rooms, dwelling entrances, and verandas should address each street frontage.
- The bulk and scale of the development must be reflective and responsive to the surrounding local character. Developments must enhance and respond to established streetscape setbacks.
- Private open space areas are to form be an extension of the living areas of the dwelling, preferably to the rear of the dwelling and not within the front setback or secondary road setback zones.
- Driveways cannot be located within 6.0m of the tangent point to a road intersection.

#### 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.