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# Draft Sydney Regional Environmental Plan- Dual Occupancy

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. -**

**DUAL OCCUPANCY**

**Citation**

1. This plan may be cited as "Sydney Regional Environmental Plan No. - Dual Occupancy".

**Aims, objectives, etc.**

2. The aims and objectives of this plan are -
- (a) to encourage fuller use of existing services and community facilities;
  - (b) to reduce the trend toward declining population in established areas;
  - (c) to widen the range of housing options available to residents of the Sydney region; and
  - (d) to increase the supply of accommodation on land to which this plan applies -
    - (i) by providing uniform controls for the provision of dual occupancy in the Sydney region;
    - (ii) by permitting the conversion of a dwelling-house into 2 dwellings;
    - (iii) by permitting the erection of a building containing 2 dwellings;
    - (iv) by permitting the erection of a separate dwelling-house on an allotment of land, other than land zoned rural or non-urban, upon which a dwelling-house is already situated;
    - (v) by permitting the erection of 2 separate dwelling-houses on an allotment of land, other than land zoned rural or non-urban, subject to certain conditions;



- (vi) by permitting the strata subdivision of land, other than land zoned rural or non-urban, upon which development is carried out in accordance with this plan; and
- (vii) by permitting any person to occupy a dwelling erected or created in accordance with this plan.

#### **Land to which plan applies**

3.(1) Except as provided by subclause (2), this plan applies to the land declared to be a region by the Minister under section 4(6) of the Act, being -

- (a) the Cities of Bankstown, Blacktown, Blue Mountains, Campbelltown, Fairfield, Gosford, Liverpool, Parramatta, Penrith and Sydney;
- (b) the Municipalities of Ashfield, Auburn, Botany, Burwood, Camden, Canterbury, Concord, Drummoyne, Holroyd, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Manly, Marrickville, Mosman, North Sydney, Randwick, Rockdale, Ryde, Strathfield, Waverley, Willoughby and Woollahra; and
- (c) the Shires of Baulkham Hills, Hawkesbury, Hornsby, Sutherland, Warringah, Wollondilly and Wyong.

(2) This plan does not apply to so much of the land specified in subclause (1) as is land to which Column 1 of Schedule 1 applies and which is, under another environmental planning instrument, within a zone (within the meaning of that instrument) specified in Column 2 of that Schedule.

#### **Repeal of previous environmental planning instruments**

4. This plan repeals -

- (a) Sydney Regional Environmental Plan No. 1 (Dual Occupancy); and
- (b) Sydney Regional Environmental Plan No. 2 - Dual Occupancy;

#### **Amendment of certain environmental planning instruments**

5. Each environmental planning instrument specified in Column 1 of Schedule 2 is amended by omitting the clause specified opposite that instrument in Column 2 of that Schedule.

### Relationship to other environmental planning instruments

6. (1) A provision of any local environmental plan or deemed environmental planning instrument (whether made before, on or after the appointed day), to the extent that that provision would, but for this clause, prohibit or restrict or enable a consent authority to prohibit or restrict the carrying out of development in accordance with this plan is, to that extent, of no effect.

(2) Without affecting the generality of subclause (1), anything in any such local environmental plan or deemed environmental planning instrument -

(a) purporting to impose, or enable the imposition of, any limitations or restrictions as to the persons who may occupy a dwelling; or

(b) relating to residential flat buildings,

shall not apply to a dwelling erected or created in accordance with this plan.

### Definitions

7. (1) In this plan -

"appointed day" means the day upon which this plan takes effect;

"council" for the purposes of a development consent in relation to the carrying out of development, means the council of the area in which the development is to be carried out;

"dwelling" means a room or suite of rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a separate domicile;

"dwelling-house" means a building containing one but not more than one dwelling;

"gross floor area" means the sum of the areas of each floor of a dwelling, where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level, excluding columns, fin walls, awnings or similar devices and any elements, projections or works outside the general line of the outer face of the external wall.

"the Act" means the Environmental Planning and Assessment Act, 1979.

(2) A reference in this plan to land which is zoned rural or non-urban is a reference to land which, under the provisions of an environmental planning instrument, is included within a zone identified or described as -

- (a) rural;
- (b) non-urban;
- (c) environment protection;
- (d) environmental protection;
- (e) rural environment protection;
- (f) rural environmental protection;
- (g) scenic protection; or
- (h) scenic protection area.

(3) A reference in this plan to a dwelling used for a purpose includes a reference to a dwelling intended to be used for the purpose.

#### **Development to which plan applies**

8. Where, in accordance with another environmental planning instrument, development for the purpose of a dwelling-house may be carried out on an allotment of land, either with or without development consent, a person may with the consent of the council-

- (a) alter or add to a dwelling-house erected on that allotment so as to create 2 dwellings;
- (b) erect 2 attached dwellings on that allotment; or
- (c) in the case of an allotment that is not zoned rural or non-urban -
  - (i) erect 2 dwelling-houses on that allotment; or
  - (ii) erect a dwelling-house in addition to one already erected on that allotment,

if, but only if, not more than 2 dwellings will be created or result on that allotment.



### Minimum site area and services

9. The council shall not consent to an application for development made in accordance with this plan unless it is satisfied that arrangements satisfactory to it have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater drainage from each dwelling and -

- (a) in a case where the development will result in the creation of 2 attached dwellings - the area of the allotment on which the dwellings are or will be erected is not less than 400 square metres; or
- (b) in a case where the development will result in the creation of 2 dwelling-houses - the area of the allotment on which the dwellings are or will be erected is not less than 600 square metres.

### Floor space ratio

10.(1) In this clause, "floor space ratio" means the ratio of the gross floor area of all the dwellings on an allotment (exclusive of the area of any carport or garage) to the area of the allotment on which those dwellings are constructed.

(2) Except as provided by subclause (3), the council shall not consent to an application for development in accordance with this plan unless the floor space ratio is not more than -

- (a) in the case of land within the Municipality of North Sydney - 0.8:1;
- (b) in the case of land within the Municipality of Marrickville or the Municipality of Randwick - 0.6:1; or
- (c) in any other case - 0.5:1.

(3) Where -

- (a) an application is made to the council in accordance with clause 8(a) to alter or add to a dwelling-house to create 2 dwellings; and
- (b) the floor space ratio of the dwelling-house before it is altered or added to exceeds the floor space ratio specified in subclause (2) in respect of that land,

the council may consent to the application if the floor space ratio of the dwellings to be created is not more than the floor space ratio of the dwelling-house before the alteration or addition.

**Non-Urban zones, etc. - strata subdivision**

11. Where 2 dwellings are erected or created on an allotment of land in accordance with this plan, being an allotment zoned rural or non-urban, the separate occupation of the several lots illustrated by a proposed strata plan relating to those dwellings is prohibited.

**Suspension of certain provisions, covenants etc.**

12.(1) For the purpose of enabling development to be carried out in accordance with this plan -

- (a) section 314(1)(c) of the Local Government Act 1919 and Schedule 7 to that Act; and
- (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of more than one dwelling-house on an allotment of land or as to the use of land for that purpose,

to the extent necessary to serve that purpose, shall not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this plan -

- (a) the Governor approved of subclause (1); and
  - (b) the Minister for the time being administering the provisions of the Local Government Act 1919 referred to in sub-clause (1)(a) concurred in writing in the recommendation for the approval of the Governor of subclause (1).
-



## Schedule 1

(Cl. 3(2))

Column 1	Column 2
Land	Zone
1. Land which, under an environmental planning instrument, is within one of the following zones:-	
(a) coastal lands protection;	
(b) coastal lands acquisition; or	
(c) water catchment.	
2. Gosford Planning Scheme Ordinance	2(f) 7(e)
3. Interim Development Order No.122 - Gosford	7(a)
4. Interim Development Order No. 58 - Wyong	7(a)
5. Wyong Planning Scheme Ordinance	7(e)
6. Land within the area bounded by Port Jackson, Cliff Street (Watsons Bay) and Military Road (Watsons Bay) and the prolongation, south-westerly, of Military Road (Watsons Bay) from its intersection with Marine Parade (Watsons Bay) to Port Jackson.	

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Auburn Planning Scheme Ordinance	42A, 69(1A)
Interim Development Order No. 2 - Municipality of Auburn	5
Interim Development Order No. 3 - Municipality of Auburn	5
Interim Development Order No. 5 - Municipality of Auburn	5
Interim Development Order No. 19 - Municipality of Auburn	7
Interim Development Order No. 21 - Municipality of Auburn	9
Interim Development Order No. 24 - Municipality of Auburn	4
Interim Development Order No. 26 - Municipality of Auburn	4
Interim Development Order No. 29 - Municipality of Auburn	4
Interim Development Order No. 32 - Municipality of Auburn	5
Interim Development Order No. 34 - Municipality of Auburn	5
Bankstown Planning Scheme Ordinance	49A, 84(1A)
Shire of Baulkham Hills Planning Scheme Ordinance	45A, 67(2)
Interim Development Order No. 2 - Shire of Baulkham Hills	6
Interim Development Order No. 5 - Shire of Baulkham Hills	4
Interim Development Order No. 6 - Shire of Baulkham Hills	4A
Interim Development Order No. 7 - Shire of Baulkham Hills	5
Interim Development Order No. 8 - Shire of Baulkham Hills	5
Interim Development Order No. 9 - Shire of Baulkham Hills	5
Interim Development Order No. 11 - Shire of Baulkham Hills	6
Interim Development Order No. 14 - Shire of Baulkham Hills	5
Interim Development Order No. 15 - Shire of Baulkham Hills	4
Interim Development Order No. 16 - Shire of Baulkham Hills	4
Interim Development Order No. 19 - Shire of Baulkham Hills	5
Interim Development Order No. 20 - Shire of Baulkham Hills	5
Interim Development Order No. 22 - Shire of Baulkham Hills	4

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 23 - Shire of Baulkham Hills	5
Interim Development Order No. 24 - Shire of Baulkham Hills	5
Interim Development Order No. 25 - Shire of Baulkham Hills	4
Interim Development Order No. 27 - Shire of Baulkham Hills	4
Interim Development Order No. 29 - Shire of Baulkham Hills	4
Interim Development Order No. 31 - Shire of Baulkham Hills	5
Interim Development Order No. 32 - Shire of Baulkham Hills	5
Interim Development Order No. 33 - Shire of Baulkham Hills	4
Interim Development Order No. 35 - Shire of Baulkham Hills	5
Interim Development Order No. 36 - Shire of Baulkham Hills	5
Interim Development Order No. 38 - Shire of Baulkham Hills	5
Interim Development Order No. 39 - Shire of Baulkham Hills	4
Interim Development Order No. 41 - Shire of Baulkham Hills	5
Interim Development Order No. 42 - Shire of Baulkham Hills	4
Interim Development Order No. 43 - Shire of Baulkham Hills	5
Interim Development Order No. 44 - Shire of Baulkham Hills	4
Interim Development Order No. 45 - Shire of Baulkham Hills	4
Interim Development Order No. 46 - Shire of Baulkham Hills	4
Interim Development Order No. 48 - Shire of Baulkham Hills	4
Interim Development Order No. 49 - Shire of Baulkham Hills	5
Interim Development Order No. 50 - Shire of Baulkham Hills	6
Interim Development Order No. 51 - Shire of Baulkham Hills	9
Interim Development Order No. 52 - Shire of Baulkham Hills	6
Interim Development Order No. 54 - Shire of Baulkham Hills	4
Interim Development Order No. 56 - Shire of Baulkham Hills	4
Interim Development Order No. 57 - Shire of Baulkham Hills	5



## Schedule 2-

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 61 - Shire of Baulkham Hills	4
Interim Development Order No. 62 - Shire of Baulkham Hills	6
Interim Development Order No. 63 - Shire of Baulkham Hills	4
Interim Development Order No. 64 - Shire of Baulkham Hills	5
Interim Development Order No. 67 - Shire of Baulkham Hills	5
Interim Development Order No. 70 - Shire of Baulkham Hills	4
Interim Development Order No. 71 - Shire of Baulkham Hills	4
Interim Development Order No. 75 - Shire of Baulkham Hills	6
Interim Development Order No. 79 - Shire of Baulkham Hills	5
Interim Development Order No. 81 - Shire of Baulkham Hills	9
Interim Development Order No. 85 - Shire of Baulkham Hills	5
Interim Development Order No. 86 - Shire of Baulkham Hills	17
Interim Development Order No. 89 - Shire of Baulkham Hills	5
Interim Development Order No. 90 - Shire of Baulkham Hills	6
Interim Development Order No. 94 - Shire of Baulkham Hills	13
Interim Development Order No. 98 - Shire of Baulkham Hills	5
Interim Development Order No. 99 - Shire of Baulkham Hills	6
Interim Development Order No. 101 - Shire of Baulkham Hills	4
Interim Development Order No. 106 - Shire of Baulkham Hills	5
Interim Development Order No. 114 - Shire of Baulkham Hills	4
Interim Development Order No. 117 - Shire of Baulkham Hills	8B
Interim Development Order No. 118 - Shire of Baulkham Hills	56
Interim Development Order No. 119 - Shire of Baulkham Hills	4
Interim Development Order No. 120 - Shire of Baulkham Hills	5
Interim Development Order No. 121 - Shire of Baulkham Hills	7B
Interim Development Order No. 123 - Shire of Baulkham Hills	4A

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 125 - Shire of Baulkham Hills	8B
Interim Development Order No. 126 - Shire of Baulkham Hills	11B
Interim Development Order No. 127 - Shire of Baulkham Hills	9
Interim Development Order No. 128 - Shire of Baulkham Hills	5
Interim Development Order No. 131 - Shire of Baulkham Hills	8B
Interim Development Order No. 132 - Shire of Baulkham Hills	6A
Interim Development Order No. 133 - Shire of Baulkham Hills	8B
Interim Development Order No. 134 - Shire of Baulkham Hills	7B
Interim Development Order No. 135 - Shire of Baulkham Hills	5
Interim Development Order No. 137 - Shire of Baulkham Hills	5
Interim Development Order No. 138 - Shire of Baulkham Hills	6
Baulkham Hills Local Environmental Plan No.42	14
Blacktown Planning Scheme Ordinance	44A, 75(1A)
Interim Development Order No. 13 - Municipality of Blacktown	4
Interim Development Order No. 15 - Municipality of Blacktown	3A
Interim Development Order No. 16 - Municipality of Blacktown	4
Interim Development Order No. 17 - Municipality of Blacktown	4A
Interim Development Order No. 19 - Municipality of Blacktown	3A
Interim Development Order No. 20 - Municipality of Blacktown	4A
Interim Development Order No. 25 - Municipality of Blacktown	3A
Interim Development Order No. 26 - Municipality of Blacktown	3A
Interim Development Order No. 27 - Municipality of Blacktown	3A
Interim Development Order No. 35 - Municipality of Blacktown	5
Interim Development Order No. 37 - Municipality of Blacktown	5
Interim Development Order No. 41 - Municipality of Blacktown	12A



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 43 - Municipality of Blacktown	4
Interim Development Order No. 47 - Municipality of Blacktown	4
Interim Development Order No. 48 - Municipality of Blacktown	4
Interim Development Order No. 49 - Municipality of Blacktown	12A
Interim Development Order No. 51 - Municipality of Blacktown	5
Interim Development Order No. 53 - Municipality of Blacktown	4
Interim Development Order No. 54 - Municipality of Blacktown	4
Interim Development Order No. 61 - Municipality of Blacktown	8
Interim Development Order No. 63 - Municipality of Blacktown	5
Interim Development Order No. 64 - Municipality of Blacktown	4
Interim Development Order No. 65 - Municipality of Blacktown	4
Interim Development Order No. 69 - Municipality of Blacktown	4
Interim Development Order No. 77 - Municipality of Blacktown	4
Interim Development Order No. 81 - Municipality of Blacktown	9
Interim Development Order No. 89 - Municipality of Blacktown	7
Interim Development Order No. 91 - Municipality of Blacktown	4
Interim Development Order No. 92 - Municipality of Blacktown	5
Interim Development Order No. 97 - Municipality of Blacktown	4
Interim Development Order No. 98 - Municipality of Blacktown	5
Interim Development Order No. 99 - Municipality of Blacktown	4
Interim Development Order No. 106 - Municipality of Blacktown	4
Interim Development Order No. 116 - Municipality of Blacktown	5
Interim Development Order No. 120 - Municipality of Blacktown	4
Interim Development Order No. 121 - Municipality of Blacktown	6
Interim Development Order No. 123 - Municipality of Blacktown	4

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 129 - Municipality of Blacktown	4
Interim Development Order No. 132 - Municipality of Blacktown	4
Interim Development Order No. 133 - Municipality of Blacktown	39
Interim Development Order No. 135 - Municipality of Blacktown	4
Interim Development Order No. 138 - Municipality of Blacktown	4
Interim Development Order No. 140 - Municipality of Blacktown	5
Interim Development Order No. 142 - Municipality of Blacktown	5
Interim Development Order No. 144 - Municipality of Blacktown	18
Interim Development Order No. 146 - Municipality of Blacktown	6A
Interim Development Order No. 149 - Municipality of Blacktown	4
Interim Development Order No. 150 - Municipality of Blacktown	4
Interim Development Order No. 151 - Municipality of Blacktown	4
Interim Development Order No. 155 - Municipality of Blacktown	6
Interim Development Order No. 156 - Municipality of Blacktown	4
Interim Development Order No. 159 - Municipality of Blacktown	6
Interim Development Order No. 165 - Municipality of Blacktown	5
Interim Development Order No. 166 - Municipality of Blacktown	9
Interim Development Order No. 170 - Municipality of Blacktown	5
Blacktown Local Environmental Plan No. 78	13
Blacktown Local Environmental Plan No. 72	12
Blacktown Local Environmental Plan No. 64	12
Blacktown Local Environmental Plan No. 60	18
Blue Mountains Local Environmental Plan No.4	14
Interim Development Order No. 19 - Municipality of Botany	5A
Interim Development Order No. 20 - Municipality of Botany	4
Interim Development Order No. 21 - Municipality of Botany	5
Interim Development Order No. 22 - Municipality of Botany	4



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Burwood Planning Scheme Ordinance	52A
Interim Development Order No. 2 - Municipality of Camden	10
Interim Development Order No. 3 - Municipality of Camden	36
Interim Development Order No. 4 - Municipality of Camden	8
Interim Development Order No. 6 - Municipality of Camden	13
Interim Development Order No. 7 - Municipality of Camden	44
Interim Development Order No. 8 - Municipality of Camden	13
Interim Development Order No. 9 - Municipality of Camden	8
Camden Local Environmental Plan No. 11	29
Interim Development Order No. 13 - City of Campbelltown	17
Interim Development Order No. 14 - City of Campbelltown	16
Interim Development Order No. 15 - City of Campbelltown	10
Interim Development Order No. 21 - City of Campbelltown	32
Interim Development Order No. 22 - City of Campbelltown	17
Interim Development Order No. 23 - City of Campbelltown	32
Interim Development Order No. 24 - City of Campbelltown	26
Interim Development Order No. 25 - City of Campbelltown	18
Interim Development Order No. 26 - City of Campbelltown	32
Interim Development Order No. 27 - City of Campbelltown	19
Interim Development Order No. 28 - City of Campbelltown	13
Interim Development Order No. 29 - City of Campbelltown	21
Campbelltown Local Environmental Plan No. 32	11
Campbelltown Local Environmental Plan No. 1	9A

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Canterbury Planning Scheme Ordinance	41AA, 41AB, 70(1A)
Interim Development Order No. 29 - Municipality of Canterbury	5
Interim Development Order No. 34 - Municipality of Canterbury	6
Interim Development Order No. 36 - Municipality of Canterbury	5
Interim Development Order No. 40 - Municipality of Canterbury	4
Interim Development Order No. 42 - Municipality of Canterbury	4
Interim Development Order No. 49 - Municipality of Canterbury	9
Concord Planning Scheme Ordinance	42A
Interim Development Order No. 9 - Municipality of Concord	5
Interim Development Order No. 15 - Municipality of Concord	4
Interim Development Order No. 16 - Municipality of Concord	4
Interim Development Order No. 17 - Municipality of Concord	4
Interim Development Order No. 18 - Municipality of Concord	11A
County of Cumberland Planning Scheme Ordinance	48A
Drummoyne Planning Scheme Ordinance	43A, 68(1A)
Interim Development Order No. 2 - Municipality of Drummoyne	4
Interim Development Order No. 3 - Municipality of Drummoyne	4A
Interim Development Order No. 4 - Municipality of Drummoyne	4A
Interim Development Order No. 7 - Municipality of Drummoyne	8A
Interim Development Order No. 9 - Municipality of Drummoyne	6A
Fairfield Planning Scheme Ordinance	43A, 79(1A)
Interim Development Order No. 10 - Municipality of Fairfield	24
Interim Development Order No. 16 - Municipality of Fairfield	4
Interim Development Order No. 20 - Municipality of Fairfield	4
Interim Development Order No. 21 - Municipality of Fairfield	4



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 23 - Municipality of Fairfield	4
Interim Development Order No. 25 - Municipality of Fairfield	20
Interim Development Order No. 35 - Municipality of Fairfield	4
Interim Development Order No. 39 - Municipality of Fairfield	27
Interim Development Order No. 44 - City of Fairfield	5
Interim Development Order No. 53 - City of Fairfield	5
Interim Development Order No. 58 - City of Fairfield	5
Interim Development Order No. 61 - City of Fairfield	5
Fairfield Local Environmental Plan No. 37	22
Fairfield Local Environmental Plan No. 43	15
Gosford Planning Scheme Ordinance	47
Hawkesbury Local Environmental Plan, 1984	27
Holroyd Planning Scheme Ordinance	43A, 79(1A)
Interim Development Order No. 9 - Municipality of Holroyd	4
Interim Development Order No. 12 - Municipality of Holroyd	6
Interim Development Order No. 20 - Municipality of Holroyd	4
Interim Development Order No. 22 - Municipality of Holroyd	12
Hornsby Planning Scheme Ordinance	86
Hunters Hill Local Environmental Plan No. 1	21
Hurstville Planning Scheme Ordinance	49
Kogarah Planning Scheme Ordinance	44A, 78(1A)
Interim Development Order No. 13 - Municipality of Kogarah	4
Interim Development Order No. 14 - Municipality of Kogarah	7
Interim Development Order No. 15 - Municipality of Kogarah	5
Interim Development Order No. 18 - Municipality of Kogarah	7



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 20 - Municipality of Kogarah	5
Interim Development Order No. 22 - Municipality of Kogarah	5
Ku-ring-gai Planning Scheme Ordinance	43A, 43B, 68(1A)
Interim Development Order No. 1 - Municipality of Ku-ring-gai	7
Interim Development Order No. 2 - Municipality of Ku-ring-gai	5
Interim Development Order No. 3 - Municipality of Ku-ring-gai	5
Interim Development Order No. 4 - Municipality of Ku-ring-gai	4
Interim Development Order No. 5 - Municipality of Ku-ring-gai	5
Interim Development Order No. 6 - Municipality of Ku-ring-gai	5
Interim Development Order No. 7 - Municipality of Ku-ring-gai	5
Interim Development Order No. 9 - Municipality of Ku-ring-gai	5
Interim Development Order No. 10 - Municipality of Ku-ring-gai	5
Interim Development Order No. 11 - Municipality of Ku-ring-gai	5
Interim Development Order No. 12 - Municipality of Ku-ring-gai	5
Interim Development Order No. 13 - Municipality of Ku-ring-gai	5
Interim Development Order No. 14 - Municipality of Ku-ring-gai	5
Interim Development Order No. 15 - Municipality of Ku-ring-gai	5
Interim Development Order No. 16 - Municipality of Ku-ring-gai	4
Interim Development Order No. 17 - Municipality of Ku-ring-gai	5
Interim Development Order No. 18 - Municipality of Ku-ring-gai	5
Interim Development Order No. 19 - Municipality of Ku-ring-gai	4
Interim Development Order No. 20 - Municipality of Ku-ring-gai	4
Interim Development Order No. 21 - Municipality of Ku-ring-gai	4
Interim Development Order No. 22 - Municipality of Ku-ring-gai	4
Interim Development Order No. 23 - Municipality of Ku-ring-gai	4

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 24 - Municipality of Ku-ring-gai	4
Interim Development Order No. 25 - Municipality of Ku-ring-gai	4
Interim Development Order No. 26 - Municipality of Ku-ring-gai	4
Interim Development Order No. 31 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 32 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 38 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 39 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 42 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 44 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 48 - Municipality of Ku-ring-gai	7, 8
Interim Development Order No. 49 - Municipality of Ku-ring-gai	9, 10
Interim Development Order No. 52 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 55 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 61 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 63 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 64 - Municipality of Ku-ring-gai	4, 5
Interim Development Order No. 66 - Municipality of Ku-ring-gai	4
Interim Development Order No. 67 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 68 - Municipality of Ku-ring-gai	8, 9
Interim Development Order No. 70 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 72 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 74 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 75 - Municipality of Ku-ring-gai	6, 7
Interim Development Order No. 78 - Municipality of Ku-ring-gai	9, 10



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Lane Cove Planning Scheme Ordinance	42A, 69(1A)
Interim Development Order No. 2 - Municipality of Lane Cove	5
Interim Development Order No. 3 - Municipality of Lane Cove	7
Interim Development Order No. 4 - Municipality of Lane Cove	6
Interim Development Order No. 13 - Municipality of Lane Cove	4
Interim Development Order No. 18 - Municipality of Lane Cove	5
Leichhardt Local Environmental Plan No. 20	14
Interim Development Order No.27 - Municipality of Leichhardt	25B
Liverpool Planning Scheme Ordinance	43A, 79(1A)
Interim Development Order No. 1 - City of Liverpool	6A
Interim Development Order No. 3 - City of Liverpool	5
Interim Development Order No. 4 - City of Liverpool	5
Interim Development Order No. 5 - City of Liverpool	5
Interim Development Order No. 9 - City of Liverpool	17
Interim Development Order No. 10 - City of Liverpool	12
Interim Development Order No. 11 - City of Liverpool	13
Interim Development Order No. 14 - City of Liverpool	4
Interim Development Order No. 15 - City of Liverpool	14
Interim Development Order No. 16 - City of Liverpool	21
Interim Development Order No. 17 - City of Liverpool	14
Interim Development Order No. 18 - City of Liverpool	15
Interim Development Order No. 19 - City of Liverpool	16
Interim Development Order No. 23 - City of Liverpool	5
Interim Development Order No. 25 - City of Liverpool	7

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 28 - City of Liverpool	5
Interim Development Order No. 35 - City of Liverpool	4
Interim Development Order No. 37 - City of Liverpool	4
Interim Development Order No. 39 - City of Liverpool	4
Interim Development Order No. 42 - City of Liverpool	6B
Interim Development Order No. 45 - City of Liverpool	3A
Interim Development Order No. 47 - City of Liverpool	4
Interim Development Order No. 48 - City of Liverpool	8
Interim Development Order No. 50 - City of Liverpool	13
Interim Development Order No. 52 - City of Liverpool	5
Interim Development Order No. 53 - City of Liverpool	4
Interim Development Order No. 54 - City of Liverpool	10
Interim Development Order No. 56 - City of Liverpool	7A
Interim Development Order No. 58 - City of Liverpool	5
Interim Development Order No. 59 - City of Liverpool	26
Interim Development Order No. 60 - City of Liverpool	7
Interim Development Order No. 63 - City of Liverpool	4
Interim Development Order No. 65 - City of Liverpool	5
Interim Development Order No. 66 - City of Liverpool	5
Interim Development Order No. 74 - City of Liverpool	42
Interim Development Order No. 77 - City of Liverpool	5
Interim Development Order No. 80 - City of Liverpool	5
Interim Development Order No. 84 - City of Liverpool	5
Interim Development Order No. 85 - City of Liverpool	5
Interim Development Order No. 86 - City of Liverpool	6



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 92 - City of Liverpool	5
Interim Development Order No. 93 - City of Liverpool	6
Liverpool Local Environmental Plan No. 88	15
Liverpool Local Environmental Plan No. 103	13
Liverpool Local Environmental Plan No. 108	14
Manly Planning Scheme Ordinance	43A, 71(1A)
Interim Development Order No. 5 - Municipality of Manly	9A
Marrickville Planning Scheme Ordinance	43A, 72(1A)
Interim Development Order No. 6 - Municipality of Marrickville	4
Mosman Local Environmental Plan No. 1	12
North Sydney Planning Scheme Ordinance	45A, 67(1A)
Interim Development Order No. 17 - Municipality of North Sydney	4
Interim Development Order No. 19 - Municipality of North Sydney	4
Interim Development Order No. 48 - Municipality of North Sydney	6
Interim Development Order No. 54 - Municipality of North Sydney	4
Interim Development Order No. 57 - Municipality of North Sydney	18A
Interim Development Order No. 59 - Municipality of North Sydney	4
Interim Development Order No. 60 - Municipality of North Sydney	38
Interim Development Order No. 62 - Municipality of North Sydney	6
Interim Development Order No. 63 - Municipality of North Sydney	4
Interim Development Order No. 65 - Municipality of North Sydney	4
Interim Development Order No. 66 - Municipality of North Sydney	9
Parramatta Planning Scheme Ordinance	51A, 84(1A)
Interim Development Order No. 1 - City of Parramatta	12A
Interim Development Order No. 4 - City of Parramatta	6
Interim Development Order No. 6 - City of Parramatta	4



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 7 - City of Parramatta	5
Interim Development Order No. 12 - City of Parramatta	6
Interim Development Order No. 13 - City of Parramatta	6
Interim Development Order No. 16 - City of Parramatta	4
Interim Development Order No. 18 - City of Parramatta	5
Interim Development Order No. 19 - City of Parramatta	10
Interim Development Order No. 20 - City of Parramatta	5
Penrith Planning Scheme Ordinance	45A, 68(2A)
Interim Development Order No. 2 - City of Penrith	10A
Interim Development Order No. 11 - City of Penrith	5
Interim Development Order No. 14 - City of Penrith	4
Interim Development Order No. 15 - City of Penrith	6
Interim Development Order No. 20 - City of Penrith	5
Interim Development Order No. 23 - City of Penrith	4
Interim Development Order No. 24 - City of Penrith	4
Interim Development Order No. 25 - City of Penrith	8
Interim Development Order No. 26 - City of Penrith	11A
Interim Development Order No. 27 - City of Penrith	16
Interim Development Order No. 28 - City of Penrith	14A
Interim Development Order No. 29 - City of Penrith	4
Interim Development Order No. 30 - City of Penrith	5
Interim Development Order No. 31 - City of Penrith	4
Interim Development Order No. 38 - City of Penrith	6
Interim Development Order No. 44 - City of Penrith	4
Interim Development Order No. 47 - City of Penrith	12A

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 53 - City of Penrith	8A
Interim Development Order No. 54 - City of Penrith	8
Interim Development Order No. 56 - City of Penrith	5
Interim Development Order No. 57 - City of Penrith	6
Interim Development Order No. 59 - City of Penrith	6
Interim Development Order No. 60 - City of Penrith	5
Interim Development Order No. 67 - City of Penrith	12
Interim Development Order No. 70 - City of Penrith	6
Interim Development Order No. 74 - City of Penrith	4
Interim Development Order No. 75 - City of Penrith	7A
Interim Development Order No. 76 - City of Penrith	6A
Interim Development Order No. 78 - City of Penrith	4A
Interim Development Order No. 81 - City of Penrith	7A
Interim Development Order No. 83 - City of Penrith	4A
Interim Development Order No. 86 - City of Penrith	5
Interim Development Order No. 93 - City of Penrith	6A
Interim Development Order No. 95 - City of Penrith	9
Randwick Planning Scheme Ordinance	56
Interim Development Order No. 15 - Municipality of Randwick	6
Interim Development Order No. 16 - Municipality of Randwick	5
Interim Development Order No. 22 - Municipality of Randwick	11
Rockdale Planning Scheme Ordinance	43A, 72(1A)
Interim Development Order No. 12 - Municipality of Rockdale	4
Interim Development Order No. 34 - Municipality of Rockdale	6
Interim Development Order No. 36 - Municipality of Rockdale	10



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 38 - Municipality of Rockdale	5
Interim Development Order No. 40 - Municipality of Rockdale	5
Interim Development Order No. 41 - Municipality of Rockdale	5
Interim Development Order No. 44 - Municipality of Rockdale	4
Ryde Planning Scheme Ordinance	46A, 79(1A)
Interim Development Order No. 24 - Municipality of Ryde	15
Interim Development Order No. 29 - Municipality of Ryde	6
Interim Development Order No. 2 - Municipality of South Sydney	6
Interim Development Order No. 10 - Municipality of South Sydney	10
Interim Development Order No. 11 - Municipality of South Sydney	7
Interim Development Order No. 12 - Municipality of South Sydney	4
Interim Development Order No. 19 - Municipality of South Sydney	4
Interim Development Order No. 24 - Municipality of South Sydney	5
Interim Development Order No. 25 - Municipality of South Sydney	15
Interim Development Order No. 26 - Municipality of South Sydney	9
Interim Development Order No. 27 - Municipality of South Sydney	5
Strathfield Planning Scheme Ordinance	41A, 68(1A)
Interim Development Order No. 11 - Municipality of Strathfield	5
Interim Development Order No. 15 - Municipality of Strathfield	4
Interim Development Order No. 16 - Municipality of Strathfield	4
Interim Development Order No. 21 - Municipality of Strathfield	8
Interim Development Order No. 22 - Municipality of Strathfield	6
Interim Development Order No. 25 - Municipality of Strathfield	4
Sutherland Planning Scheme Ordinance	47A
Interim Development Order No. 23 - Shire of Sutherland	17A



## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Sydney Regional Environmental Plan No.5 (Chatswood Town Centre)	19
City of Sydney Planning Scheme Ordinance Interim Development Order No. 2 - City of Sydney	50A, 69(1A) 5
Interim Development Order No. 22 - City of Sydney	11A
Interim Development Order No. 24 - City of Sydney	16
Interim Development Order No. 32 - City of Sydney	4
Interim Development Order No. 38 - City of Sydney	8A
Interim Development Order No. 40 - City of Sydney	10A
Interim Development Order No. 42 - City of Sydney	30A
Interim Development Order No. 44 - City of Sydney	4
Interim Development Order No. 47 - City of Sydney	4
Warringah Local Environmental Plan, 1985	16
Willoughby Planning Scheme Ordinance Interim Development Order No. 1 - Municipality of Willoughby	43A, 72(1A) 6
Interim Development Order No. 2 - Municipality of Willoughby	5
Interim Development Order No. 4 - Municipality of Willoughby	5
Interim Development Order No. 6 - Municipality of Willoughby	5
Interim Development Order No. 12 - Municipality of Willoughby	4
Interim Development Order No. 14 - Municipality of Willoughby	9
Interim Development Order No. 15 - Municipality of Willoughby	7
Interim Development Order No. 16 - Municipality of Willoughby	4
Interim Development Order No. 17 - Municipality of Willoughby	31A
Interim Development Order No. 18 - Municipality of Willoughby	6
Interim Development Order No. 23 - Municipality of Willoughby	4
Interim Development Order No. 27 - Municipality of Willoughby	9A

## Schedule 2

(Cl.4)

Column 1	Column 2
Instrument	Clause to be omitted
Interim Development Order No. 31 - Municipality of Willoughby	7
Willoughby Local Environmental Plan No. 16	17
Wollondilly Planning Scheme Ordinance	29A
Interim Development Order No. 1 - Shire of Wollondilly	5
Interim Development Order No. 2 - Shire of Wollondilly	4
Interim Development Order No. 5 - Shire of Wollondilly	4
Interim Development Order No. 7 - Shire of Wollondilly	35
Interim Development Order No. 8 - Shire of Wollondilly	5
Interim Development Order No. 10 - Shire of Wollondilly	7
Interim Development Order No. 15 - Shire of Wollondilly	6
Interim Development Order No. 16 - Shire of Wollondilly	12
Interim Development Order No. 17 - Shire of Wollondilly	6A, 8A
Woollahra Planning Scheme Ordinance	43A, 73(1A)
Interim Development Order No. 19 - Municipality of Woollahra	4
Interim Development Order No. 20 - Municipality of Woollahra	4
Interim Development Order No. 22 - Municipality of Woollahra	18
Interim Development Order No. 28 - Municipality of Woollahra	5
Interim Development Order No. 29 - Municipality of Woollahra	5
Interim Development Order No. 33 - Municipality of Woollahra	5
Interim Development Order No. 43 - Municipality of Woollahra	4
Woollahra Local Environmental Plan No. 24	20



DRAFT SYDNEY REGIONAL ENVIRONMENTAL  
PLAN - DUAL OCCUPANCY

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EXPLANATORY NOTES

BACKGROUND

In December 1980, dual occupancy provisions were introduced to most of the Sydney Region by the amendment of 26 planning scheme ordinances in Sydney Regional Environmental Plan No. 1. In December 1981, dual occupancy provisions were extended to include most of the remaining areas by Sydney Regional Environmental Plan No. 2, which amended certain interim development orders and planning scheme ordinances.

The draft Sydney Regional Environmental Plan - Dual Occupancy, repeals the existing dual occupancy provisions in the Sydney Regional Environmental Plans 1 and 2 and other environmental planning instruments and introduces more flexible controls.

The draft Plan applies to all the local Government areas in the Sydney Region and allows dual occupancy where dwelling houses are permissible with the exception of some environmentally sensitive zones. It relaxes the existing provisions by:

- (i) removing the requirement that the occupant of one of the dwellings be the owner;
- (ii) permitting subdivision of dual occupancies under the Strata Titles Act in urban areas;
- (iii) allowing dual occupancy to apply to new buildings as well as to conversions of existing ones; and
- (iv) allowing the second dwelling to be free standing in urban areas.

These changes are in response to requests from members of the public who find that the existing constraints on dual occupancy make it difficult for them convert their houses to dual occupancy.

The ability for the second dwelling to be free standing and the ability to build new dual occupancies enables a greater variety in design, which accommodates differing site characteristics and resident requirements.

The ability to subdivide under the Strata Titles Act will increase the range of housing options available.

The removal of the owner occupancy requirement increases the options available to the owner and increases the number of dwellings available for rental.



The new provisions will:

- provide increased opportunities for rental accommodation which is important as there is a severe shortage of rental properties;
- provide a way of achieving urban consolidation while maintaining the character of a detached housing area;
- encourage the fuller use of existing services and community facilities;
- provide more flexible provisions enabling people to carry out the type of dual occupancy that suits their needs.

### CONTENTS OF THE PLAN

Clause 1 gives the name of the Plan.

Clause 2 states the aims and objectives of the Plan.

Clause 3 applies the Plan to all 43 local Government areas within the Sydney Region. Subclause (2) provides that the Plan does not apply in certain environmentally sensitive zones and areas.

Clause 4 repeals the previous two Regional Plans (Sydney Regional Environmental Plan Nos. 1 and 2) which contained dual occupancy provisions for most of the Sydney Region.

Clause 5 amends environmental planning instruments by deleting the clauses relating to dual occupancy.

The purpose of clauses 4 and 5 is to ensure that all the dual occupancy provisions applicable in the Sydney Region are contained in one document.

Clause 6 provides that this Plan prevails over any other planning instrument which would prohibit or restrict this type of development whether or not that instrument exists now or is made in the future. Subclause (2) provides that dual occupancy buildings should not be regarded as residential flat buildings for the purposes of this Plan.

Clause 7 defines some of the terms used in the Plan.

Clause 8 explains the extent of the development permissible under the Plan. All dual occupancy proposals are subject to a development application and council's consent. Applications for dual occupancy may be made either where there is a single dwelling on an allotment or where there is a vacant allotment and development for the purposes of a dwelling house may be carried out on the allotment of land, either with or without development consent.

In the case of an existing dwelling in an urban area with an area of 400m<sup>2</sup> or more a person may with or without an extension convert the dwelling into two self-contained dwellings.

In the case of an existing dwelling in an urban area, on an allotment with an area of 600m<sup>2</sup> or more a person may with or without an extension convert the dwelling into two self-contained dwellings or erect another single free standing self-contained dwelling on the allotment.

In the case of a vacant allotment in an urban area, with an area of 400m<sup>2</sup> or more a person may erect a building containing two self-contained dwellings.

In the case of a vacant allotment in an urban area with an area of more than 600m<sup>2</sup> a person may erect a building containing two self-contained dwellings or erect two single free standing dwellings on the allotment.

In the case of an existing dwelling in an rural area on an allotment of 400m<sup>2</sup> or more a person may with or without an extension convert the dwelling into two self-contained dwellings.

In the case of a vacant allotment in a rural area with an area of 400m<sup>2</sup> or more a person may erect a building containing two self-contained dwellings.

In the Plan, the meaning of rural or non-urban is extended to include land identified in planning instruments by one of the following:

- (a) environment protection
- (b) environmental protection
- (c) rural environment protection
- (d) rural environmental protection
- (e) No.7 scenic protection, or
- (f) No.7 scenic protection areas.



In considering an application made under the Plan Council is required to consider those matters identified in section 90 of the Environmental Planning and Assessment Act, 1979. There are likely to be circumstances in which the Council may decide to refuse applications for dual occupancy where Council considers that development should not be intensified on the land for environmental reasons. While not exhaustive, the list below identifies a range of such circumstances.

- (i) Land reserved or zoned in a planning instrument for a public purpose, where Council has discretionary powers to permit the erection of a dwelling house, prior to the land being acquired for that public purpose.
- (ii) Land identified in a planning instrument within an environmental protection zone, e.g. Scenic Protection.
- (iii) Land identified for future urban development in a planning instrument or the Urban Development Program.
- (iv) Land zoned or otherwise identified as a Special Uses Corridor which is not necessarily subject to public acquisition but where structures should be kept to a minimum.
- (v) Land in rural residential areas, where the minimum area for the erection of a dwelling has been determined on the basis of a restricted water supply and/or the ability of the land to absorb sewerage effluent within the allotment.
- (vi) Land zoned or otherwise identified in a planning instrument as Residential or Village but where the water supply is restricted and/or a reticulated sewerage service is not available.
- (vii) Land identified by the Water Resources Commission or Public Works Department as being below the 1 in 100 years flood level.
- (viii) Land within the 25 ANEF contour as advised by the Department of Aviation.

Clause 9 sets out minimum site areas required for development under the Plan. In the case of a dual occupancy in a single building containing two dwellings, the minimum site area requirement is 400m<sup>2</sup>. In the case of dual occupancy development resulting in two free standing self-contained dwellings, the minimum site area requirement is 600m<sup>2</sup>.



Clause 10 Subclause (1) defines floor space ratio.

Subclause (2) provides that the floor space ratio for dual occupancy buildings should be 0.5:1 except in the Municipalities of North Sydney where the ratio is 0.8:1, and Marrickville and Randwick where the ratio is 0.6:1. These variations are the result of requests from the relevant councils.

Subclause (3) provides that where an existing building already has a floor space ratio higher than that specified by subclause (2), it may be converted to dual occupancy provided the floor space ratio is not increased.

Clause 11 prohibits the Council from approving subdivision of dual occupancy dwellings under the Strata Titles Act, in rural or non-urban zones. (Rural or non-urban includes those environmentally sensitive zones referred to in clause 7).

Strata subdivision of dual occupancy dwellings is allowed in all other zones where dual occupancy is permissible.

Clause 12 allows any person to occupy either of the dwellings created under the Plan.

Clause 13 suspends certain sections of the Local Government Act, 1919, and restrictive covenants to the extent that these prohibit dual occupancy.

#### GENERAL

State Environmental Planning Policy No.1, which allows councils to vary development standards where justified, applies to this Regional Environmental Plan.

Interested persons or groups are invited to make written submissions on this draft Regional Environmental Plan. These should quote reference 82/10324, and be sent by 3 October to the Secretary, Department of Environment and Planning, G.P.O. Box 3927, Sydney, 2001;