

## What is a dwelling entitlement?

Dwelling Entitlement allows an application to be made for the construction of a dwelling house on a parcel of land.

However, Dwelling Entitlement does not mean a dwelling house is able to be built on the land. Development Consent for the construction of a dwelling is subject to an assessment under Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

## Relevant criteria for determining dwelling entitlement

Dwelling Entitlement applies to land within the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and E3 Environmental Management Zones under the *Singleton Local Environmental Plan, 2013* (LEP).

In order to establish whether your property has a dwelling entitlement, the site must be able to meet the relevant criteria listed under clause 4.2A of the LEP:

(3) *Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:*

*(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*

The lot size map is part of the Singleton Local Environmental Plan and can be found on the NSW Legislation website.

*(b) is a lot created under this Plan (other than under clause 4.2 (3)), or*

Clause 4.2(3) relates to land subdivided for the purpose of primary production which are below the minimum lot size.

*(c) is a lot created on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or*

*(d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.*

Clause 4.2A of the Local Environmental Plan also outlines that consent cannot be granted for a dwelling on land where an application for a dwelling or dual occupancy has been previously refused or where the application was withdrawn.

Further, consent may be granted where a new dwelling is proposed to replace an existing lawfully approved dwelling.

**Note:** A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2 of the LEP.

### **Does Dwelling Entitlement give me approval to build?**

Dwelling Entitlement allows you to make an application; however, does not give you the approval to build.

### **Does my land have Dwelling Entitlement?**

To find out if your land has a Dwelling Entitlement, you can complete a 'Dwelling Entitlement Search' Form and pay the applicable fee.

Council aims to provide a written response confirming whether or not the land has Dwelling Entitlement within 21 days of receiving the request. However; there are some instances where it may take longer depending on the complexity of the search.

Approval to construct a dwelling a land is only guaranteed through the assessment and determination of an application.

For any further information contact Council's Duty Planner between 8.30am and 12pm, Monday to Friday on (02) 6578 7290.