5 Single Dwellings, Dual Occupancies, Villas and Townhouses

This section contains site and building controls for single dwelling-houses, attached and detached dual occupancies and multi dwelling housing (villas and townhouses). Definitions of these types of development are contained in Great Lakes Local Environmental Plan 2014.

Some of the land use zones where these types of development may be permitted include:

- RU2 Rural Landscape
- RU5 Village
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

5.1 Solar Access and Overshadowing

Objectives

- To ensure solar access to private outdoor areas and minimise the impacts of overshadowing.

Controls

(1) Buildings should be designed to allow at least two hours of sunshine upon the internal and outdoor living areas of adjacent dwellings and between 9.00 am and 3.00 pm on 21 June.

(2) Where the possibility of overshadowing may occur, shadow diagrams are to be submitted to illustrate the shadows cast by the proposed building at 9.00 am, 12.00 noon and 3.00 pm on 21 June.

5.2 Views and Privacy

Objectives

- To protect the amenity and privacy of indoor and outdoor living areas of new and existing residential development.

Controls

(1) In designing buildings the concept of ‘view sharing’ should be adopted by considering the impact of buildings on the views enjoyed by neighbours.

(2) Visual privacy for adjoining properties and within development projects can where necessary, be achieved by:

- (a) Using windows which are narrow, translucent or obscured to bathrooms and toilets;
- (b) Ensuring that windows do not face directly onto the windows, balconies or courtyards of adjoining dwellings; or
- (c) Screening windows, balconies and courtyards within 3m of a property boundary.
- (d) Privacy screens should not impact upon existing view sharing arrangements.

(3) Where windows or balconies of dwellings are within 9m of windows or balconies of other dwellings, some form of screening or reduction in window areas should be provided to ensure visual privacy.

5.3 Energy Efficiency

Objectives

- To provide thermal comfort and minimise the need for electrical lighting, heating and cooling and greenhouse gas emissions.

Controls

(1) Residential buildings are to comply with the SEPP (Building Sustainability Index BASIX) 2004.

(2) Council encourages the use of alternative energy sources.

NOTE: The Building Sustainability Index assesses the potential performance of buildings against a range of sustainability indexes including: energy, water and thermal comfort. The assessment can be undertaken on-line and the Building Sustainability Certificate demonstrating compliance with BASIX, must be lodged with applications for residential development.

5.4 General Building Design

Objectives

- To provide a high quality design of new residential development that responds to the environment in which it is located.
- Attached garages and carports are located and designed so that they do not dominate the streetscape or adversely affect the adjoining properties.

Controls

(1) Built form is to be articulated into a series of linked massing elements. Each massing element is to have an overall maximum wall length of 12m. Note: this control does not apply to a single storey dwelling, except when located on a corner block.

(2) Buildings are to contribute to an active street by having a window to a living area or bedroom fronting the primary street.

(3) Attached garages and carports must have a minimum 500mm setback from the front building line of the dwelling for which it is provided.

(4) Attached garages and carports and open car parking spaces must be setback at least 6m from the front property boundary.

(5) Door openings of attached garages should be:

  (a) Maximum total width of 6m; and

  (b) Maximum 50% of the width of the building.

(6) On corner lots the building design should provide an address to both streets.

(7) Building entries/front doors should be directly visible from the street and preferably part of dwelling frontage.

(8) To aid the environmental performance of buildings and for visual amenity of new buildings, eaves with a minimum width of 600mm to the north, east and west of the external perimeter or 70% of external walls should be considered.

(9) Building designs are to be stepped to follow the contours of the site rather than requiring extensive cut and fill to enable ‘slab on ground’ construction.

(10) Colour and materials are to be sympathetic to the existing character of the street and natural setting of the locality. Highly reflective materials should be avoided. On sloping sites in built up areas, reflective, white and other light coloured roof materials should be avoided to reduce glare impacts to adjoining properties.

5.5 Setbacks

5.5.1 Objectives

- To ensure residential buildings have sufficient separation to provide privacy, solar access, landscaping opportunities and amenity for occupants.
- A residential building must be setback from its primary road frontage a sufficient distance to ensure safe vehicular access and egress from the site.

Seal Rocks - Additional Site Specific Controls

(1) In Seal Rocks, buildings are to be constructed predominately of light weight materials such as weatherboards and/or timber and fibre cement for external cladding. The use of materials such as concrete and masonry are to be minimised.

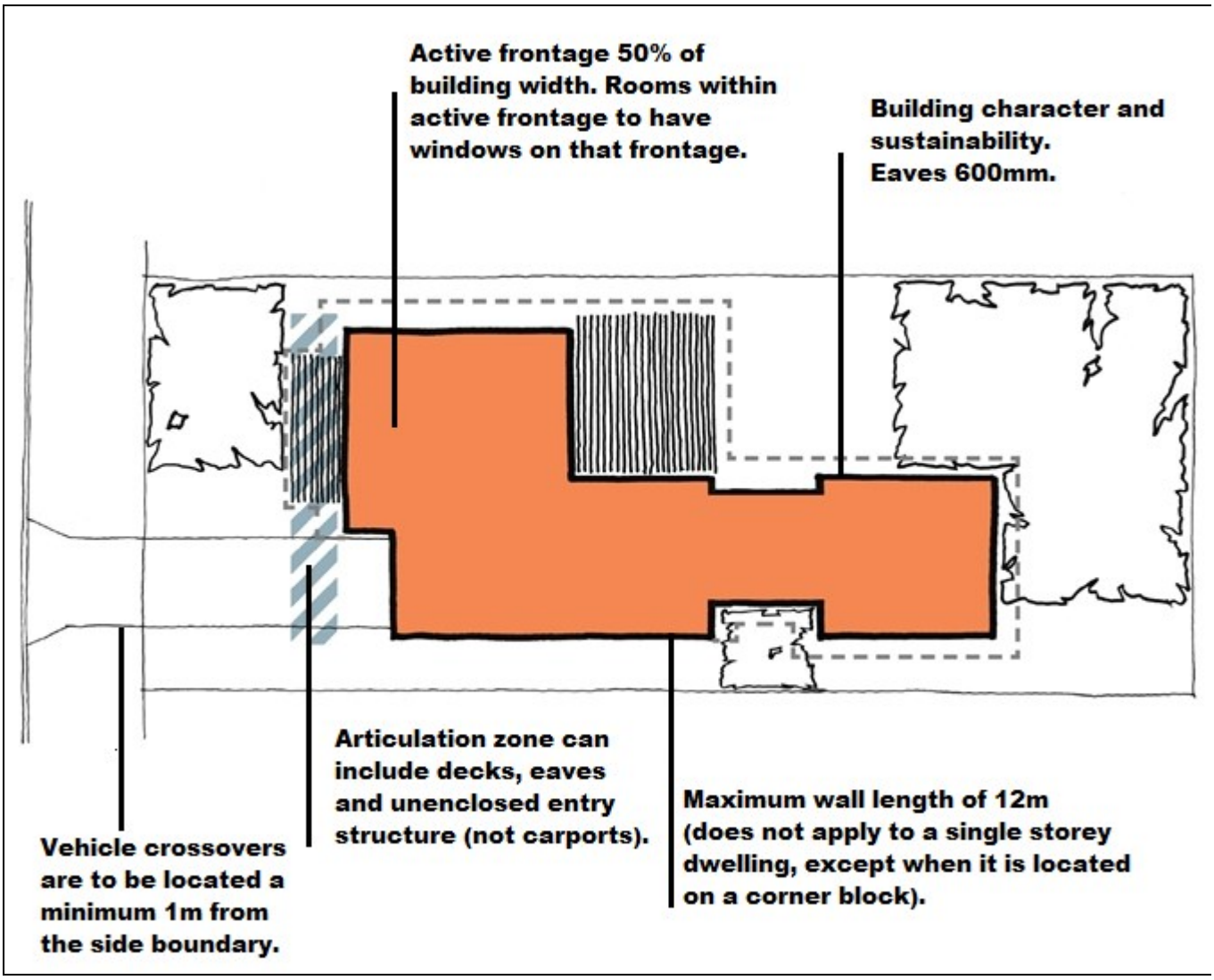
Large Lot Residential - Additional Zone Specific Objectives

- To ensure that the siting of buildings has minimal impact on the natural amenity, views and vistas of the site and locality.

Rural and Environmental Land - Additional Zone Specific Objectives

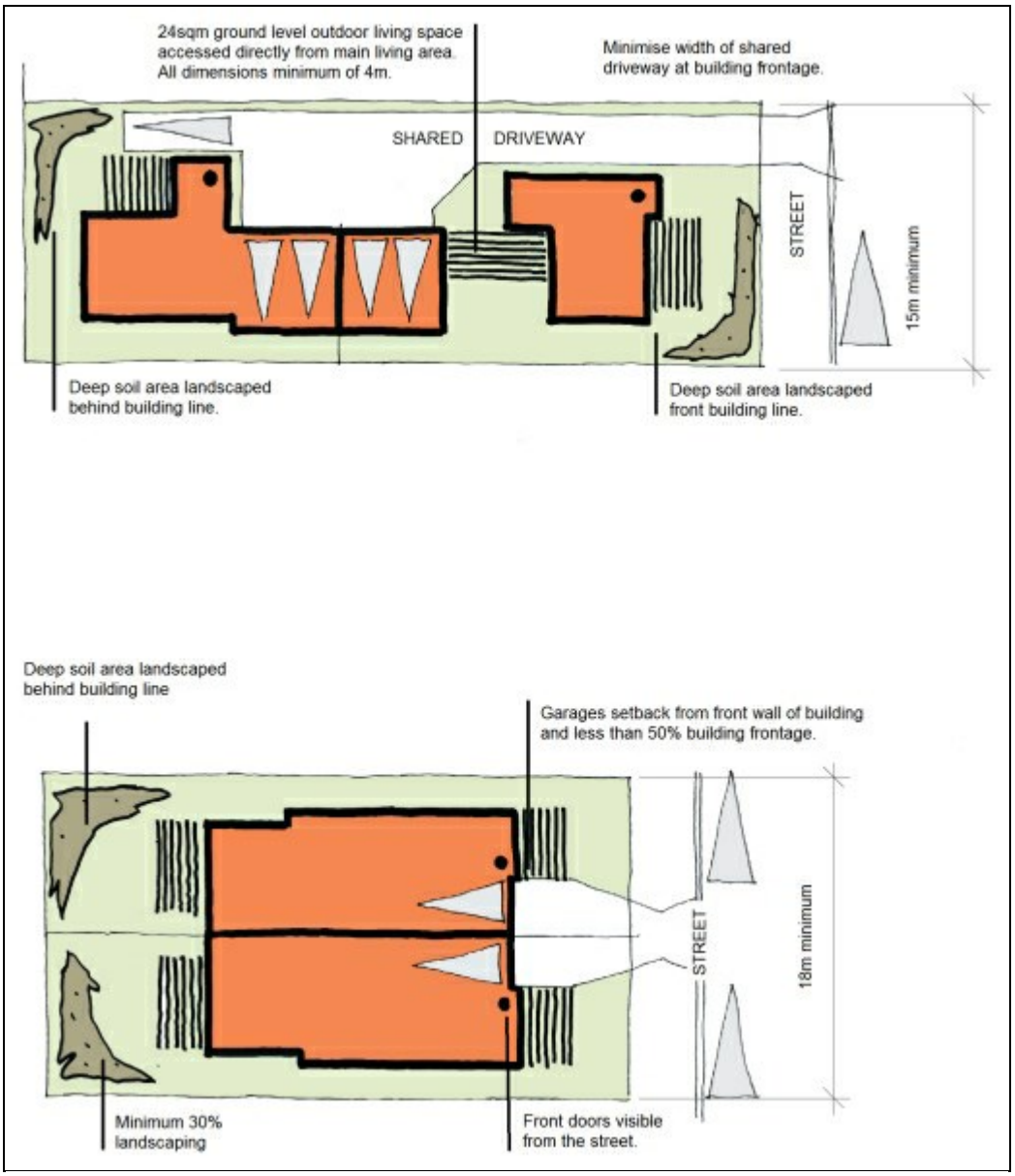
- To ensure that the siting of buildings has minimal impact on the natural amenity, views and vistas of the site and locality;
- To provide sufficient separation distances between dwelling-houses, secondary dwellings and rural land uses, ir order to minimise any potential adverse land use conflicts and / or additional pressures on adjoining agricultural activities;
- To preserve and maintain satisfactory native vegetation buffer screen planting along property boundaries;

Single Dwelling Lot Layout Example

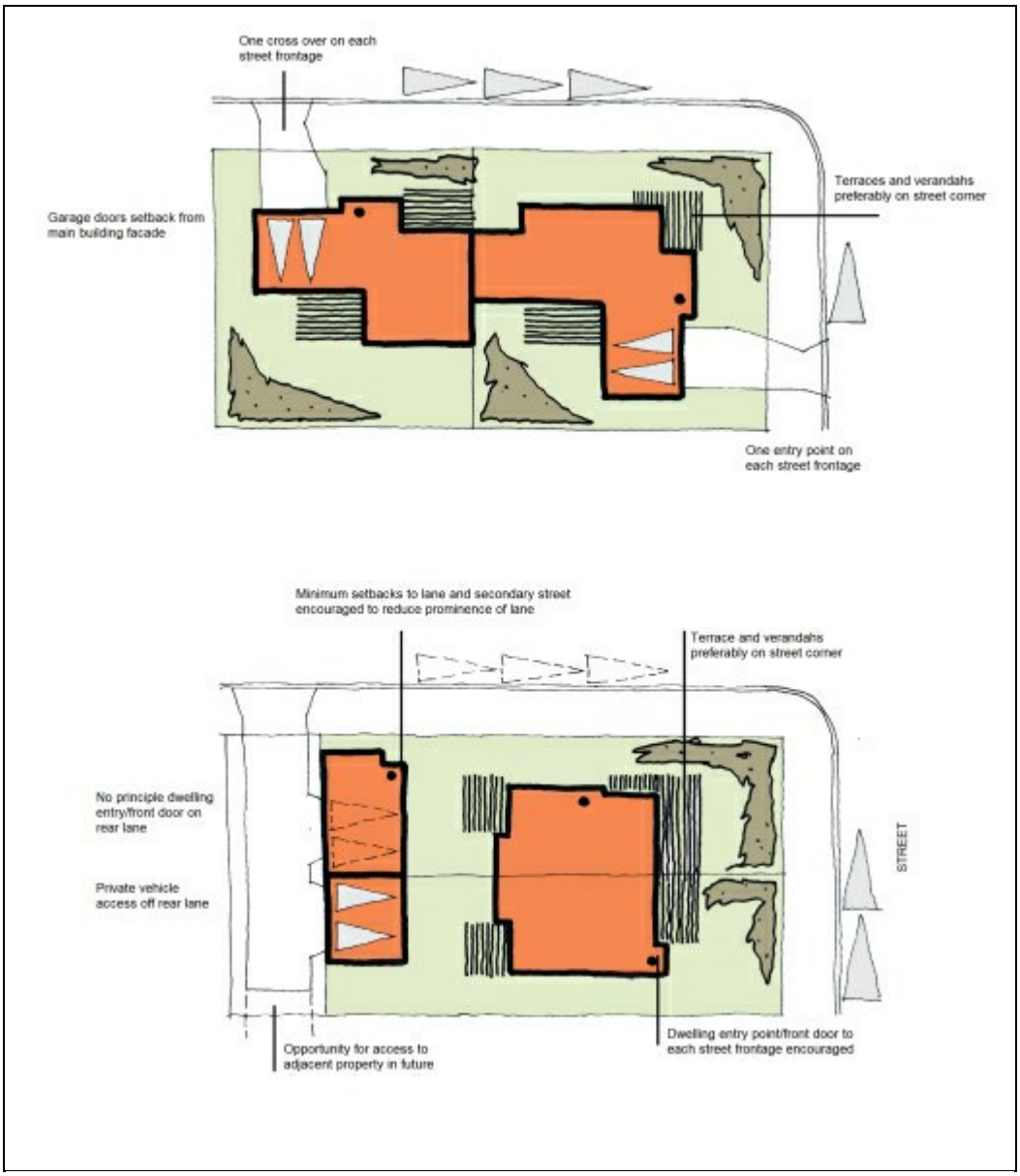


Single dwelling lot layout example (click here to view original image)

Dual Occupancy Lot Layout Example



Dual occupancy lot layout example (click here to view original image)



Dual occupancy lot layout example (click here to view original image)

5.5.2 Residential and Village Zones

5.5.2.1 Primary Road Setback Controls

(1) Where there are existing neighbouring houses within 40m, the primary road setback should be an average of the setbacks of the nearest two neighbouring houses, with the same primary road frontage.

(2) Garages, carports and open car parking spaces must be setback at least 6m from the primary road frontage.

(3) A reduced primary road setback may be considered when the side and rear boundaries of an allotment are located within (in whole or part) the coastal planning area. It must be demonstrated that the reduced setback does not detrimentally impact upon the amenity of adjoining properties, streetscape or vehicular access and egress from the site.

Additional Front Setback Controls Excluding Site Specific Controls

(1) Where there are no neighbouring houses the minimum setback from the primary road frontage will vary:

(a) 4.5m minimum setbacks on allotments less than 900m^2; and

(b) 6m minimum setbacks on allotments greater than 900m2.

Seal Rocks - Additional Site Specific Setback Controls

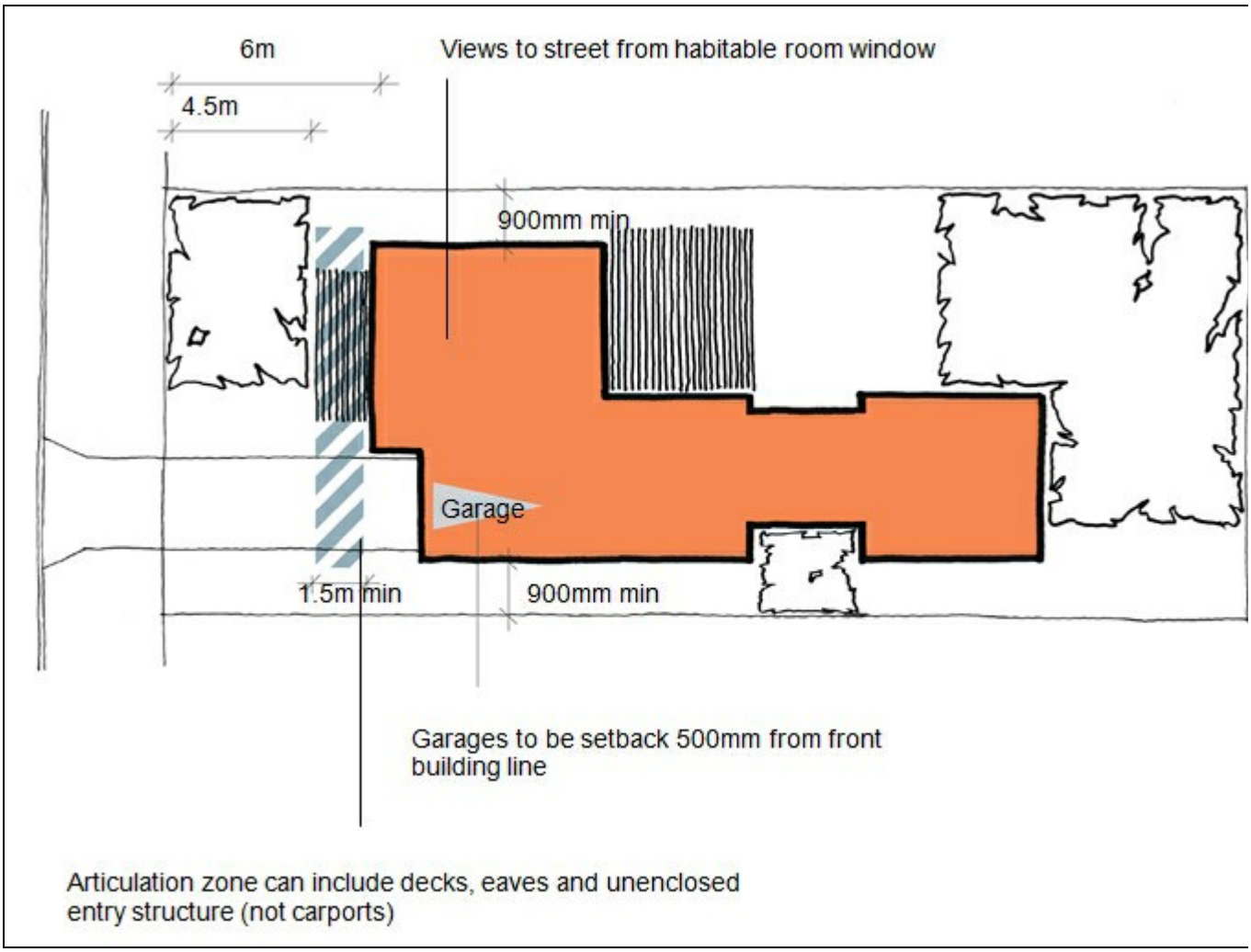
(1) In Seal Rocks, a front building line setback of 6m applies to all sites

5.5.2.2 Articulation Zone Setback Controls

(1) An 'articulation zone' may be incorporated within the front setback. This zone is a notional area projecting 1.5m forward of the front building line (setback) within which additional building elements such as entry features and porticos, balconies, decks, verandahs, and bay windows may be built.

(2) Inclusion of an articulation zone must give consideration to view sharing, privacy and amenity impacts to adjoining dwellings.

(3) Up to 50%of the articulation zone, when viewed from above, may include building elements. An awning or other feature over a window and a sun shading feature is not included in the maximum area of the articulation zone.



Dwelling setbacks (click here to view original image)

5.5.2.3 Secondary Setback Controls

(1) A residential building must be setback from its secondary street frontage:

(a) Where there are existing neighbouring buildings within 40m, an average of the secondary street setbacks of the nearest two neighbouring buildings, with the same secondary street frontage.

(b) Where there are no neighbouring buildings the minimum secondary street setback must be at least 3m.

5.5.2.4 Corner Setback Controls

(1) A 3m setback is usually applied to the longest street frontage on a corner block to ensure optimum use of the site for the residence and private outdoor areas.

5.5.2.5 Side and Rear Setback Controls

General Side and Rear Setback Controls

(1) A residential building must be setback from its side boundaries:

(a) A minimum of 900mm for a building with a maximum wall height of 3.8m.

(b) Where the wall height is greater than 3.8m the minimum setback shall be: 900mm + (building height over 3.8m/4)
For example for a building with a wall height of 6.2m:
900mm + (6.2m-3.8m/4)
900mm + (2.4m/4)
900mm + 600mm = 1.5m

(2) A residential building must be setback from its rear boundary:

(a) A minimum of 3m for a building with a maximum wall height of 3.8m.

(b) Where the wall height is greater than 3.8m the minimum setback shall be: 3m + (building height over 3.8m/4)
For example for a building with a wall height of 6.2m:
3m + (6.2m-3.8m/4)
3m + (2.4m/4)
3m + 600mm = 3.6m

(3) Windows, balconies, terraces and decks closer than 3m from a side or rear boundary may require privacy screening, to reduce the impact on the privacy of adjoining buildings.

(4) A two storey residential building could have its ground floor 900mm from the side boundary with the second storey set back further as required by the formula.

(5) Reduced side and rear setbacks may be considered when the primary road frontage of an allotment is located within the coastal planning area. It must be demonstrated that the reduced setbacks do not detrimentally impact upon the amenity, privacy and solar access to private outdoor areas of adjoining properties.

Pacific Palms and Seal Rocks - Additional Setback Controls

1. In Pacific Palms and Seal Rocks a 6m rear boundary setback generally applies to any part of a residential building or ancillary structure on a site:

a) with a slope in excess of 1:6; or

b) adjoining a National Park or land zoned for environmental conservation.

5.5.2.6 Reserves Setback Controls

(1) Generally a minimum setback of 3m applies to any part of a residential building or ancillary structure adjoining a reserve.

Tuncurry Setback Controls

1. Any part of a residential building or ancillary structure adjoining a reserve in Tuncurry, excepting to drainage

reserve land identified as Lot 71 DP 253770 and Lot 106 DP 255703, has a minimum setback of 6m.

Coomba Park, Green Point and Smiths Lake Setback Controls

(1) Any part of a residential building or ancillary structure adjoining a reserve in Coomba Park, Green Point or Smiths Lake has a minimum setback of 4.5m.

5.5.3 Large Lot Residential Zone

Setback controls

Development within large lot residential areas requires significant consideration of environmental and topographical constraints in comparison to the neighbourhood impact considerations of development within towns and villages as a result:

(1) A building must be setback a minimum of 18m from the primary road frontage.

(2) A building must be setback a minimum of 5m from all side and rear property boundaries.

(3) All structures must be located behind the main dwelling. A minimum setback of 50m shall apply to all structures where there is no dwelling.

(4) Larger setbacks may be required to meet the guidelines for bushfire protection in fire prone areas.

5.5.4 Rural and Environmental Zones

Setback controls

(1) A minimum 18m setback applies to the primary road frontage.

(2) A minimum 10m setback applies to all side and rear property boundaries.

(3) All structures must be located behind the main dwelling. A minimum setback of 50m shall apply to all structures where there is no dwelling.

(4) Larger setbacks may be required to meet the guidelines for bushfire protection in fire prone areas.

(5) Any variation to the front, side or rear building line setback requirements will only be considered where:

(a) It can be demonstrated that the proposal will maintain or improve the amenity and privacy levels for adjoining properties;

(b) The building has been sited to address all site constraints; and

(c) The proposal maintains the rural character and scenic environmental quality of the locality.

5.5.5 Waterways

Setback controls

(1) A setback of 40m is generally recommended to any permanent or intermittent waterway. To determine if the waterway on or near your property is classified as permanent or intermittent in nature, you must refer to the topographical maps held at Council.

5.6 Building Heights

Objectives

- To provide additional guidance in applying the maximum height of buildings as shown in the Great Lakes LEP Height of Buildings Maps.
- To maintain a low scale building form which responds to the topography of the site to avoid buildings dominating the streetscape or landscape setting.

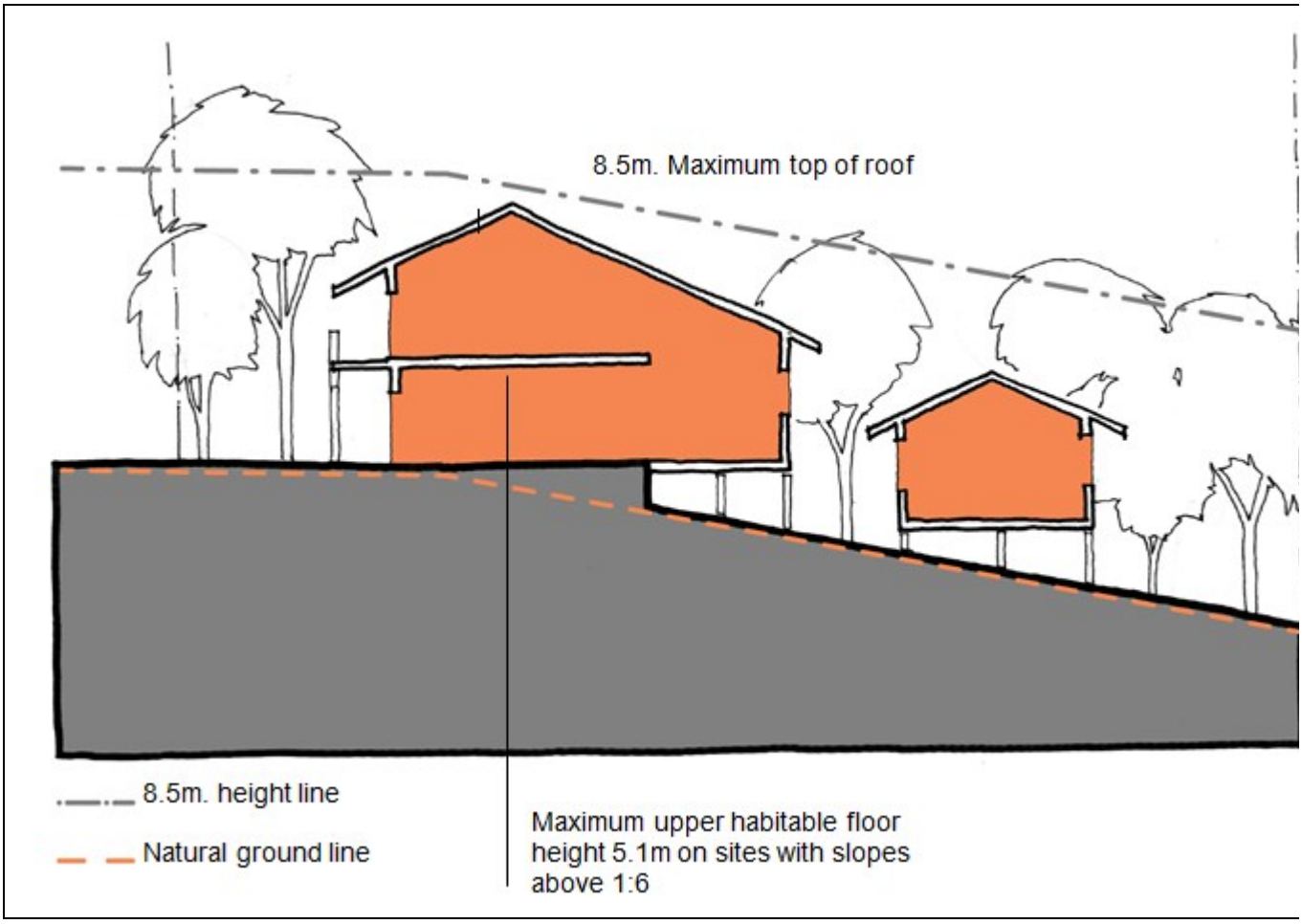
Height controls

(1) The maximum height permitted may not be achievable in all instances due to site limitations.

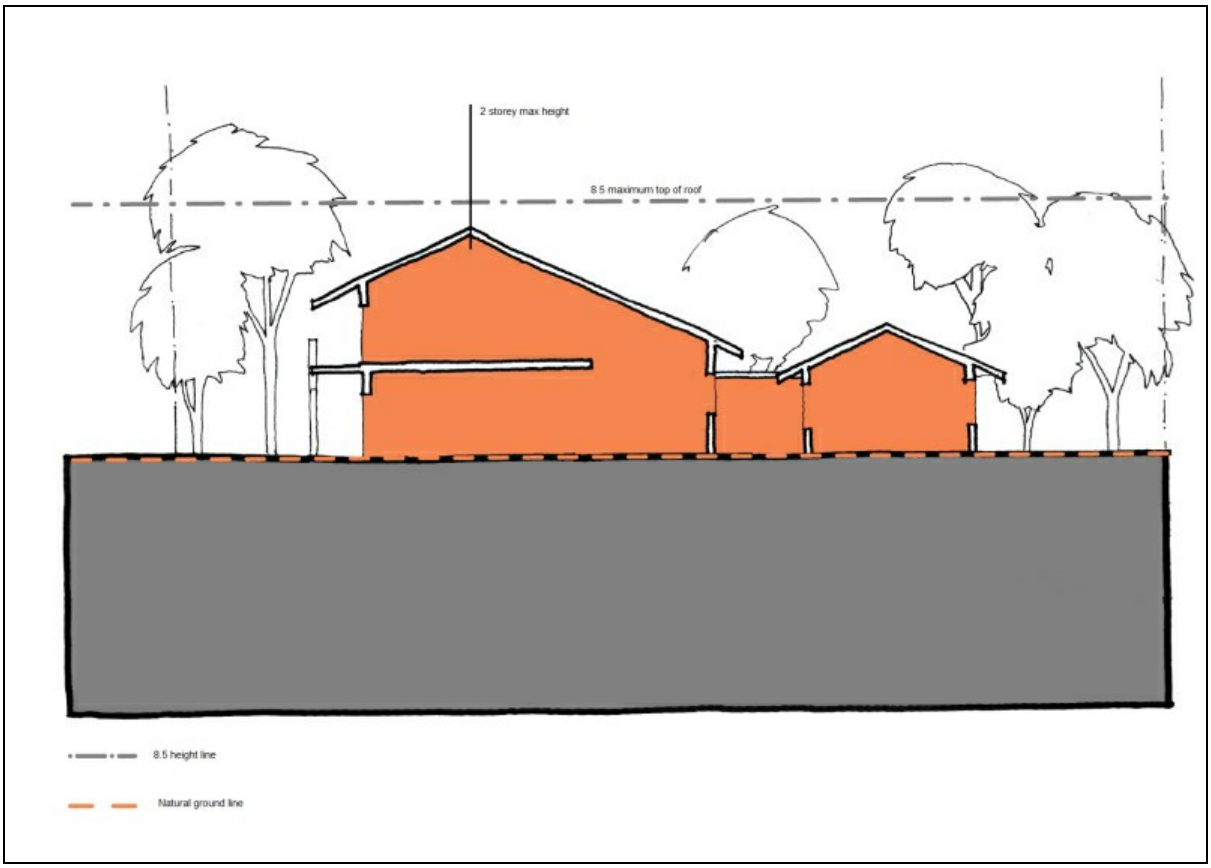
(2) The floor level of the upper most habitable floor, including decks or verandahs, is to be no more than 5.1m above ground level on sites with slopes greater than 1:6.

(3) The exposed sub-floor of any building should be minimised wherever possible.

(4) Where a development may impinge upon significant views, solar access, privacy or a streetscape, Council may require height profiles to be erected prior to notification or exhibition.



Low density building height profile (click here to view original image)



Low density building height profile (click to view original image)

5.6.1 Outbuildings

5.6.1.1 Residential and Village Zones

Height controls

(1) The maximum building height of an outbuilding must not exceed 4.8m above existing ground level.

5.6.1.2 Large Lot Residential

Height controls

(1) The maximum building height of an outbuilding must not exceed 7m above existing ground level.

5.7 Cut and Fill

Objectives

- To maintain the open character derived from the spaces and landscaping between buildings and the street.

Controls

(1) Visually exposed retaining walls and terraces shall not exceed 0.6m in height on the street frontage and 1.2m in all other areas.

(2) Cut and fill involving benched areas for landscaping shall be restricted to a maximum 25m^2 per dwelling.

Seal Rocks - Additional Site Specific Controls

(1) The maximum allowable depth of excavation on site is 1.2m and must not extend more than 1.2m beyond the

external wall of the building if retaining walls are being used.

(2) The maximum allowable fill is 1.2m and must be contained wholly within the external walls of the building.

(3) The maximum cut and fill cannot occur in the same vertical plane.

5.8 Private Outdoor Areas

Objectives

- To provide residents with functional and accessible private outdoor areas.

Controls

(1) A ground level outdoor living space is to be provided for each dwelling with direct access from the ground floor main living areas which has a minimum area of 24m^2 and minimum length and width of 4m.

(2) Where the main living areas are not provided at ground level, a balcony or deck of a minimum area of 16m^2 and a minimum dimension of 2m, shall be provided with direct access from the main living areas.

(3) Private outdoor living areas are not to be located within the front building line setback to either the primary or secondary street frontages.

5.9 Fencing and Walls

Objectives

- To provide residents with functional and accessible private outdoor areas whilst maintaining the open character derived from the spaces and landscaping between buildings and the street.

Controls

(1) Fences within the front setback area from a primary road are to be a maximum 1.2m high and a minimum 50% open construction for the upper two thirds of the fence.

(2) Fences behind the building line (front setback) are to be a maximum of 1.8m high.

(3) Where fences are located on top of retaining walls the maximum height of the combined structure shall not exceed 1.2m within the building setback to any street, and 2.1m elsewhere on the site.

(4) Any fences to public reserves including drainage reserves, shall be limited to a maximum height of 1.2m and a minimum of 50% open construction.

(5) Fences are to be constructed so they do not prevent the natural flow of stormwater drainage/runoff.

(6) Fences on corner lots with two road frontages should be constructed with an open form (e.g. pool type fencing) within 3m of a corner to assist with sight distance requirements for drivers.

Tea Gardens, Hawks Nest and Seal Rocks - Additional Site Specific Controls

(1) In Hawks Nest and Seal Rocks, fencing is not encouraged.

(2) Where fencing is needed for privacy or security reasons a gap of 0.3m x 10.0m between the existing ground and the bottom of the fence (except for swimming pool fences) is to be provided for every 10m of fencing, to allow for fauna movement. The fencing should be designed and located so that it does not result in the loss of or damage to trees.

(3) To permit fauna movement through properties, capped hardwood timber fences are preferred.

(4) In Hawks Nest and Seal Rocks, Koala climbing poles should be installed adjacent to the fence at 10m intervals.

5.10 Detached Garages, Carports, Sheds and other Outbuildings

Objectives

- Detached garages, carports and other outbuildings are located and designed so that they do not dominate the streetscape or adversely affect the adjoining properties.

Controls

Maximum Floor Area Controls:

1. Maximum floor area for detached garages, carports, sheds and other outbuildings:
   a) 36m^2 for lots with an area of up to 300m^2,
   b) 45m^2 for lots with an area over 300m^2 but not more than 600m^2,
   c) 60m^2 for lots with an area over 600m^2 but not more than 900m^2,
   d) 100m^2 for lots with an area greater than 900m^2.

Front Setback Controls

1. Detached garages, carports, sheds and other outbuildings must be setback at least 6m from the front property boundary.
2. Detached garages, carports, sheds and other outbuildings must have a minimum 500mm setback from the front building line of the dwelling for which it is provided.

Secondary Setback Controls

1. Detached garages, carports, sheds and other outbuildings must be setback from its secondary street frontage:
   a) Where there are existing neighbouring buildings within 40m, an average of the secondary street setbacks of the nearest two neighbouring buildings, with the same secondary street frontage.
   b) Where there are no neighbouring buildings the minimum secondary street setback must be at least 3m.

Side and Rear Setback Controls

1. The minimum side and rear setbacks for detached garages, carports, sheds and other outbuildings vary with building height, so a lower building can be closer to the side boundary than a taller one. On sloping sites the side and rear setbacks are calculated for the maximum wall height at the side of the building.
2. The minimum side and rear setback increases on a sliding scale once a wall height of 2.7m wall is exceeded.
3. Detached garages, carports, sheds, other outbuildings located in a residential area (land zoned R2, R3, R4 and RU5 or equivalent) must be setback from a side or rear boundary:
   a) A minimum of 0.9m to an external wall, for a building with a maximum wall height of 2.7m.
   b) Where the wall height is greater than 2.7m, the minimum side setback shall be 0.9m + (wall height over 2.7m / 2)

   For example, for a building with a wall height of 3.3m;
   = 0.9m + (3.3m - 2.7m)
   = 0.9m + (0.6m / 2)
   = 0.9m + 0.3m = 1.2m

5.11 Development on Lots Under the Minimum Lot Size

Objectives

- To maintain the amenity and character of low density residential development.

Controls

(1) Where a dwelling is proposed on an existing lot less than 450m² and/or has a frontage less than 12.6m wide, the applicant should discuss the proposal with Council officers. Consultation is recommended prior to preparing an application in order to discuss how the site constraints may affect development design and to ensure compliance with the objectives of the development control plan.

(2) Applications for the development of existing lots will be assessed on merit and take into consideration the objectives and controls for residential development.

(3) Applications for the development of two or more dwellings and creating allotments of less than 450m² and/or with frontages less than 12.6m wide, will only be considered where the proposal takes the form of an integrated housing development.

(4) An integrated housing development application must include full construction information for each dwelling and details of the proposed or future subdivision.

(5) Specific matters to be taken into account with applications for integrated housing include:

(a) Visual and acoustic privacy;

(b) Access and vehicle circulation;

(c) Solar access and overshadowing; and

(d) Access to services and facilities by the occupants.

5.12 Dual Occupancies Within Large Lot Residential and Environmental Zones

'Attached' dual occupancies are the only form of dual occupancy permitted in the E3 Environmental Management, E4 Environmental Living and R5 Large Lot Residential zones. This control applies to alterations and additions to an existing lawful dwelling-house; or the erection of two attached lawful dwellings.

Objectives

- To ensure that dual occupancy development does not dominate the natural environment, views or vistas.

Controls

(1) The two dwellings in an attached dual occupancy are to be connected by a common wall, garage or carport. Separation of the dwellings by covered walkways, passageways, voids or the like is not permitted.

5.13 Dual Occupancies within the Rural Zone

5.13.1 Attached Dual Occupancies

This control applies to alterations and additions to an existing lawful dwelling-house to create an attached dual occupancy; or the erection of two attached lawful dwellings.

Objectives

- To ensure that dual occupancy development does not dominate the natural environment, views or vistas.

Controls

(1) The two dwellings in an attached dual occupancy are to be connected by a common wall, garage or carport. Separation of the dwellings by covered walkways, passageways, voids or the like is not permitted.

5.13.2 Detached Dual Occupancies and Detached Secondary Dwellings

This control applies to the erection of two detached lawful dwellings as either a dual occupancy or a secondary dwelling.

Objectives

- To ensure that detached dual occupancies and detached secondary dwellings in rural and large lot residential areas are located to avoid potential for conflicts with agricultural activities on adjoining land, to avoid adversely affecting the sustainability of the land for agriculture, and to ensure compatibility with the rural character and landscape of the locality.

Controls

(1) The detached dual occupancy or detached secondary dwelling must be located so that it does not create potential for conflict with adjoining land uses.

(2) The detached dual occupancy or detached secondary dwelling must be located and retained on the same legal title as the principal dwelling-house on the property, and may not be excised by subdivision.

(3) A Development Application must be accompanied by information that demonstrates;

(a) The existing use of all parts of the site, including existing and proposed infrastructure (buildings, sheds, services, on-site wastewater disposal, etc);

(b) potential conflicts, including the distance from the proposed detached dual occupancy or detached secondary dwelling to dwellings on adjoining land and potentially conflicting land uses on adjoining land (eg intensive horticulture, pesticide use, intensive livestock activities, rural industry and the like);

(c) access and site details, including a plan showing the location of the principal dwelling and the proposed detached dual occupancy or detached secondary dwelling; and proposed access arrangements from the public road to the principal dwelling and the proposed detached dual occupancy or detached secondary dwelling.