## Division D – Dwelling houses & secondary dwellings

#### **Advice**

#### Interpretation & the LEP

- For the meaning of words and terms refer to clause 4 of Division A Introduction, for more information.
- Dwelling houses and secondary dwellings are permitted with consent by the LEP in R1 General Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones. Refer Division C for R2 Low Density Residential and R5 Large Lot Residential zones.
- Cl. 23 of the Affordable Rental Housing SEPP permits secondary dwellings as complying development, provided the development standards in Schedule 1 of this SEPP are complied with.
- The floor area of a secondary dwelling is limited by cl.5.4(9) of the LEP, to the greater of 60m<sup>2</sup> or 25% of the floor area of the principal dwelling.
- A secondary dwelling must be on the same lot as the principal dwelling, meaning their subdivision is prohibited.
- For the provision of public utilities and infrastructure to development, cl.7.6 of the LEP applies.
- Ancillary development, including sheds, garages and other outbuildings, require development consent, when they do not satisfy requirements to be exempt or complying development under the Codes SEPP.
- Most fencing within Residential zones does not require Council's approval, being classified as exempt development. Development standards for exempt development are contained in the Codes SEPP.
- Diagrams and illustrations are located in the Schedule at the end of this part, to assist interpretation of guidelines in the Development Guidelines Tables.

### **Utility installations**

- When preparing a development application, applicants should contact:
  - Council regarding stormwater drainage, water and sewer services, and
  - Providers of gas, electricity and telecommunications services,
  - to determine service availability, approval requirements or restrictions for servicing (if any).
- When necessary, development is to be designed to accommodate any on-site infrastructure in accordance with standards and approvals of relevant agencies.
- Development applications are to include details of all existing and proposed services.
- Location of any proposed water or sewer mains are to be supplied with the development application.
- Servicing through areas with significant vegetation is to be avoided when practical.
- On bush fire prone land, proposed development is to provide for access and a water supply for fire-fighting in accordance with the NSW Rural Fire Service guidelines.

#### Tree & vegetation management

 Trees and vegetation should be retained where possible. Refer to Part 5 of this DCP for further information.

#### **Consultation & collaboration**

 When preparing a development application, applicants are encouraged to discuss proposed development with Council's planning/assessment officers.

### 1. Objectives

Objectives for development to which Division D applies are to be considered by Council when a development application is determined. The objectives are, to:

- a. Ensure dwelling houses, secondary dwellings and ancillary development respond to the environmental conditions of the site and the locality.
- b. Enable dwelling houses, secondary dwellings and ancillary development to be compatible with the streetscape and to contribute positively to the character of the locality in which development is proposed.
- Create reasonable amenity for occupants of dwelling houses and secondary dwellings without causing unreasonable impact to neighbours' amenity.

### 2. Dwelling houses & secondary dwellings

- a. This clause applies to the erection of new dwelling houses, secondary dwellings and adaptation of and alterations and additions to existing buildings to create a dwelling house or secondary dwelling.
- b. Satisfaction of performance criteria is to be demonstrated to justify departures from numerical guidelines and non-numerical guidelines as set out in the Development Guidelines Table to this clause.
- c. Where there is no guideline for a design element, information is to be provided with a development application to demonstrate that relevant performance criteria are satisfied.

#### **Development Guidelines Table**

Division D cl. 2 Dwelling houses & secondary dwellings				
Design elements	Guidelines		Performance criteria	
a. Site Planning.				
i. Min. landscaped area. Refer to Figure 13 in the Schedule.	Lot Area	Min. Landscaped area as % of lot area	Adequate landscaped area is provided, to ensure:  • Space for growing plants,	
	300m <sup>2</sup> – 450m <sup>2</sup>	15%	including trees,	
	> 450m <sup>2</sup> – 600m <sup>2</sup>	20%	<ul> <li>Absorption of rainwater into the ground,</li> </ul>	
	> 600m <sup>2</sup> – 900m <sup>2</sup>	30%	Reasonable amenity for	
	> 900m <sup>2</sup> – 1,500m <sup>2</sup>	40%	residents,  Lots are not over-	
	> 1,500m <sup>2</sup>	45%	developed with buildings, structures and paving, and	
Min. width of landscaped areas (to count as part of min. landscaped area).	1m		Paving and buildings do not dominate the streetscape.	
Min. proportion of the primary street setback to be landscaped area.	25%, on a lot up to 18r 50%, on a lot greater th			

Div	Division D cl. 2 Dwelling houses & secondary dwellings			
Des	ign elements	Guidelines	Performance criteria	
ii.	Development on a battle-axe lot.		Provides reasonable amenity for occupants and neighbours.     Is compatible with the public domain and the character of the locality.     Addresses public open space or another type of public reserve, or land in an environmental protection zone, when the lot adjoins or when development on the lot would have an outlook to that reserve or land in an environmental protection zone.	
iii.	Max. basement area.	Within applicable building setbacks.	Basements do not impact the ability to maintain or plant vegetation on the lot.	
b.	Building height.			
i.	Max. no. storeys for a dwelling house.	2.	Building height and the number of storeys is compatible with the streetscape and the character of the locality.	
ii.	Max. no. storeys for a secondary dwelling, when not in the same building as the principal dwelling.	1.	Development reasonably maintains acceptable relationships with adjoining development in terms of bulk and scale, and residentamenity.	
iii.	Max. no. of storeys in the rear 40% of a lot, measured as a percentage of the average length of the two side boundaries.	1. This guideline does not apply in the R3 and B4 zones (except when the rear of the lot adjoins land in the R1 or R2 zones), or when the lot adjoins a rear lane, or is a corner lot, or is in a heritage conservation area.	Development in the rear of a lot maintains resident amenity and is compatible with local character.	
	Earthworks, retaining walls & other related structures. er to Figures 14 & 15 in the edule.	Development is to be stepped to align as closely as possible with the slope of the lot.  Earthworks and related structures are not to result in finished ground levels that differ by more than 600mm from existing ground levels at any boundary with adjoining land.	Adverse impacts of earthworks and related structures on adjoining land, resident-amenity, streetscape and the character of the locality are avoided, or acceptably minimised or mitigated.	

Division D cl. 2 Dwelling	houses & secondary dwellings	
Design elements	Guidelines	Performance criteria
	Earthworks that result in finished ground levels that differ by more than 600mm from existing ground levels are only to be carried out:	
	<ul> <li>Within the dwelling house's footprint, to provide for habitable or non-habitable rooms or spaces.</li> <li>To provide access to the dwelling house or those habitable or non-habitable rooms or spaces mentioned above.</li> </ul>	
	If the lot was benched when the land was subdivided, earthworks and related structures are not to further increase or decrease finished ground levels at any boundary with adjoining land.	
	All earthworks and associated structures are to be properly drained and not direct surface water onto adjoining land.	
	Structures related to earthworks that differ by more than 600mm from existing ground levels, including any retaining, drainage works or other works, are to be designed by a suitably qualified and experienced engineer.	Earthworks and related structures and infrastructure are properly designed.
	Appropriate construction techniques, including minimising where possible, are to be implemented to assist in erosion and sediment control during and post construction.	Construction of earthworks and related structures does not adversely impact stormwater flows and the environment.
	An erosion and sediment control plan is to be submitted with a development application, except when development does not involve soil disturbance or when soil disturbance is insignificant.	
v. Max. floor height of balconies decks, patios and the like.	0.5m within 2m setback. 2m with 2m - 3m setback. 3m with 3m – 6m setback.	Maintains acceptable built form and amenity relationships with neighbouring development.
c. Setbacks.		
i. Min. primary street setback for a dwelling house.	Average setback of the two buildings closest to the lot, in the same street and on the same side of the street.	Setbacks are compatible with the setback of neighbouring buildings.
Refer to Figure 16 in the Schedule.	4m when averaging as set out above is impractical.	

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Des	ign elements	Guidelines	Performance criteria
ii.	Min. primary street setback for a secondary dwelling.	Behind the principal dwelling, when the secondary dwelling is in a building separate from the principal dwelling.	Setbacks contribute to a consistent streetscape and character in the locality.
		Alterations and additions to the principal dwelling to create a secondary dwelling, are to have the same, or be behind the, primary street setback of the principal dwelling.	
iii.	Min. secondary street setback on a corner lot.	50% of the primary road setback.	Maintains compatibility with neighbouring development and the streetscape.
			Utility of the site is not unreasonably diminished.
iv.	Min. setback for a garage when facing any	0.5m behind the primary street setback of the dwelling house.	Garage doors and openings do not dominate the streetscape.
	road, except a lane.		Adequate area available for ingress and egress of private vehicles.
V.	Min. side setback.	900mm, when building height closest to the boundary does not exceed 4.5m.	Adequate building separation is provided at side boundaries, for amenity, boundary fencing,
		1.5m, when building height closest to the boundary exceeds 4.5m.	access, safety, and maintenance.
vi.	Min. rear setback.	2m, when building height closest to the boundary does not exceed 4.5m.	Adequate building separation is provided at rear boundaries, for
		6m, when building height closest to the boundary exceeds 4.5m.	access, safety, private open space, privacy and sunlight access.
vii.	Min. garage setback from a rear lane.	0m, provided there is adequate area for access into and egress from a garage.	Safe and practical entry to and exit from a garage off a rear
		Entry to and exit from a garage is to be demonstrated by plans of swept paths of vehicles, if required.	lane is provided.
viii.	Build-to boundary/zero setbacks (0mm-900mm).	Not permitted on a lot > 20m wide at the primary street setback.	Appropriate flexibility for building siting and design is
		0 – 900mm setback is permitted to one side boundary only.	enabled on lots < 20m in width.  Access between the front and rear of a lot is available on at
		Walls setback < 900mm must be of masonry construction and have no	least one side of a dwelling.
		openings.	Adequate area is provided for building maintenance.
		3m max. wall height.  Unbroken length cannot be greater than 10m, or one third of the boundary length, whichever is less.	Amenity of occupants of neighbouring development is maintained or created.

Div	Division D cl. 2 Dwelling houses & secondary dwellings			
Des	sign elements	Guidelines	Performance criteria	
		Max. length of 15m provided that the wall contains at least one break of at least 3m.	A harmonious streetscape is maintained or created.	
		A building adjacent to a wall with a zero setback is to be set back 1.5 metres from the common boundary, despite any other provision of this DCP.		
ix.	Exceptions to the primary street setback.	In areas undergoing change in their character due to various circumstances (e.g. a change in zoning or land economics), a site and context analysis is to be carried out to establish an appropriate setback to the street, when an exception is sought to the primary street setback.	The primary street setback is established in accordance with a site and context analysis, that has considered the area's character and specific circumstances related to the site and its development.	
		Applicants are to consult with Council regarding the appropriate application of this guideline when preparing a development application.		
x.	Other exceptions to setbacks.	450mm is the min. side setback for any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8m in height, or any other structure, installation or appliance associated with the provision of a utility service.  Side or rear setbacks do not apply to fences, fascias, gutters, downpipes, light fittings, electricity or gas meters, driveways, open carports, paths or paving.  Setbacks from streets and lanes do not apply to driveways, fences, paths, or retaining walls.	Services and utilities are able to be located within side and rear setbacks, without unreasonable adverse impacts on resident-amenity.  Adequate access is maintained to side and rear boundaries and for access between the front and rear of the lot.  Siting is enabled, of ancillary works that must be located on, over or between lot boundaries and buildings.	
d.	Character & the publ	ic domain.		
i.	Character.	compatible with the streetscape and character of the locality.	Development is of high architectural quality and contributes positively to local character and a safe public	
	Design, massing & articulation. er to Figure 17 in the edule.	Massing and articulation are to reduce apparent scale and bulk and create visually interesting buildings.  Materials, textures and colours are to complement the massing and design of the building.  Buildings are to be suitably articulated using harmonious architectural elements	domain.  The choice of materials, textures and colours are compatible with surrounding development and contribute to a pleasant and attractive public domain.	

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Design elements	Guidelines	Performance criteria
	in the design, such as verandahs, porticos, awnings, bay windows, balconies or terraces. Elements such as these may be forward of the primary street setback.	The mass and form of development integrates with and promotes diversity in the locality through quality urban design.
	Simple roof forms are to be designed to complement other building elements and minimise bulk and scale of the building. Roof forms are to be compatible with those of nearby buildings.	
	Infrastructure and services are to be integrated into to the development's design or screened.	
iii. Community safety & surveillance.	Principal pedestrian entries are to address, be readily identifiable and directly accessible from the street.	A safe method of access to and egress from development is provided.
	Principal pedestrian entries are not to be from a lane.	Development contributes to community safety and informal
	When a building façade faces a reserve or other element of the public domain, that façade is to include windows and/or doors to address that reserve or other element of the public domain.	surveillance of the public domain.
	Fencing and landscaping are not to unacceptably diminish informal surveillance of the public domain.	
e. Resident-amenity.		
i. Sunlight access.  Refer to Figures 21 & 22 in the Schedule.	Windows and doors of habitable rooms (except bedrooms) and private open space of all dwellings are to be sited and oriented to receive at least 3 hours direct	Sunlight access to primary indoor living areas and private open space is optimised.
	sunlight between 9am and 3pm on the winter solstice.	Sunlight access enables passive solar heating in winter and provides a pleasant and healthy indoor environment.
ii. Overshadowing.	Proposed development must retain at least 3 hours of sunlight between 9am and 3pm on the winter solstice for existing neighbouring residential accommodation's:	Sunlight access to existing neighbouring residential accommodation is reasonably maintained.
	<ul> <li>Windows and doors of habitable rooms except bedrooms,</li> <li>At least 50% of private open space,</li> <li>Photovoltaic and solar hot water systems, and</li> <li>Outdoor clothes drying facilities.</li> </ul>	
	If areas or utilities specified in the above paragraph of existing neighbouring residential accommodation receive less	

Design elements	Guidelines	Performance criteria
Design cicinents	than 3 hours sunlight at the time a development application is lodged for adjoining land, the amount of sunlight received is not be reduced as a result of proposed development.  When existing neighbouring residential accommodation may have its sunlight	r errormance ornerra
	access impacted by proposed development, a shadow diagram is to be submitted with the application for the proposed development, based on the winter solstice, in hourly intervals from 9am to 3pm.	
iii. Climate management for west-facing residential accommodation.  Refer to Figure 18 in the Schedule.	Where habitable rooms face west (between north-west and south-west), architectural elements are to be used, such as:  Extended eaves, Verandahs,	Heat-gain is reduced to improve thermal performance and comfort for occupants of residential accommodation.
	<ul> <li>Shutters, or</li> <li>Awnings.</li> </ul> Architectural design elements may be	
	complemented by landscaping.	
iv. Privacy.  Refer to Figure 23 in the Schedule.	When privacy of occupants of proposed development or neighbours is likely to be affected, siting and design of proposed development is to maintain reasonable levels of privacy.	Reasonable privacy is maintained between occupants of the dwelling house and its outbuildings, with occupants of neighbouring dwellings.
	Principal siting and design techniques to consider and use, include:	
	<ul> <li>Building orientation,</li> <li>Position of habitable rooms,</li> <li>Window size and location,</li> <li>Building separation and setbacks,</li> <li>Avoiding or minimising direct lines</li> </ul>	
	<ul> <li>of sight, and</li> <li>Location of balconies and terraces adjacent indoor living areas.</li> </ul>	
	When principal techniques may not maintain reasonable levels of privacy, supplementary techniques to consider and use include:  Recessed balconies or vertical fins,	
	<ul> <li>Solid or partially solid balustrades,</li> <li>Bay or pop-out windows,</li> <li>Planter boxes,</li> <li>Privacy screens,</li> </ul>	
	<ul><li>Sill heights, or</li><li>Opaque window glazing.</li></ul>	

Division D cl. 2 Dwelling houses & secondary dwellings			
Design elements	Guidelines	Performance criteria	
v. Private open space.		Private open space is sited and	
Min. area.	36m².	designed to accommodate various functions such as	
Min. length and width.	4m.	outdoor leisure and dining, gardening and landscaping, clothes drying, and bin storage.	
Max. grade.	1:10.	cionies drying, and bin storage.	
When provided above ground, min. length and width to count towards min. private open space area.	2m.		
Refer to Figure 19 in the Schedule.			
vi. Principal private open space.	Principal private open space is located adjacent to and directly accessible from a habitable room in a dwelling, other than a bedroom.	Principal private open space is located and designed to provide high amenity for dwelling occupants.	
	Principal private open space is included in a dwelling's private open space.		
Min. area.	16m².		
Min. length and width.	4m.		
Max. grade.	1:50.		
Refer to Figure 19 in the Schedule.			
vii. Provision of principal private open space for a secondary dwelling can be shared with the principal dwelling.			
viii. Principal private open space for a secondary dwelling, when provided its own area:	Principal private open space is located adjacent to and directly accessible from a habitable room in a secondary dwelling.		
At ground level:			
Min. area.	16m².		
Min. length and width.	4m.		
Max. grade.	1:50.		
Above ground level, when attached to principal dwelling:			
Min. area.	12m².		
Min. length and width.	2m.		

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Des	sign elements	Guidelines	Performance criteria
ix.	Noise & air quality.	Development is to be sited and designed to acceptably reduce the impact of noise in the locality.  When there is a risk development will be impacted by a nearby source of noise or offensive or hazardous emissions to the atmosphere, the development is to be designed and sited to acceptably reduce that risk.  When deemed necessary by Council, a noise impact assessment is to be submitted with a development application and the development's design is to adopt the recommendations of that assessment.	Impacts of noise and airemissions are avoided or effectively mitigated and minimised.
x.	Waste Management.	Provide bin storage in accordance with Council's kerbside requirements, in a readily accessible location for residents.  Bins are not to be stored forward of the primary street setback, or in a location visible from the public domain.  Construction and demolition waste is to be managed and disposed of in accordance with the requirements of Council or another authority, when applicable.	Waste storage meets residents' requirements, reasonably maintains resident-amenity and the qualities of the streetscape and the character of the locality.  Waste from the development is effectively managed in accordance with applicable requirements.
xi.	Building materials.	Reflective building materials are not to be used.	Building materials do not unreasonably diminish neighbours' amenity.
f.	Boundary treatments	(fences & walls).	
	Max. height of a boundary treatment forward of the primary street setback.  er to Figure 24 in the edule.	1.2m, or 1.8m, with at least 50% being seethrough.	Amenity is protected for residents without adverse impact on the streetscape.  Informal surveillance is enabled, and the boundary treatment contributes positively to the streetscape.
ii.	Max. height of a gate, forward of the primary street setback.	As above.	Gates are of the same height as and compatible in appearance with the remainder of front boundary treatment and maintain safety on the public road.
iii.	Max. height of side and rear boundary treatment behind the primary street setback.	1.8m.	Side and rear fencing enables privacy and security without being visually intrusive or dominant.

Div	Division D cl. 2 Dwelling houses & secondary dwellings			
Des	sign elements	Guidelines		Performance criteria
iv.	Boundary treatment materials and colours.	To be consistent with materials and colours of the dwelling house and compatible with the streetscape.  On a lot adjoining semi-rural or rural land, or land in an Environmental zone, boundary treatments on that lot are to be compatible with the character of the land adjoining the lot.  Post and rail or post and wire fencing are examples of suitable fencing. Solid metal or timber fencing, or masonry walls are discouraged.		
g.	Access & parking.			
i. ii.	Min. no. car parking spaces for a dwelling house.  Min. parking for a secondary dwelling.		g not required if existing min. number of spaces	The number of on-site parking spaces is adequate and does not unreasonably reduce parking supply on local streets.
iii.	Max. garage width when	-,		Adequate area is available for
Dof	facing any road, except a lane. er to Figure 20 in the	Lot Width	Max. width of garage door	ingress and egress of private vehicles.
	edule.	7m – 12m	3.2m	Garage doors and openings do not dominate the streetscape.
		>12m – 24m	6m	
		>24m*	9.2m*	
		The entry to set back at I entry to the The width of garage oper	gle garage may be to a double garage if: the additional garage is east 1m behind the other garage, and if the driveway at the nings tapers gradually to n of 6m at the property	
iv.	Carports forward of the primary street setback.	<ul> <li>Have max. o</li> <li>Be setback of front bounda</li> <li>Not exceed</li> <li>Only be encenther rear of the closest to a</li> <li>Be designed and colours</li> </ul>	dimensions of 6m x 3m, at least 1m from the	

Division D cl. 2 Dwelling houses & secondary dwellings			
Des	sign elements	Guidelines	Performance criteria
V.	Pedestrian and vehicle access for secondary dwellings.	Secondary dwellings are to use the primary dwelling access and driveway.  Separate access can be provided from a secondary street on a corner lot.	Suitable access is provided to secondary dwellings.
h.	Utility infrastructure.		
i.	Access to the development and associated road works.		Access to the development and associated road works are consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.
			On bush fire prone land, access is provided in accordance with RFS guidelines.
ii.	Water and sewer supply.		If required, arrangements are made with Council, the water and sewer authority, for provision of water and sewer services.
			Such arrangements are consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.
			On bush fire prone land, water supply is provided in accordance with RFS guidelines.
iii.	Stormwater management.	A stormwater management concept plan is to be submitted with a development application.	Stormwater management is consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.
iv.	Electricity, gas and telecommunications services.		Evidence is provided to Council, that these services are available, before issue of an occupation certificate.

### 3. Ancillary development, including sheds, garages & other outbuildings

a. This clause applies to ancillary development, including sheds, garages and other outbuildings as defined by the Codes SEPP, that is not exempt or complying development under that policy or any other environmental planning instrument.

b. Satisfaction of performance criteria is to be demonstrated to justify departures from numerical guidelines and non-numerical guidelines as set out in the Development Guidelines Table to this clause.

### **Development Guidelines Table**

Div	Division D cl. 3 Ancillary development, including sheds, garages & other outbuildings			
Des	sign elements	Guidelines	Performance criteria	
i.	Max. gross floor area of a shed or a garage (when not part of a dwelling house), or both.	60% of the gross floor area of the dwelling house.  The gross floor area of other ancillary development will be considered on merit.	Ancillary development, including sheds, garages and other outbuildings, are compatible with buildings on the lot, on neighbouring land and the streetscape or	
ii.	Min. landscaped area and private open space.	Ancillary development does not reduce the min. landscaped area or private open space to an amount less than that required.	<ul> <li>landscape qualities of the locality, as they are:</li> <li>Suitably sized as a proportion of the lot size and in relation</li> </ul>	
iii.	Max. building wall height, measured from existing ground level to the eaves.	3.3m with a minimum side and rear setback of 900mm  3.6m with a minimum side and rear setback of 1.5m.	<ul> <li>to all buildings on the lot,</li> <li>Sited and designed to ensure the impact of their siting, bulk, height and scale is minimised,</li> <li>Sited and designed to</li> </ul>	
iv.	Min. front setback.	3m behind the primary street setback of the dwelling house.	reasonably maintain sunlight access of neighbouring dwellings and private open space,	
V.	Min. side setback.	900mm.	Constructed of compatible building materials and colours, and	
vi.	Min. rear setback.	900mm.	Landscaped to maintain reasonable amenity.	
vii.	Build to boundary/zero setbacks (0-900mm).	Not permitted on a lot >20m wide at the primary street setback.		
		0-900mm setback permitted to one boundary only.		
		3.3m max. wall height.		
		An unbroken wall length is not to exceed 10m, or one third of the boundary length, whichever is less.		
viii.	Materials & colours.	Sheds and other outbuildings are to be constructed of non-reflective materials and colours that are compatible with other buildings on the lot.		
ix.	Earthworks, retaining walls & other related structures.	Cl. 2. b. iv. applies.	Adverse impacts of earthworks and related structures on adjoining land, resident-amenity, streetscape and the character of the locality are avoided, or acceptably minimised or mitigated.	