

CHAPTER 2.3 DUAL OCCUPANCY DEVELOPMENT

1.0 INTRODUCTION

The purpose of this Chapter is to provide specific development guidelines for dual occupancy development.

1.1 Objectives of this Chapter

- To protect and enhance the amenity of new and existing residential areas by encouraging dual occupancy housing which is compatible with the existing or desired future environmental character of the residential and non-urban zones where it is permissible
- To promote standards of design which achieve functional and aesthetic quality in development
- To encourage designs of high architectural quality
- To encourage residential development appropriate to the local area context
- To promote sustainable development which is energy and water efficient and offers sufficient protection for the environment

1.2 Land to which this Chapter Applies

All land within Wyong Shire to which Wyong Local Environmental Plan 2013 (WLEP 2013) applies.

1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.11 – Parking and Access
- Chapter 3.1 - Waste Management
- Chapter 3.3 – Floodplain Management
- Chapter 3.5 – Coastal Hazards
- Chapter 3.6 – Tree and Vegetation Management
- Chapter 3.10 – Wetlands Management
- Part 4 – Subdivision
- Part 6 – Location Specific Development Controls (where relevant)
- Council's Civil Works – Design Guideline and Construction Specification

1.4 Glossary

Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the Wyong Local Environmental Plan, 2013. Where a term is defined within the WLEP, 2013, it is not repeated here. The following additional terms are relevant to this Chapter:

ABSA means the Association of Building Sustainability Assessors, whose role is to oversee the accreditation of assessors for the issue of ABSA certificates for energy efficiency.

basement car park means an enclosed, underground car parking area which does not protrude greater than 1.0 metres above ground level at any point.

battle-axe allotment means an allotment of land which has no street frontage other than a vehicular access way.

bedroom includes any room that can be adapted for use as a bedroom, whether or not building alterations are involved.

Category A roads include roads that are classified as proclaimed by the Roads Act 1993, and are roads that predominantly carry, or are planned to carry, through traffic from one region to another, or carry traffic directly from one part of a region to another. They are projected to carry more than 10,000 vehicles per day (vpd).

Category B roads are distributor and collector roads that connect "Category A" roads to "Category C" (access streets and access places). They are projected to carry between 2,000 and 10,000 vehicles per day (vpd).

Category C roads are streets which are projected to carry less than 2,000 vehicles per day (vpd).

Note: Wyong Shire Council should be consulted to confirm the status of a road for the purposes of the controls in this Chapter, as projected usage (e.g. bus or tourist route), may determine that an alternative classification is warranted.

ceiling height means the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point.

deep soil zones are areas of natural ground with relatively natural soil profiles retained within a development. Deep soil zones have important environmental benefits, including the promotion of healthy growth of large trees; the protection of existing mature trees and infiltration of rain water to the water table and reduction of stormwater runoff.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

hardstand area is the area of a site through which water cannot infiltrate, and includes the area of the dwelling(s) footprint, garages, water tanks, outbuildings; and non porous driveways, paths and courts, but excludes the water surface area of swimming pools.

living area means any room or rooms within a dwelling which are generally available for day-to-day use by residents and visitors, and include such rooms as family, dining and rumpus.

secondary dwelling means a self-contained dwelling that:

- a is established in conjunction with another dwelling (the principal dwelling), and
- b is on the same lot of land as the principal dwelling, and
- c is located within, or is attached to, or is separate from, the principal dwelling.

Note: Controls for secondary dwellings are addressed in Chapter 2.1 – Dwellings and Ancillary Structures and State Environmental Planning Policy – Affordable Rental Housing.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note: Semi-Detached dwellings are created by the subdivision of an attached dual occupancy.

2.0 CONTEXT

2.1 Site and Local Context Analysis

OBJECTIVE

- To encourage design that results from a genuine analysis of the site character and capacity, and its suitability for the proposed development

2.1.1 Site Analysis

OBJECTIVE

- To encourage design that results from a genuine analysis of the site character and capacity, and its suitability for the proposed development

REQUIREMENTS

- a It is highly desirable that contact with neighbours be established at the site analysis stage. Talk to them about how the proposal will affect them and review the location of outdoor living areas, fencing, pools, living rooms and other specific features that may influence the design of the development.
- b A Site Analysis shall be carried out as the first step in the design process and the outcomes of that analysis must be reflected in the design of the development, as shown in the application plans. The character of the site must determine the design of the development, rather than the design of the development dominating the character of the site.
- c The Site Analysis Plan identifies existing conditions relating to the development site and existing design constraints on adjoining and adjacent sites, which are likely to influence design choices. The submitted design should reflect that these issues have been taken into account. Site analysis information shall be submitted in A3 size. The detail of the plan should be tailored to the size and complexity of the proposed development.
- d A Site Analysis Plan shall be submitted with any Development Application. The following is an indicative checklist of issues to be addressed by the Site Analysis Plan:
 - i **orientation** – north point and aspect. Consider the movement of the sun, particularly at winter solstice;

- ii **topography** – slope of the land at 0.2m intervals where cut and fill or benching of the site is proposed, (otherwise 1.0m intervals) and direction of fall;
 - iii **streetscape** – setback patterns, position and form of existing houses and developments on adjacent and opposite lands; overall height and shadows from adjacent buildings;
 - iv **context** – Location of the site in relation to transport, nearby schools, community facilities or shops (special consideration for prominent sites including elevated or rural land, corner sites, heritage and cultural issues);
 - v **vegetation** – existing trees and vegetation on the land, on adjoining land and in the street / locality and their true canopy spread within or onto the site;
 - vi **privacy** – Any windows or private areas of neighbouring developments facing the land;
 - vii **noise & light** – location and extent of nearby sources of noise or light impacts (e.g. major roads, intersections, sports fields or commercial areas);
 - viii **views** – consideration of view corridors to and from the site and neighbours' views;
 - ix **prevailing winds** – these can vary for a particular site, e.g. coastal areas. Orientation to take advantage of prevailing breezes for natural ventilation can add greatly to comfort levels within the dwelling;
 - x **services** – location of utility services (including stormwater drainage lines, electricity poles and kerb crossings);
 - xi **vehicle access** – best position for a driveway;
 - xii **survey constraints** – surveyed location of any easements, rights of way or other relevant restrictions;
 - xiii **security** – any natural surveillance opportunities to and from the site;
 - xiv **existing structures** – Including details of existing fences, retaining walls and buildings on site.
- e The Site Analysis Plan needs only to address those points that are relevant to the locality and development proposed. Figure 1 shows an indicative Site Analysis Plan.

2.1.2 Contextual Analysis

The aim of contextual analysis is to recognise why a place is as it is. Contextual analysis will highlight the elements that reinforce the locality's desired identity as well as the inconsistencies that could detract from it.

- a A contextual analysis shall be submitted with applications, addressing the following:
 - i the social context;
 - ii the economic context;
 - iii the environmental context;
 - iv the urban design context, including consideration of existing built form and predominant streetscape pattern.

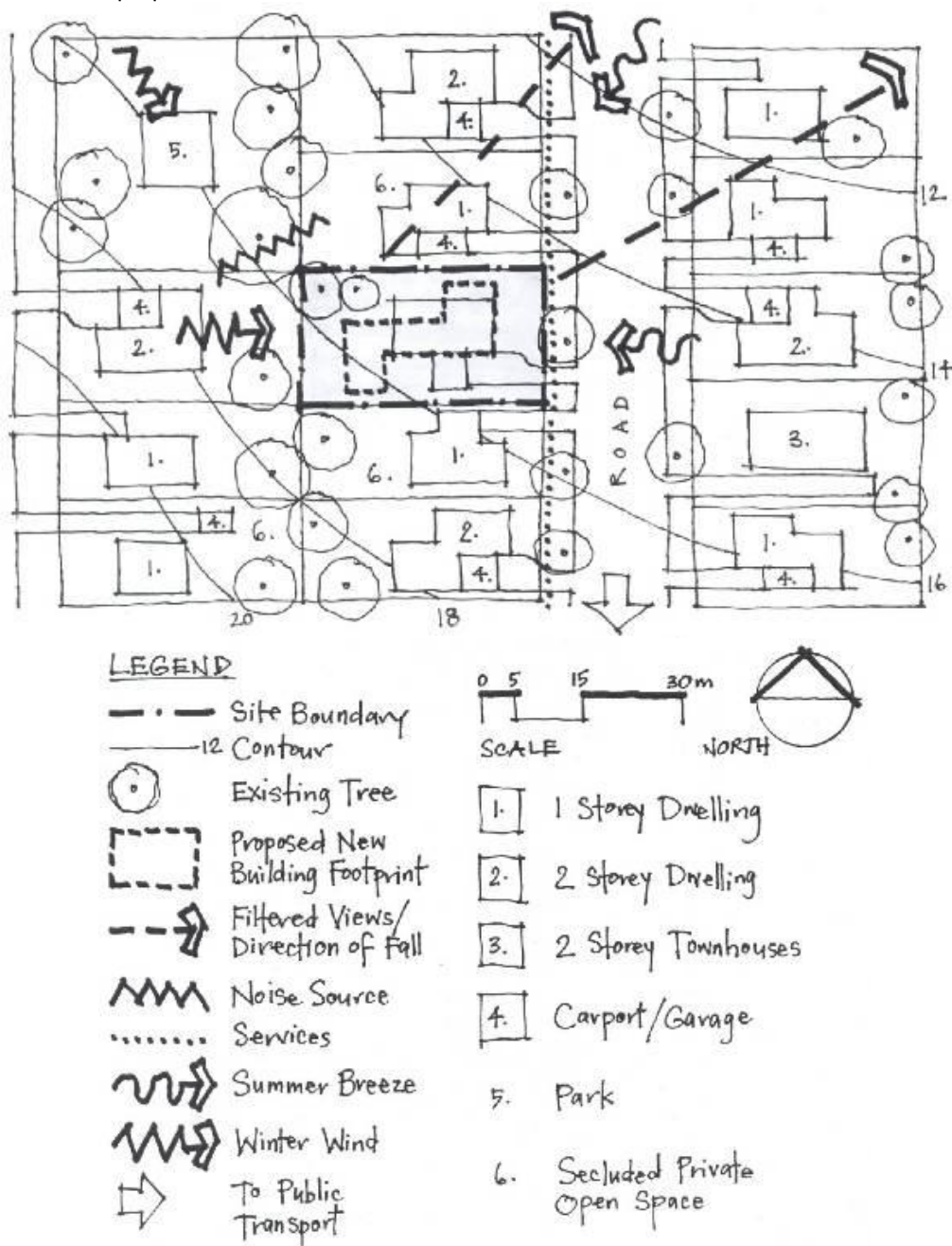


Figure 1 Sample site analysis plan

3.0 SCALE

Good design provides an appropriate scale in terms of the bulk and height that is compatible with the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area, whilst maintaining the amenity of existing and future residents.

3.1 Height

3.1.1 Overall Building Height

In accordance with WLEP 2013, building height is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

WLEP 2013 contains a Height of Building Map for certain areas within the Shire. In accordance with Clause 4.3(2) of WLEP 2013, the height of a building is not to exceed the maximum height indicated on this map.

In determining appropriate building heights Council shall have regard to WLEP 2013, for the scale of future development for which provision is made in the locality and where appropriate, the Warnervale Aerodrome Obstacle Limitation Surfaces Map and the New South Wales Government Coastal Policy.

3.1.2 Natural Ground Level to Ceiling Height (Ceiling Height)

For the purposes of this Chapter, ceiling height is defined as the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point (see Figure 2 below).

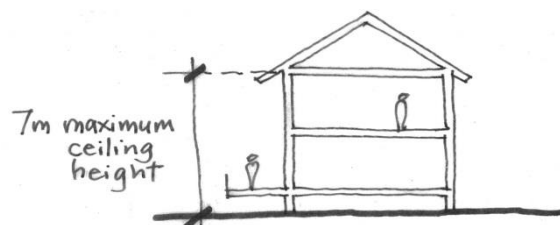


Figure 2 Maximum ceiling height for dual occupancy development

OBJECTIVES

To encourage development which:

- is consistent with the objectives of the zone
- is not visually obtrusive
- relates to the topography of a site
- enhances privacy and amenity for neighbouring residents, and
- maintains solar access

REQUIREMENTS

- a The maximum ceiling heights for dual occupancy development shall not exceed 7 metres in height and shall generally not exceed two storeys.
- b In areas where the building height requirements of the Local Environmental Plan are appropriate and surrounding development exceeds two storeys, three storey development may be considered.
- c Where a front-and-rear dual occupancy design is proposed within the R2 zone, the building height of the rear dwelling shall not exceed single storey, regardless of whether the dwellings are attached or detached.

Note: Basement car parking does not constitute a storey, provided the top of the car parking level is not more than 1.0 metres above natural ground level.

3.2 Site Coverage

OBJECTIVES

- To provide an area on site that enables soft landscaping and deep soil planting
- To provide a pleasant outlook
- To provide appropriate separation between buildings in the local context
- To provide areas on site that permits stormwater infiltration

REQUIREMENTS

- a A minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Open space areas and setback areas may be included in this calculation only where these do not include hardstand surfaces. See Figure 3.
- b WLEP 2013 contains a Floor Space Ratio Map for certain areas within the Shire. For areas not identified under the Floor Space Ratio Map the floor space ratio for dual occupancy housing is restricted to 0.5:1.

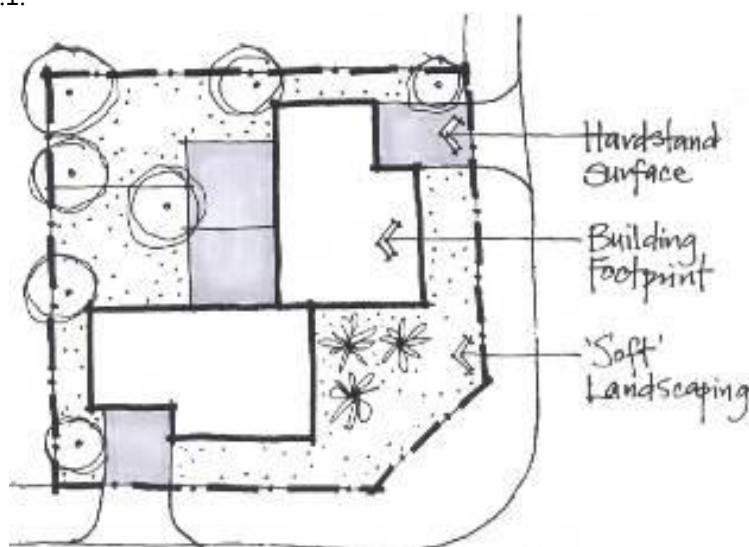


Figure 3 Site coverage

4.0 BUILT FORM

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines and contributes to the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

4.1 Construction and Appearance of Development

OBJECTIVES

To ensure design of development is:

- of a high quality which contributes positively to the streetscape
- compatible with the desired character of the area, and
- visually interesting, offering variety to the observer whilst presenting an integrated design outcome

REQUIREMENTS

4.1.1 Building Design

- a The appearance and functionality of dual occupancy housing shall be of a high architectural quality. Dual occupancy housing shall be compatible with the objectives of the zone in its scale, function and visual appearance.
- b Council requires facades to be articulated in length and height. Monotonous and unbroken lengths of wall exceeding 10 metres in length and 3 metres in height shall not be permitted. Physical design elements in two storey (or greater) designs shall be used to provide visual interest to the building. These elements may include roof, wall and eave projections and indentations (min. 0.45m x 1.5m run), roofed decks, pergolas, awnings and other permanent shading structures, etc. A mixture of building materials including masonry, timber and glass is encouraged. See Figure 4.
- c "Mirror-image" side-by-side dual occupancies are generally not acceptable. The shape of the building shall be articulated and varied, for example, stepping back adjoining garages where located on the front elevation, massing of different materials, stepping of walls, alterations to the roofline, etc.
- d Garages shall not dominate the street elevation(s) or presentation of the development.
- e Suitable architectural features shall be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.
- f For elevated dwelling designs, sub-floor fender walls are required on all facades.
- g Street number(s) shall be clearly identifiable for the development.
- h Each dwelling shall have a clearly identifiable entry.



Figure 4 Examples of articulated façade

4.1.2 Roof Design

- a Relate roof design to the desired built form. Some design solutions may include:
 - i articulating the roof, or breaking down its massing to minimise the apparent bulk or to relate to a context of smaller building forms;
 - ii using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas;
 - iii using special roof features which relate to the desired character of an area, or to express important corners.
- b Design the roof to relate to the size and scale of the buildings, the building elevations and three dimensional building form.
- c Design roofs to respond to the orientation of the site. For example by using eaves and skillion roofs to respond to solar access.
- d Roof top structures shall not detract from the architectural merit of the building.
- e Roof top gardens, terraces, decks and enclosures shall be suitably set back from the building edge to maintain the privacy of adjoining sites.

4.1.3 Building to Boundary

Subject to ensuring there is no unreasonable adverse impact on the privacy or solar access to adjoining properties, consideration may be given to permitting one side wall without openings to be built on the side boundary provided that:

- a this boundary does not have road frontage;
- b no section of the wall built on the boundary is longer than 10 metres and 3 metres in height;
- c the wall does not exceed 50% of the length of the boundary, or the length of any adjoining wall on the boundary, whichever is greater;
- d where they are considered necessary, appropriate easements for maintenance are created over the adjoining property;
- e no objection is raised by the owner of the adjoining property along whose boundary the wall is proposed to be sited;
- f the wall complies with the provisions of the Building Code of Australia.

4.1.4 Design Integration

- a The design principles which apply to new dual occupancy housing also extend to existing buildings where incorporated in a design proposal. The suitability of existing building(s) for retention must be carefully considered, as Council will not support proposals involving existing buildings which do not adequately integrate with the proposed development.
- b Where existing buildings are to be retained as part of an overall proposal, those structures shall be sufficiently upgraded to integrate with the new development and to meet the current applicable design and construction standards.
- c For dual occupancy housing incorporating an existing dwelling, or where two detached dwellings are proposed, the development must present an integrated design in terms of:
 - i architectural features and form;
 - ii roof form;
 - iii external building materials colours and finishes;
 - iv location and orientation; and
 - v dwelling curtilage.
- d Details of how the proposed development responds to these items are to be included in the Statement of Environmental Effects.
- e Existing dwellings shall be updated in terms of internal finishings, bathroom and kitchen facilities, etc. Full details are required with the development application.
- f Wherever an existing dwelling contains asbestos, the asbestos must be removed or appropriately stabilised in accordance with Australian Standard AS2601 – 2001 and requirements of the Department of Local Government Guidelines and Work Cover.

- g Development proposals which incorporate existing buildings shall be accompanied by a floor plan and elevations of the existing building, as well as a schedule of externals colours and materials for the development.
- h Manufactured / moveable dwellings are not considered appropriate for dual occupancy housing and are not acceptable for integration with an existing dwelling on a site.

4.2 Cut and Fill

OBJECTIVES

- To accommodate the proposed development on site, without the need for excessive cutting and filling of the site or construction of high retaining walls
- To control surface water and / or stormwater on the subject land with any changes to water flows, as a result of cut or fill, not impacting upon any adjoining properties
- To ensure that the design of the development is appropriate for site conditions with consideration given to slope, stability of the land and the privacy of adjoining properties
- To ensure all boundary fencing is erected at natural ground level, permitting light and ventilation to ensure reasonable amenity to adjacent developments

REQUIREMENTS

- a The amount of cut and / or fill required on a site shall be minimised. This may be achieved by stepping buildings down a site, and by locating the finished ground floor level as close to natural ground level as practicable.
- b No building, cut, fill, or retaining works shall be permitted which may affect sewer or drainage lines, or inter-allotment easements over the property.
- c The placement of any fill on the land in excess of 100mm (topdressing) requires development consent.
- d Retaining walls where viewed from the street or public places shall be of a decorative masonry product complementing the landscape design and integrating with the development.
- e Retaining walls shall be constructed in accordance with the manufacturer's specifications, or in accordance with an approved engineering design which complies with Australian Standard AS4068 and Council's Civil Works – Design Guideline and Construction Specification.

Note: Each of the above elements is to be wholly contained within the subject allotment.

- f The construction of any retaining wall or associated drainage work adjacent to a common boundary shall not impede the structural integrity of any existing retaining walls or structures.

Note: It is the legal responsibility of the lot cutting to retain other land / structures.

- g All dividing fencing shall be erected on ground level.
- h Specific restrictions on cut:
 - i no boundary retaining wall for cut shall exceed 900mm in height;
 - ii where any adjacent wall of the dwelling is setback less than 1300mm from the side boundary the height of cut at that boundary is restricted to a maximum of 600mm and the area between

the wall of the building and the boundary retaining wall shall be provided as a generally level surface; and

- iii where any adjacent wall of the dwelling is setback 1300mm or greater from the side boundary, the height of cut at the boundary is restricted to a maximum of 900mm and the area between the wall of the building and the boundary retaining wall shall be provided as a generally level surface.
- i Specific restrictions on fill:
 - i all filling for the slabs shall be contained within the footprint of the building by the use of drop-edge beams to natural ground level, such that a generally level area is created between the wall of the building and the boundary;
 - ii battered fill or retaining walls within areas such as front or rear yards and courtyard areas external to the dwelling footprint shall not exceed 600mm in height;
 - iii all proposed fill (e.g. to support courtyard areas) is to be graded at a batter not exceeding 1:4, or retained to a maximum height of 600mm, such that natural ground level is achieved at a distance of 900mm from the side boundary; and
 - iv the grading of fill, at a batter not exceeding 1:4, with the rear yard or front setback area to existing ground level at these boundaries is acceptable.

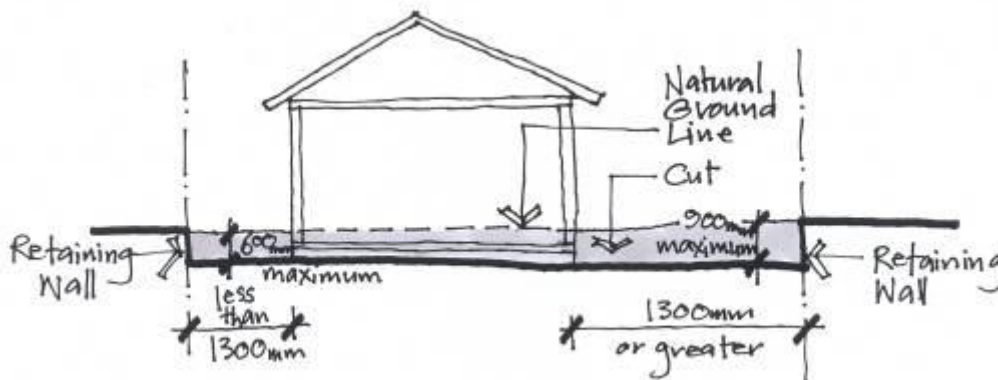


Figure 5 Restrictions on cut

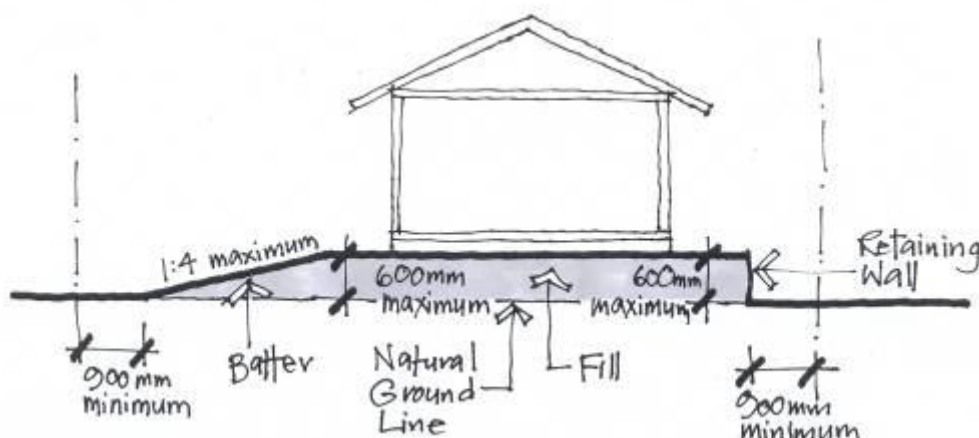


Figure 6 Restrictions on fill

4.2.1 Retaining Walls

Details of any proposed retaining walls, including construction details, height and location on the site shall be provided with the development application.

4.3 Building Lines

OBJECTIVES

- To maintain existing streetscapes
- To protect the privacy and solar access of adjacent properties
- To ensure the visual focus of a development is the dwelling, not the garage

REQUIREMENTS

4.3.1 General Requirements

- a Where absolute water frontage exists, buildings must be setback 20 metres from the high water mark unless other specific local provisions apply.
- b Where a property is affected by the Chapter 3.5 Coastal Hazards, the applicable setback is to comply with the provisions of that Chapter.
- c Where the rear boundary of a property adjoins a public reserve, a minimum rear setback of 4.5 metres is required.
- d Setback areas shall be suitably landscaped to enhance the appearance of the development and soften hardstand areas of the site (see Section 9.0 - Landscape).
- e Special setback and access location requirements may apply in relation to sites adjacent to roundabouts, relating to the roundabout geometry and the design speeds of the adjacent roads. Enquiries should be made with Council's Customer Contact Centre prior to preparing design plans for development on sites adjacent to roundabouts or other traffic calming devices.
- f Designs will be assessed on their merits and need to respond to local context, streetscape and public domain relationships. Variations to the minimum setbacks may be supported by Council where there is a sound reason (i.e. improved solar access or streetscape presentation).
- g No building is to be erected within the triangle from the intersection of the two street boundary lines formed by a sight line 12m along the primary road frontage and 6m along the terminating road frontage, as illustrated in Figure 7.

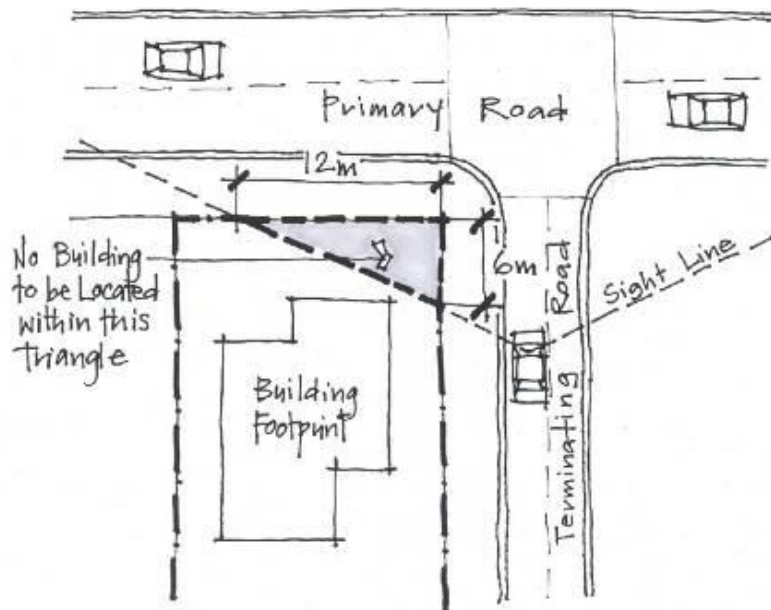


Figure 7 Sight preservation lines

4.3.2 Setbacks

The required minimum setbacks for all dual occupancy housing in residential zones are provided in Table 1.

Aspect	Minimum Setback Required
Front setbacks	"Category A" roads: 7.5 metres "Category B" roads: 6.0 metres "Category C" roads: 4.5 metres <i>Note: For "Category C" roads where the road reserve is < 12 metres and development is proposed on both sides of the road, the minimum setback is 6.0 metres.</i>
Side and rear setbacks	0.9 metres
Garages	6.0 metres applies to garages where they are accessed directly from the road system, except Category A roads, where 7.5 metres applies
Corner Allotments	2.0 metres, plus compliance with sight preservation lines <i>Note: On corner allotments the side street is generally taken to be the boundary with the greater frontage.</i>

Table 1 Setbacks

4.4 Transport Needs

OBJECTIVES

- To have garages and carports designed in sympathy with the development without becoming the dominant feature on the site
- To provide adequate on-site parking that relates to the environmental and physical constraints of the site
- To have car parking areas that minimise the potential for pedestrian and vehicle conflict

REQUIREMENTS

4.4.1 General Requirements

- a Where car parking areas are visible from the street, the surface shall be treated with decorative finish and the space shall be screened by landscape treatments such as mounding, planting and fencing. Details of such treatment are to be submitted to Council as part of the development application, demonstrating that a satisfactory appearance to the street will be presented.
- b Where parking is proposed within a side or rear building setback and is exposed to adjoining properties, suitable landscaping shall be provided along such boundary to soften the visual impact of the parking and to provide for stormwater infiltration.
- c All geometric standards applicable to site access and car parking layout shall be in accordance with Chapter 2.11 – Parking and Access and Australian Standard AS/NZS 2890.1. Applicants should obtain a copy of the relevant vehicle turning circles from Australian Standard AS/NZS 2890.1 to ensure compliance with the 85th percentile vehicle.
- d For sites to be accessed from an arterial or sub-arterial roads or where carparking is proposed along or at the end of a common driveway, an adequate manoeuvring area must also be provided on-site so that the vehicles of residents can enter and leave the site in a forward manner using no more than a 3 point turn.
- e Council does not encourage stacked car parking.

4.4.2 Resident Parking

- a The total number of car parking spaces required is shown in Table 2 below.
- b At least one of the required resident car parking spaces for each dwelling must be provided in the form of an enclosed space (garage) with minimum dimensions of 3 metres width by 5.5 metres length and a minimum opening of 2.7 metres.
- c Car parking numbers to be rounded up to the nearest whole number.

Dwelling Size	Spaces Per Dwelling
One to three Bedroom	1
Four or more Bedroom	2

Table 2 Car Spaces per Dwelling Type

4.5 Vehicular Access Design

OBJECTIVES

- To position street vehicular crossings and driveways to minimise adverse visual impact
- To have existing rear lanes used for vehicular access
- To ensure safe entry and exit from the site

REQUIREMENTS

4.5.1 General Requirements

- a Use of plain concrete for driveways and open car parking areas is not supported by Council. Alternative treatments, such as porous pavers and colour treatments are to be used. Details shall be provided with the development application.
- b Ensure adequate separation distances between vehicular entries and street intersections.
- c Driveways and vehicular access shall be designed in accordance with AS/NZS 2890.1.

4.5.2 Ground Level Parking

- a Driveways shall not be continuous straight lines and shall be off set by landscaped sections.
- b A minimum pavement width of 3 metres is required.
- c A minimum pavement width of 5.5 metres is required for the first 6 metres of the driveway where access is to a Category A road.
- d Driveways shall be offset from any side boundary by 2 metres at the front boundary, and may taper back to 0.5m at the front building line as illustrated in Figure 8. This offset area, and a minimum 0.5 metre side setback for the full length of driveways shall be suitably landscaped to soften the hardstand areas, provide for infiltration and provide visual appeal to the streetscape.
- e Future subdivision of dual occupancy development into a battle-axe arrangement, where permitted, will only be supported where an unencumbered access way width of 3.5 metres is available.
- f Parking or access which is visible from the street elevation must respect the architectural qualities of the building and integrate with the overall presentation of the development.

4.5.3 Basement Parking

- a Driveways shall be designed to minimise adverse visual impacts on the streetscape, and shall be complemented by the landscape design for the site.
- b Basement car parking shall be suitably set back from site boundaries so as not to interfere with the provision of deep soil planting zones at ground level.

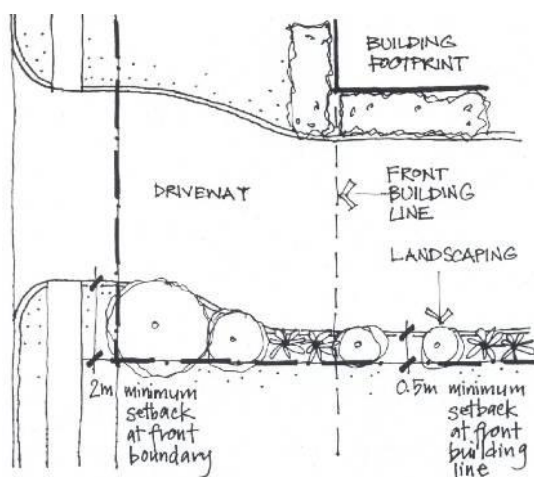


Figure 8 Driveway offset

5.0 DENSITY

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and compatible with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

5.1 Lot Size Requirements

OBJECTIVES

- To have development sites and densities that are appropriate in the zone and compatible with the local context
- To ensure building bulk and site coverage provisions are compatible with neighbouring development

REQUIREMENTS

The following minimum site areas apply within residential zones:

Form of Dual Occupancy Housing	Minimum Site Area
▪ Side-by-side ('terrace style')	550 square metres
▪ Front-and-rear ▪ Dual street frontage, and ▪ Upstairs / downstairs	700 square metres
▪ Dual occupancy on an existing battle axe allotment	800 square metres

Table 3 Minimum site area requirements

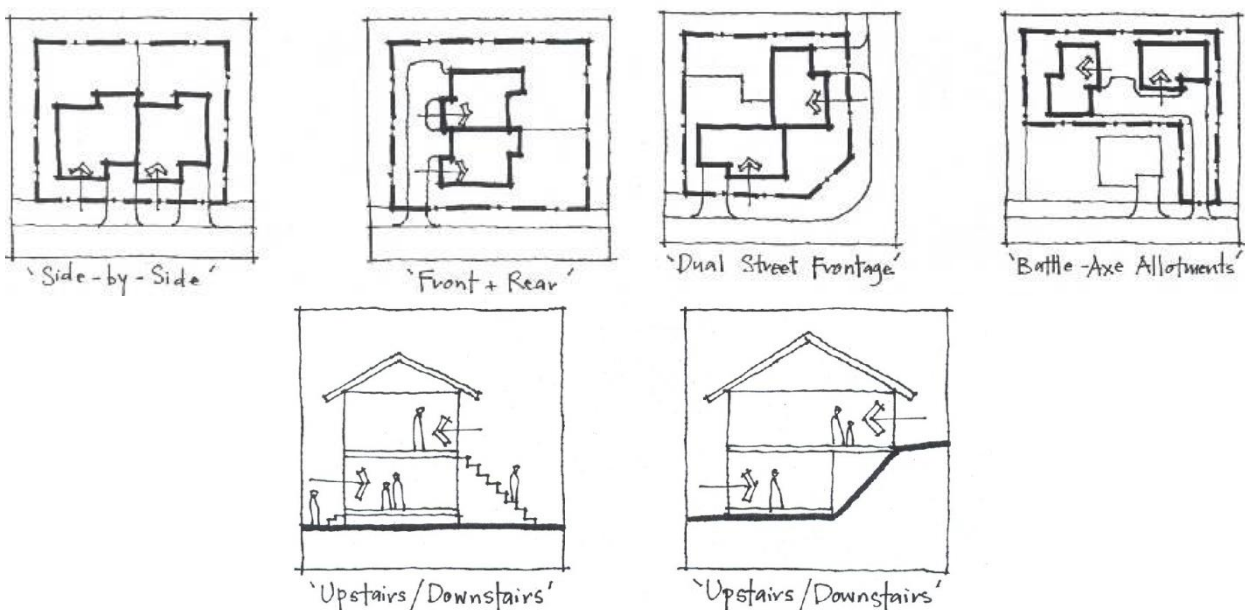


Figure 9 The various forms of dual occupancy housing

5.2 Lot Size Requirements – Incentives for older housing stock

OBJECTIVE

- To encourage the redevelopment of older housing to provide for contemporary development that can help to meet the requirements of a growing population that has diverse housing needs, where compatible with the local context.

REQUIREMENTS

Where the applicant can provide evidence that the proposal involves the demolition of a lawfully approved existing dwelling house greater than 30 years old and Council is satisfied that the proposal is compatible with surrounding development, the following minimum site areas for the existing lot apply within residential zones:

Form of Dual Occupancy Housing	Minimum Site Area
▪ Side-by-side ('terrace style') (attached)	450 square metres
▪ Front-and-rear (detached) ▪ Dual street frontage (detached), and ▪ Upstairs / downstairs	600 square metres

6.0 AMENITY

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

6.1 Private Open Space

OBJECTIVES

- To provide dwellings with individual private open space areas
- To ensure private open space areas are functional and responsive to the environment, thereby promoting the enjoyment of outdoor living for residents
- To ensure private open space areas integrate with the overall architectural form and detail of the development

REQUIREMENTS

- a Private open space is required for each dwelling with a minimum area of 45 square metres and a minimum dimension of 4.5 metres (this does not include the area required to house above ground rainwater tanks). These areas are required to be located at ground level and directly accessible from living areas of the dwelling.
- b Required private open space may be provided in up to two locations for each dwelling.
- c Ground level courtyards may be located within the front building setback area on Category A roads.

- d Ground level courtyards may be located within the front building setback area on Category B roads only where solar access is optimised.
- e Ground level courtyards are not permitted within the front building setback area on Category C roads.
- f Required private open space shall not exceed a maximum grade of 1:14 to optimise useability for residents.
- g Patios, decks, balconies and the like at or near ground level may only be counted as courtyard area when they are not enclosed by the line of the roof of the building (not including the eaves projection).
- h Wherever a dimension is less than 4.5 metres it shall not be counted as part of the calculation for private open space areas.
- i Private open space for a single dwelling above commercial premises shall be provided as a private terrace or balcony having minimum area of 30 square metres and a minimum dimension of 4.5 metres, directly accessible from a living area within the dwelling.

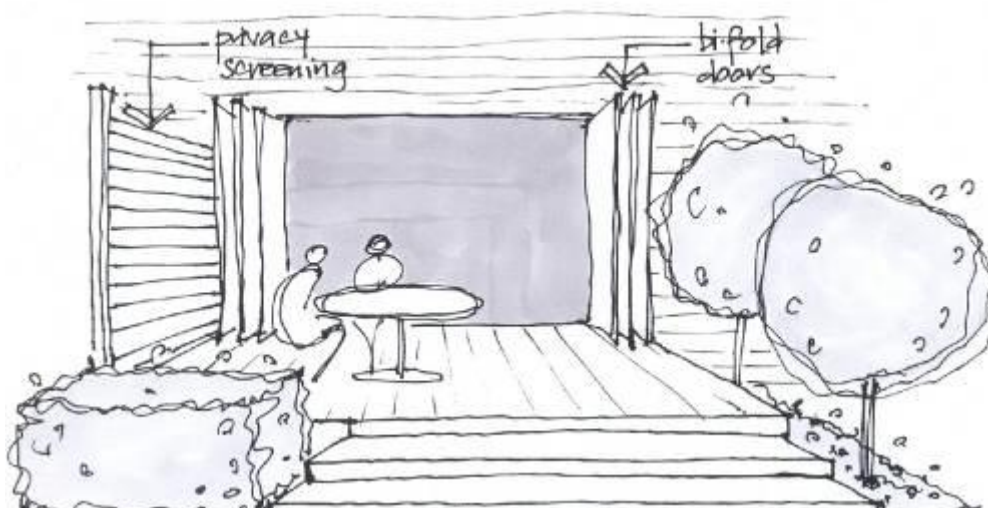


Figure 10 Example of contemporary private open space area

6.2 Solar Access

OBJECTIVES

- To ensure that solar access is available to all private open space areas of dual occupancy housing
- To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours
- To ensure that a minimum standard of solar access is available during the winter solstice to private open space areas and internal living areas to provide for a reasonable standard of residential amenity

REQUIREMENTS

6.2.1 General Requirements

- a At least 75% of each **required** private open space area shall receive at least three hours unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (winter solstice).

- b New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (winter solstice).
- c Dwellings should be orientated to allow optimum solar access for internal and external living areas.
- d Buildings shall be designed to minimise adverse impact by wind velocities, intensities and directions on the amenity of the development and surrounding areas.

6.2.2 Shadow Diagrams

- a Developments of 2 storeys height and above shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3 pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development as well as existing development, on the proposed development and adjoining properties.
- b In assessing the impact of shadow on an adjoining property, Council shall have regard for the solar access standards stated above.

Note: Shadow diagrams may be required for single storey development if adjoining development is 2 storeys or greater.

6.3 Privacy

OBJECTIVES

- To provide and maintain reasonable levels of visual privacy both internally and externally, during day and night
- To maximise outlook and views from living rooms and private open space without compromising visual privacy
- To ensure a high level of amenity by protecting the privacy of residents both within the apartments and in private open space areas

REQUIREMENTS

6.3.1 Visual Privacy

- a Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised by building layout, location and design of windows and balconies, screening devices and landscaping.
- b Where living area windows or balconies of dwellings are proposed within 12 metres and facing living area windows or balconies of adjacent dwellings, windows should offset from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy. Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and this consequent loss of privacy. Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties. See Figure 11.

6.3.2 Acoustic Privacy

- a Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.
- b Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.

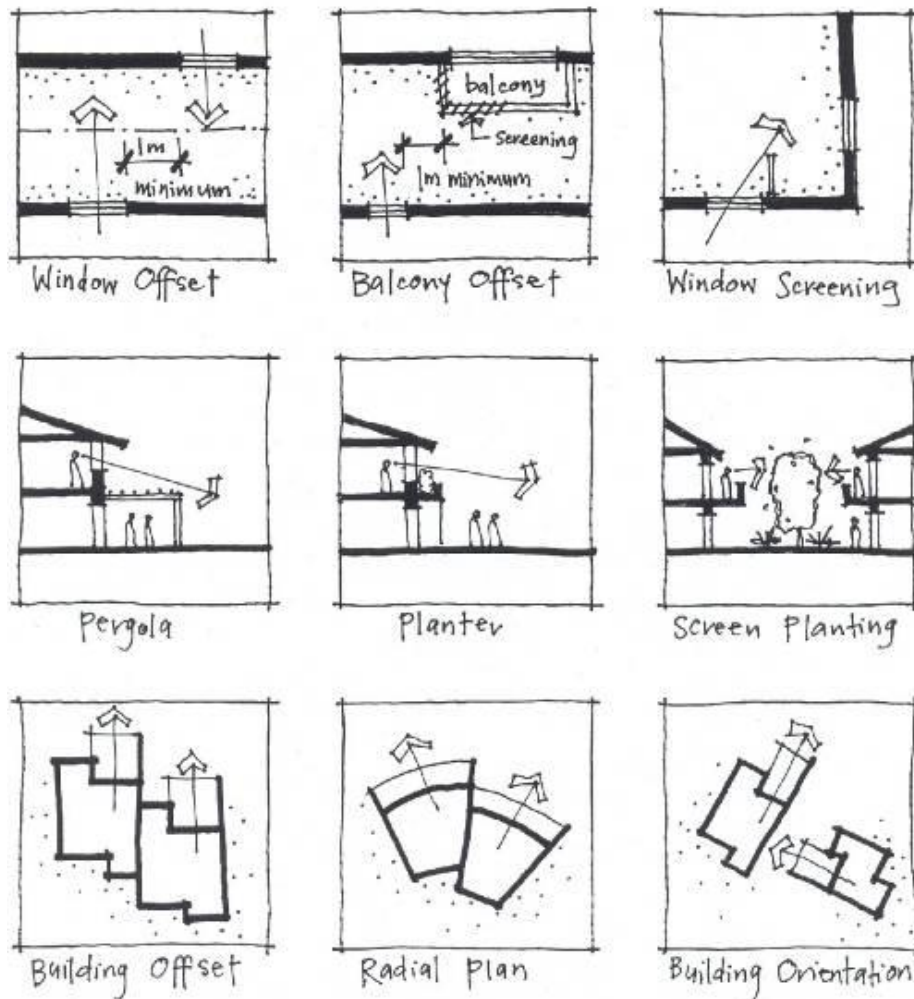


Figure 11 Examples of potential solutions for maintaining privacy

6.4 Views

OBJECTIVES

- To facilitate view sharing whilst not restricting the reasonable development potential of a site
- To have opportunities for public vistas and public views from streets and public places protected and enhanced through building design, location and landscape design
- To protect views by permitting development which minimises obstruction of such views where enjoyed from internal and external living areas of residential buildings

REQUIREMENTS

- a New development shall be designed to minimise loss of views from adjoining and adjacent properties identified in the site analysis process, while still providing opportunities for views from the development itself. This approach is called view sharing.
- b Design solutions must respond graphically to the site analysis outcomes through the issue of plans, elevations, photographs and photomontages to demonstrate how view sharing is to be achieved. In some cases, reasonable development may result in the loss of some views, but development shall not significantly obstruct views.
- c A visual analysis illustrating the impacts of the proposed development upon views may be required for developments which have the potential to obstruct views. The analysis will be required to outline the impact of the development on the views of all affected properties.
- d Measures to be used to maintain views include building setbacks, gaps between buildings, minimal floor to ceiling heights, raked ceilings to upper floors, gabled or hipped roofs, splay corners, and use of transparent materials for balustrades. See Figure 12.
- e Applicants shall demonstrate that buildings have been designed 'from the ground up', with floors located at or near to natural ground level and incorporating reasonable ceiling heights and roof pitch.
- f Important public views and vistas beyond the site shall be protected and maintained where possible, through responsive building form and treatment including roof design.

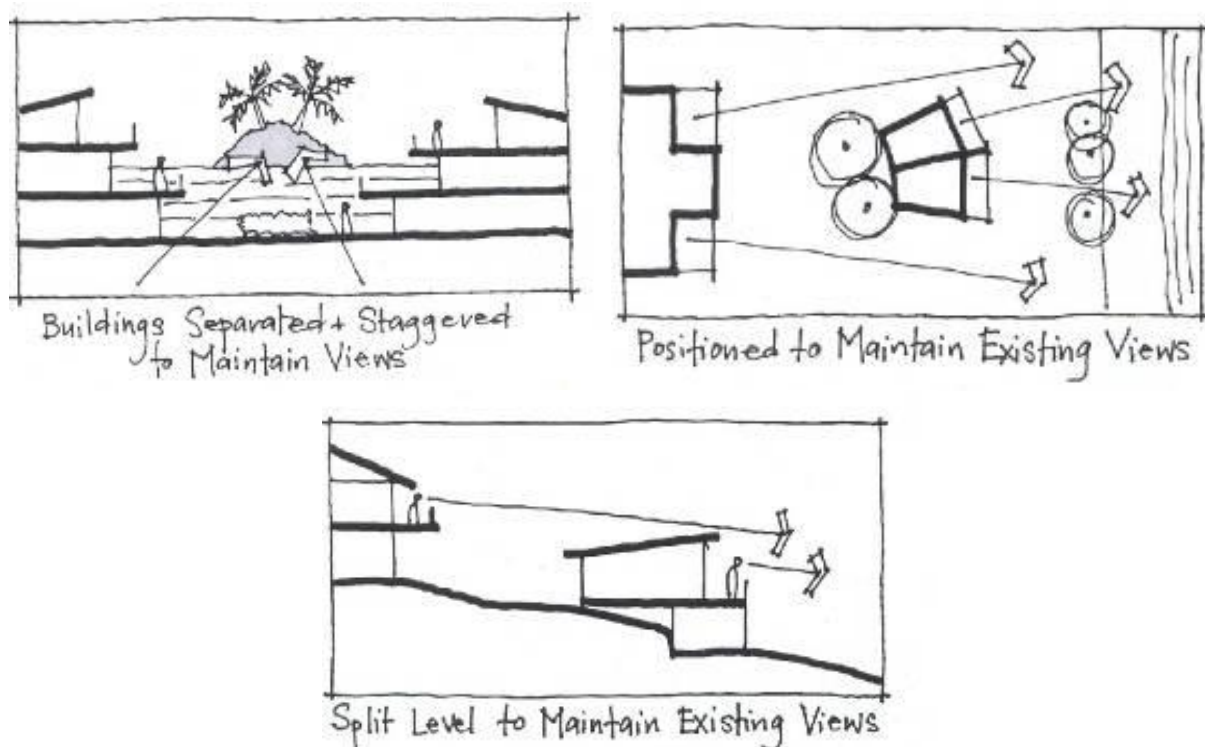


Figure 12 Examples of potential solutions to maintain views

7.0 SERVICES

OBJECTIVE

- To ensure that all development sites have adequate services to cater for future occupants

REQUIREMENTS

7.1 Services

- a All applications shall provide details of the proposed method of sewerage disposal from the site, via:
 - i On-Site Sewerage Management; or
 - ii connection to gravity-fed reticulated sewer system.
- b All sites shall be provided with adequate, separate water and sewer services, as well as telephone and power. Connection to gas is encouraged where a reticulated gas supply is available.
- c All applications shall provide details of potential impacts on existing services, for example nearby drainage, water or sewer lines.

7.2 Civil Works

- a The provision of kerb and guttering, associated street drainage, pavement construction and foot paving will be required across the frontage of the site if these do not currently exist. The only exceptions to these requirements are where in Council's opinion:
 - i it is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolated section will present a hazard to road traffic safety
 - ii the street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development
 - iii kerb and gutter is not the most suitable streetscape treatment for the particular area on the basis of existing and anticipated development
- b In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish drain, cemented paving stones or other treatment may be required with the exact type based upon the characteristics of the site.

8.0 STORMWATER MANAGEMENT

OBJECTIVE

- To ensure that land can be adequately drained for the health and convenience of residents, and that the development does not contribute to drainage or flooding problems elsewhere

REQUIREMENTS

- A stormwater management plan shall be submitted with the development application, to provide details of an appropriate means of storm water disposal. The plan shall demonstrate compliance with Council's Civil Works – Design Guideline and Construction Specification.
- All excess stormwater runoff from roof and paved areas shall be directed via gravity fed systems into inter-allotment or street stormwater drainage system by piped systems catering for the 20 year design and consideration of overland flows catering for the 100 year design. Charged systems will not be accepted.
- Where easements over downstream properties are required, evidence of agreement with the relevant property owners is to be submitted with the development application.
- Where a site is excavated or where the floor level of a building is close to the finished ground level, the area around the building is to be shaped and drained to prevent entry of overland flow from storm events, see illustrations in Figures 13, 14 and 15.
- Site works are not to obstruct or divert overland flows from upstream properties.
- Demonstration that the requirements of AS/NZS 3500 have been complied with shall be submitted with the application.

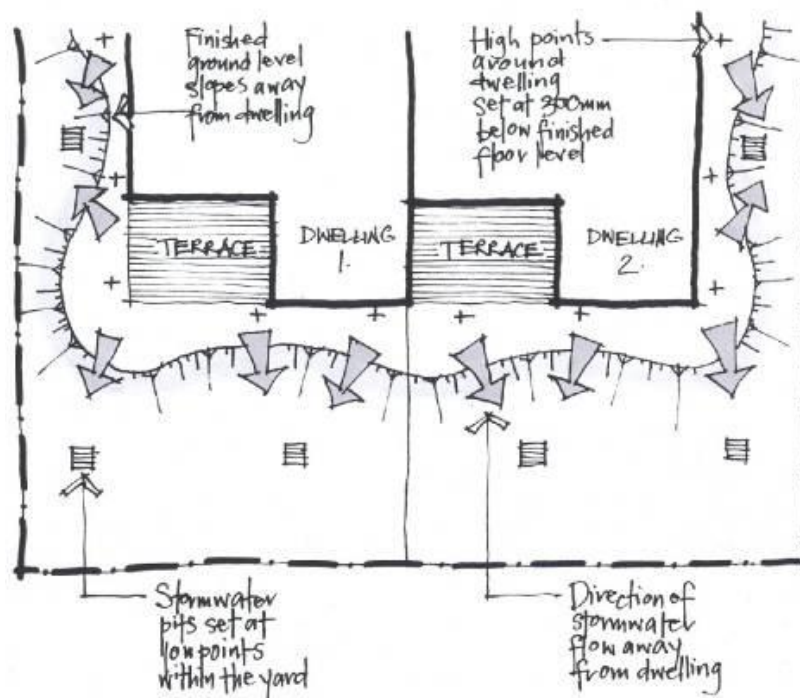


Figure 13 Stormwater management

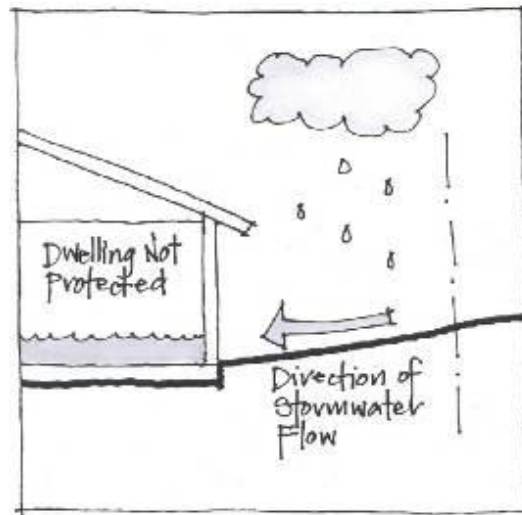


Figure 14 Example of overland flow entering the dwelling as a result of poor drainage

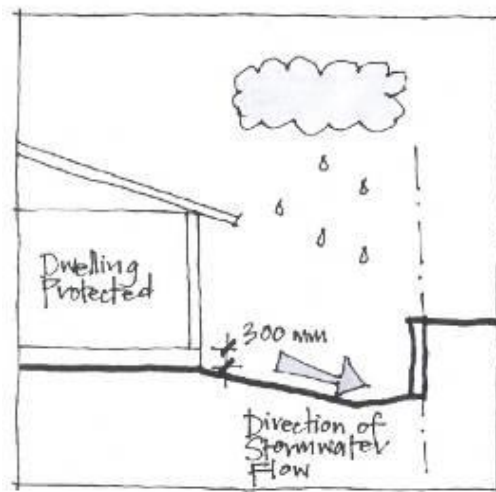


Figure 15 Example of stormwater draining away from the dwelling as a result of good drainage

9.0 LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

9.1 Landscape Design

OBJECTIVES

- To provide habitat for native indigenous flora and fauna
- To provide for softening of building forms and enhancement of the urban environment
- To assist in the reduction of stormwater runoff from a site
- To improve urban air quality
- To contribute to biodiversity
- To relate landscape design to the desired proportions and character of the streetscape

REQUIREMENTS

9.1.1 General Requirements

- a The engagement of a suitably qualified landscape professional to undertake the design and construction of landscape works for the development and submission of the landscape design with the development application.
- b In consideration of landscape design, the following practices should be considered:
 - i contribute to streetscape character and the amenity of the locality by:
 - using planting and landscape elements appropriate to the scale of the development;
 - visually softening hardstand areas associated with car parking;
 - ii design landscape which contributes to the site's particular and positive characteristics, for example:
 - by enhancing habitat and ecology;
 - by incorporating trees, shrubs and ground covers endemic to the area;
 - by retaining and incorporating changes of level, visual markers, views and any significant site elements;

- by retaining existing vegetation on site.

9.1.2 Street Trees

- Dual occupancy housing must incorporate street tree plantings at a rate of at least two semi-advanced trees per 15 metres of frontage, in accordance with Council's Civil Works – Design Guideline and Construction Specification. Details of the proposed street tree planting including species and locations shall be submitted with the development application. Street trees are to be maintained and nurtured until established.
- A street tree planting plan shall be included as part of the landscape design, except in circumstances where it is demonstrably impractical to provide street trees.

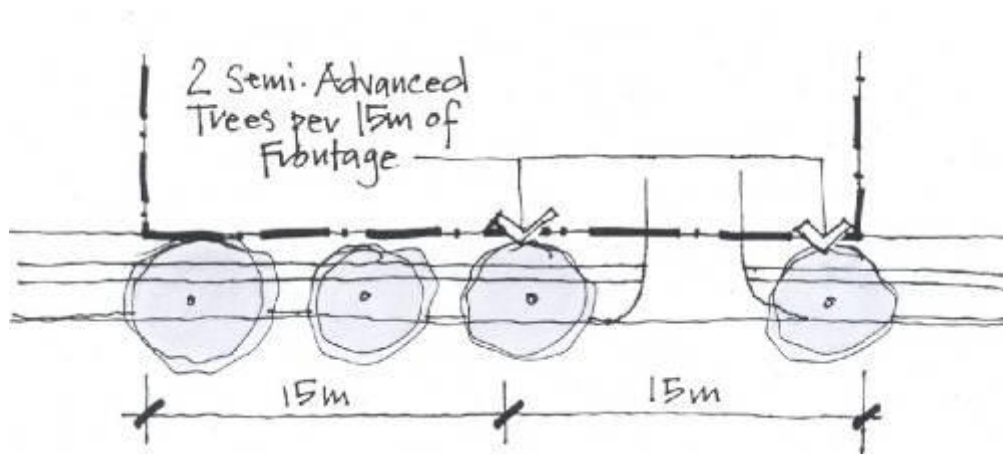


Figure 16 Example of street tree planting

9.1.3 Deep Soil Zones

- A minimum 50% of the required soft landscaped area of the site at ground level should be a deep soil zone. This may be achieved by optimising the provision of consolidated deep soil zones within a site by:
 - the design of basement and sub-basement car parking, so as not to fully cover the site;
 - the use of front and side setbacks for deep soil planting.
- Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjoining properties.
- Promote landscape health by supporting a rich variety of vegetation type and size.
- Increase the permeability of paved areas by limiting the amount of hardstand surfaces on the site or using pervious materials.

9.1.4 Planting on Structures

A common scenario in urban areas is the establishment of landscape areas on top of basement car parks, podiums or roofs. High quality landscape design and open space amenity relies in part on the quality and health of plants. The plants in these areas are grown in total containment with artificial soils, drainage and irrigation. Plants grown in such situations are subject to a range of environmental stresses that affect the health and survival of the plants.

- a Design for optimum conditions for plant growth by:
 - i providing soil depth, volume and area appropriate to the size of plants;
 - ii providing appropriate soil conditions and irrigation methods;
 - iii providing appropriate drainage.
- b Design planters to support the appropriate soil depth and plant selection by:
 - i ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant however, soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth;
 - ii providing square, rectangular or circular planting areas rather than long, narrow linear areas.
- c Increase minimum soil depths in accordance with:
 - i the mix of plants;
 - ii the level of landscape management, particularly the frequency of irrigation;
 - iii anchorage requirements of large and medium trees;
 - iv soil type and quality.

10.0 SOCIAL DIMENSIONS

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

10.1 Facilities and Amenities

OBJECTIVES

- To have adequate provision made for site facilities
- To have facilities that are functional and accessible to all residents and easy to maintain
- To have site facilities carefully and sensitively integrated into development so as not to be obtrusive, noisy or unsightly

REQUIREMENTS

10.1.1 Laundries

An individual laundry shall be provided within each dwelling which may be separate or included as part of another room.

10.1.2 Storage

Internal design of dwellings shall incorporate adequate storage space relative to the number of bedrooms within the dwelling, to cater for the needs of occupants. This may be provided in the form of an internal cupboard, or alternatively as a designated area within the garage:

Dwelling Type	Required Storage Space
1 - 2 bedrooms	3m ² floor area
3 or more bedrooms	6m ² floor area

Table 4 Storage areas

11.0 AESTHETICS

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

11.1 Fencing

OBJECTIVES

- To ensure fencing meets the requirements of residents in terms of privacy and security, as well as contributing positively to the streetscape
- To carefully select fencing to integrate with the overall development and to ensure that a site is not divorced from its surrounds by high front walls

REQUIREMENTS

11.1.1 General Requirements

- a Clearly delineate the private and public domain without compromising safety and security by:
 - i designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air;
 - ii limiting the length and height of retaining walls (see Section 4.2).
- b Details of the material, height, type and extent of all proposed fencing shall be shown on the development application plans. Design considerations may include:
 - i materials selection, including percentage of solid to transparent materials;
 - ii height;
 - iii vertical or horizontal rhythms along the street, such as vertical entry elements, boundary markers or fence post frequency;
 - iv location and frequency of entry openings or gates;
 - v location from site boundary.
- c Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating some of the following in the design of fences and walls (see Figure 17):
 - i benches and seats;
 - ii planter boxes;
 - iii pergolas and trellises;
 - iv barbecues;
 - v water features.

- d Retain and enhance the amenity of the of the public domain by:
- i avoiding the use of continuous lengths of blank walls at street level;
 - ii using planting to soften the edges of any raised terraces to the street, such as over sub-basement car parks, and reduce their apparent scale;
 - iii selecting durable materials which can be easily cleaned and are graffiti resistant.
- e Dividing fencing shall not adversely affect flow of surface water or create flooding problems to adjoining properties.
- f Where a courtyard is proposed, the enclosing fence shall be of a decorative nature and 1.8 metres in height.
- g Courtyard fencing may only be permitted within the front setback area for allotments with frontage to Category A roads to provide noise attenuation; and to Category B roads to optimise solar access. The fence shall be erected no closer than a minimum of 1.5 metres from the front boundary alignment and this 1.5 metre setback shall be properly landscaped. Fences staggered with planting over the 1.5 metre setback may also be considered.
- h Decorative fencing of maximum 1.2 metres height is permitted along the front boundary.
- i Any fencing which is visible from the street or public places shall be decorative in style, forming part of the architectural and landscaping design concept for the site. Fencing should not detract from the streetscape or character of the area. Plain colourbond and /or timber paling fences are unacceptable in this regard. A combination of materials and articulation of the fence plane is required in order to achieve better presentation to the public domain, as illustrated in Figure 18.
- j The cost of upgrading common boundary fences rests with the developer.

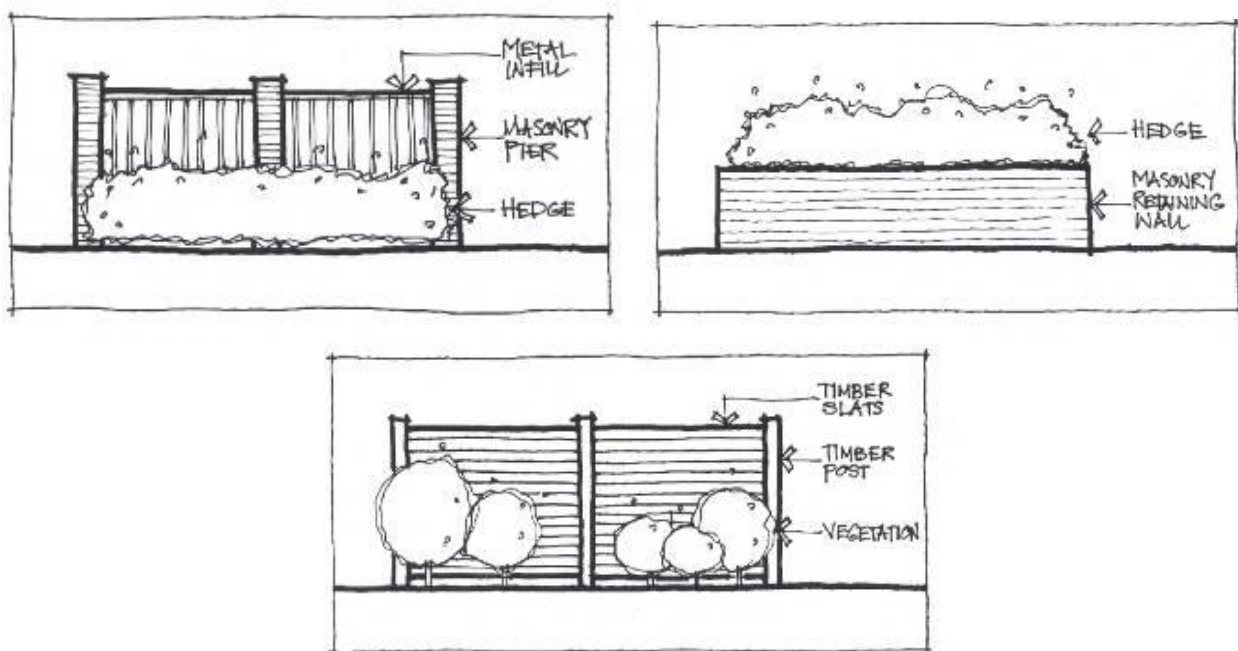


Figure 17 Examples of decorative fencing

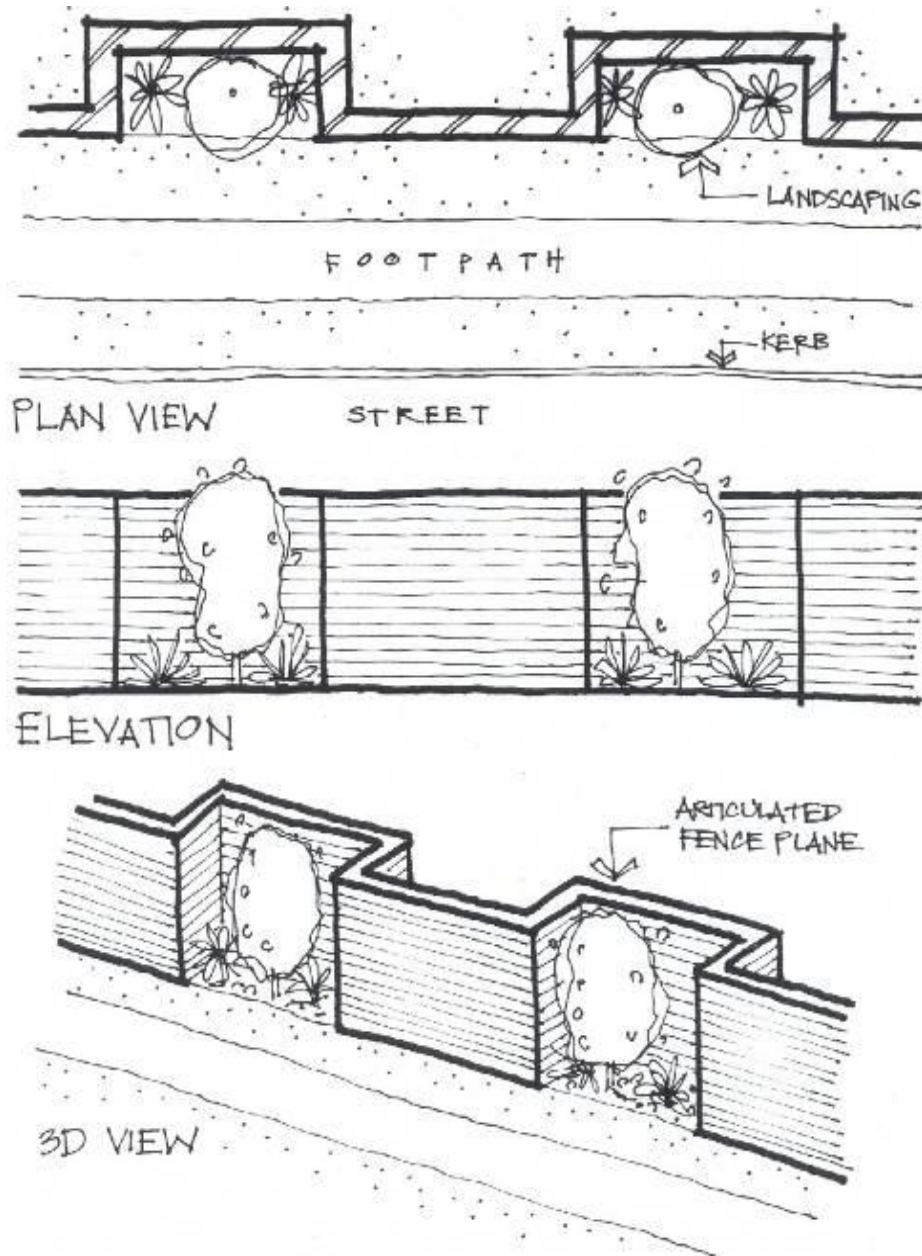


Figure 18 Example of an articulated fence

11.1.2 Corner Allotments

- a No courtyard fences shall be permitted within the setback area to the side street.
- b No structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines, as illustrated in Figure 7. Any existing or proposed tree in this area is to be maintained with a clean trunk under a height of 2.0 metres.

11.2 Streetscape

OBJECTIVES

- To avoid blank / unrelieved building facades along publicly visible elements of a development
- To ensure new development is compatible with and consistent with established built form in the results in a physically cohesive neighbourhood

REQUIREMENTS

- a Development shall enhance the streetscape character, complementing the surrounding built form, landscape and environmental conditions of the locality.
- b Building design, roof profile, detailing, colours, materials etc. that are visible from the street and adjoining properties shall be compatible with any desirable design themes within the surrounding locality.
- c Developments shall be designed to address the street in order to contribute positively to the area. Building entry points should be emphasised and designed to visually integrate with the rhythm of the streetscape.
- d See section 4.1 of this Chapter for specific building design requirements.

12.0 ADDITIONAL PROVISIONS FOR SPECIFIC AREAS

12.1 Rural and Environmental Living Zones

OBJECTIVES

- To facilitate dual occupancy in rural and environmental living areas
- To encourage integration of building form to achieve the appearance of a single dwelling, or to cluster buildings adjacent to the principal dwelling
- To minimise the impacts of additional occupancies in rural and environmental living areas

REQUIREMENTS

Additional special requirements apply to dual occupancy housing in these zones, as follows:

12.1.1 Dual Occupancy Buildings

Attached and detached dual occupancy buildings are permissible in RU1, RU2, RU6, R5, E3 and E4 zones.

12.1.2 Design and Appearance

- a Attached dual occupancies shall have an integrated appearance which gives the impression of a single dwelling house, unified by similar materials, colours, textures, massing and roof pitches.

- b Covered walkways or breezeways are not acceptable means of attaching the two dwellings. Covered garages or common party walls may be used, provided that the building achieves an integrated appearance.
- c Where the proposal involves detached dual occupancy:
 - i Buildings are to be “clustered” with the principal dwelling and farm buildings, i.e., within a maximum distance of 50 metres. Dual occupancy development shall not be used as grounds to support subdivision of the land;
 - ii A common effluent disposal area is to be utilised.; and
 - iii Each building is to be accessed from a common driveway. Additional separate access crossings will not be supported for dual occupancy development.

12.1.3 Setbacks

The minimum setbacks required to the nearest building wall are:

- a 20 metres from either frontage (road) boundary;
- b 10 metres from the site’s side and / or rear boundaries;
- c 40 metres from the top of the bank of creeklines; and
- d 50 metres from the crest, or highest point, of ridgelines.

12.1.4 Building Height

Dual Occupancy buildings in rural and environmental living areas shall generally not exceed 7 metres building height.

13.0 DUAL OCCUPANCY SUBDIVISION

Intending applicants are also advised to review WLEP 2013 and Part 4 – Subdivision in relation to minimum lot size and other requirements for residential subdivision. Applications for subdivision of dual occupancy housing must include the following information:

- a proposed plan of subdivision;
- b demonstration of compliance with the approved development on site;
- c details of proposed easements, rights of carriageway or restrictions as to user;
- d details of the location of any existing easements or services on site and proposed services for each dwelling;
- e demonstration of compliance with the Building Code of Australia;
- f Statement of Environmental Effects;
- g applications for subdivision in bush fire prone land must include a Bushfire Assessment Report in accordance with the New South Wales Rural Fire Service’s ‘Planning for Bush Fire Protection Guidelines’ as well as payment of the applicable Integrated Development fees for referral to the New South Wales Rural Fire Service.

14.0 CONTRIBUTIONS

OBJECTIVES

- To provide services and facilities for proposed developments in accordance with the demands created by development
- To provide services and facilities for proposed developments to a level determined in Contribution Plans to be appropriate to residents' needs
- To achieve an equitable sharing of costs of the services and facilities between developments that benefit from these services and facilities
- To achieve the collection of contributions to fund the services and facilities for the proposed development
- To comply with requirements of the Environmental Planning and Assessment Act and water Supply Authorities Act in relation to development contributions

REQUIREMENTS

- a Residential developments attract contribution charges under the Water Management Act 2000 and under Section 94 of the Environmental Planning and Assessment Act 1979. Contributions are an essential means of providing amenities such as open space, community facilities and road, intersection and drainage improvements; which are necessary as a consequence of the additional development within Wyong Shire.
- b Reference to the Contribution Plan for your specific area will be required to determine specific contribution types and levels.