

DCP No.
99

Building Lines Development Control Plan

This Development Control Plan (DCP) may be amended from time to time by Council. Proposed amendments are required to be advertised and exhibited in draft form and any submissions received must be considered by Council before the amended plan is adopted. People using this DCP should ensure that they have the current copy of the plan, including any amendments. If in doubt, please check with Council's Customer Service Centre.

Adopted as per council resolution Dated:	
Effective:	
Certified in accordance with the Environmental Planning and Assessment Act 1979 and Regulations	General Manager:
	Dated:

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1.0 **ADVISORY**

1.1 **What is this plan called?**

This Plan is called "Development Control Plan No 99 - Building Lines" which may be abbreviated to "DCP 99".

1.2 **What is the purpose of this plan?**

The purpose of this plan is to identify building lines for development. This refers to the distance a building must be set back from property boundaries (front, side and rear) and other features, such as foreshore building lines.

1.3 **What are the aims of this plan?**

The aims of this plan are:

- To identify Council's building line and setback requirements for development.
- To require areas around buildings for environmental improvement and protection.
- To control the visual impact of buildings and other structures on waterfront and public reserve areas.

1.4 **Where does this plan apply?**

This plan applies to the whole of Wyong Shire.

1.5 **What type of development does this plan cover?**

The plan applies to all buildings and structures in Wyong Shire.

1.6 **How does this plan relate to other plans?**

This plan has been prepared in accordance with Clause 74C of the Environmental Planning and Assessment Act, 1979 and relevant clauses of the Environmental Planning and Assessment Regulation 2000.

The plan is generally consistent with the provisions of Wyong Local Environmental Plan 1991 as amended.

In circumstances where there may be any inconsistency between the requirements contained in this plan and any other Council Development Control Plan, the provisions of this plan shall apply.

1.7 **What does this plan contain and how is it used?**

This plan contains three (3) sections identifying building line requirements for development in Wyong Shire.

Section 1 - The ADVISORY Section provides information on the preparation of this plan, applicable definitions and the consideration of proposals for variations from the standards within this plan.

Use this section to identify when and how this plan applies.

Section 2 - The WHAT ARE BUILDING LINES? Section provides an explanation as to the purposes and objectives of identifying building lines, the interpretation of concepts and the method of measurement of a building line.

Use this section to identify how to apply the standards of this plan.

Section 3 - The ADOPTED BUILDING LINES Section identifies the building lines required for certain types of development.

Use this section to identify the building lines that apply to various categories of development.

Remember that Council staff are always available to help with information and advice.

1.8 Definitions

In this plan:

Building Line means the minimum distance a structure must be setback from a boundary.

Category A Roads include roads that are classified as proclaimed by the Main 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). For example, the Pacific Highway.

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 vpd and 10,000 vpd.

Category C Roads are streets which are projected to carry less than 2,000vpd.

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

Primary Frontage means the frontage to the major road, which is usually the shorter frontage of a corner lot.

Secondary Frontage means the side street frontage, which is generally taken to be the longer frontage of a corner lot, often being the terminating street.

Setback means the distance between the boundaries of a lot and the external wall of a building erected or proposed to be erected thereon.

Storey means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling.

Wall means the external wall of the building nearest to the boundary line from which the building line is being measured.

Note: For the purposes of this plan:

- a window in a recess in a wall is taken to be a window in the wall; and
- the external wall of any garage, laundry, workshop or the like which is attached to a class 1 building is taken to be an external wall of that building; and
- any gable having a surface area exceeding 10m² is taken to be a wall.

1.9 Variations

The table contained in Section 3 of this plan identifies the building line setback requirements for different types of development. Council may consider requests to vary these requirements and the criteria against which such variations will be assessed are in most cases included in the table.

Generally, the following are not considered appropriate justification for the variation of building setback lines:

- the development can not otherwise fit on the site;
- there are other examples of similar setbacks elsewhere; or
- other alternatives are more expensive (eg., a drive through garage).

The Building Code of Australia

Some additional circumstances apply for Class 1 buildings. Under the Building Code of Australia, Class 1 buildings generally include single dwelling houses not located one above another and as such may also include townhouses, villas, boarding houses, guest houses and Dual Occupancy development.

Other circumstances where variation to the rear and side boundary setbacks of Class 1 buildings may be sought include where:

- the wall is a common wall or party wall that separates 2 or more dwellings (such as are commonly known as semi-detached or terrace buildings) attached to each other and erected on 2 or more parcels of land; or
- in the case of a wall (or part of a wall) of a single class 1 building:
 - the wall (or part) does not contain windows and the council is satisfied that compliance by the wall (or part) with this subclause would be impracticable because of the levels or width of the allotment or other exceptional conditions of the site; and
 - the wall is not less than such distance from the boundary line of the allotment as the council approves in the particular case; or
 - the wall (or part of the wall) does not contain windows and comprises an extension (permitted by Council) of an existing wall being an extension that is at such lesser distance from the boundary line as the council approves in the particular case; or
 - the wall consists of an existing wall that is to be veneered or refaced; or
 - building to a distance closer to the boundary line (or building to the boundary line) has been consented to in a development consent under the Environmental Planning and Assessment Act 1979.

Allowable Encroachments:

The encroachments allowed within 900mm of an allotment boundary or within 1800mm of another building on the same allotment are:

- Fascias, gutters, downpipes and the like;
- Eaves with non-combustible roof cladding and non-combustible lining.

Such encroachments must comply with the requirements of Part 3.7.1.7 of the Building Code of Australia (Housing Provisions), as shown below in Figure 1.

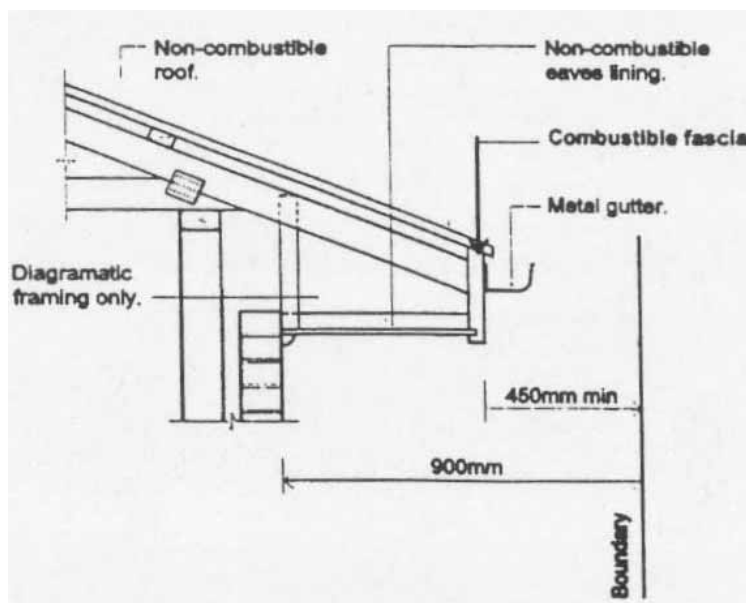


Figure 1 Allowable Encroachments

2.0 WHAT ARE BUILDING LINES?

2.1 Why have Building Lines?

Building lines form an important element of building and urban design. The siting of buildings relative to each other, the public domain and natural features affect issues of health (solar access, ventilation), safety, privacy, noise amelioration, views, streetscape, provision of services, retention of vegetation and protection of sensitive areas such as wetlands and lake foreshores.

2.2 Building Lines in Wyong Shire

Over the years, Wyong Shire Council has adopted a number of building lines to address these issues in different situations. Current controls are outlined below:

Current Controls:

Building Lines are currently controlled by Council by the following means:

- Wyong Local Environmental Plan 1991 (cl. 31) – from foreshores;
- Development Control Plans - some general (DCP 11 - Bed and Breakfast Accommodation / DCP 64 - Residential Flat Buildings / DCP 99 - Building Lines) and some site specific (DCP 7 - Wyong Town Centre / DCP 77 Coastal Hazards); and
- Council resolutions and policies.

2.3 General Objectives for Building Lines

To ensure that new development:

- is functional and attractive;
- is designed in accordance with the principles of ecological sustainability;
- relates to its setting and prevailing environmental conditions;
- contributes positively to the quality and character of its locality; and
- takes account of the impact on adjoining and nearby development.

2.4 General Performance Criteria for Building Lines

Health: Sufficient area is provided around buildings to provide adequate ventilation, access for maintenance, cleaning and for the collection of waste.

Solar Access: Sufficient area is provided around buildings to enable good solar access (the entry of sunlight) to a building and site, to facilitate energy efficient building design and to avoid an undesirable level of overshadowing of adjoining premises.

Ventilation: Sufficient area is provided around buildings to enable an acceptable level of air movement around the building while avoiding undesirable wind tunnel effects.

Safety: Sufficient area is provided around buildings to discourage the transmission of fire and to enable access for fire control in accordance with the Building Code of Australia.

Privacy: Sufficient area is provided around buildings to protect the privacy of adjoining and nearby users of surrounding development. This may be coupled with suitable structures and other techniques which enhance privacy.

Noise Amelioration: Sufficient area is provided around buildings to ensure that the recommended level of noise exposure for users of surrounding development is not exceeded.

Views: Sufficient area is provided around buildings, where possible, to minimise the impact on views enjoyed by occupants of adjacent lands and buildings.

Provision of services: Sufficient area is provided around buildings to enable the provision of all services and stormwater management.

Retention of vegetation: Sufficient area is provided around buildings to enable the retention of significant vegetation and to enhance the viability of existing and future vegetation and landscaping and permit the infiltration of stormwater.

Protection of special areas and structures: Sufficient separation is provided around identified heritage items and Aboriginal archaeological sites to assist their retention and protection.

Streetscape: Site layout and building design enables the creation of attractive and functional localities and complements and enhances the positive aspects of existing local character and built form.

2.5 Measurement of Building Lines

Building lines are measured as the shortest distance from the boundary of a site to the wall of a building. This is a perpendicular measurement from a straight boundary, and in the case of a curved boundary it is measured perpendicular to the tangent point of the arc. In the case of a dwelling house, building lines from the street boundary are measured to the front wall of the dwelling (including balconies, verandas, patios, steps and the like).

2.6 Special Provisions at Intersections

Preservation of "Sight Lines":

- No building is to be erected within the triangle defined by drawing a line through points on the property boundaries, 12 metres on the principle street frontage, and 6 metres on the secondary (or terminating) street frontage, in order to maintain the available sight distance for drivers at the intersection;
- Planting within this area shall be limited to sparsely spread advanced trees with clear trunks and no foliage until 2 metres above ground, or alternatively groundcover foliage or shrubs with a maximum height of 1 metre;
- Driveways for corner lots at non-signalised intersections are to be set back a minimum of 6 metres from the tangent point of the kerb return, as shown below in Figure 3.

Driveways for corner lots at signalised intersections are to be generally set further back to beyond the influence of queue lengths or are required to be serviced by alternate means, e.g. an access handle or right of carriageway from an another street.

Driveways for corner lots adjacent to roundabouts or channelled intersections are to be generally clear of the intersection islands and pavement marking unless the intersection can be safely designed to accommodate access to the lots. Alternatively an access handle or right of carriageway from another street may be provided.

- Special requirements apply to driveway locations, fencing and plantings in relation to sites adjacent to roundabouts. Required sight lines are determined relating to the roundabout geometry and the design speeds of the adjacent roads. Enquiries should be made with Council's Customer Service Centre in relation to these sites prior to the determination of:
 - the proposed location of driveways to avoid the splitter islands, etc;
 - the siting of buildings;
 - the selection of fencing height and materials; and
 - the selection of plant species.

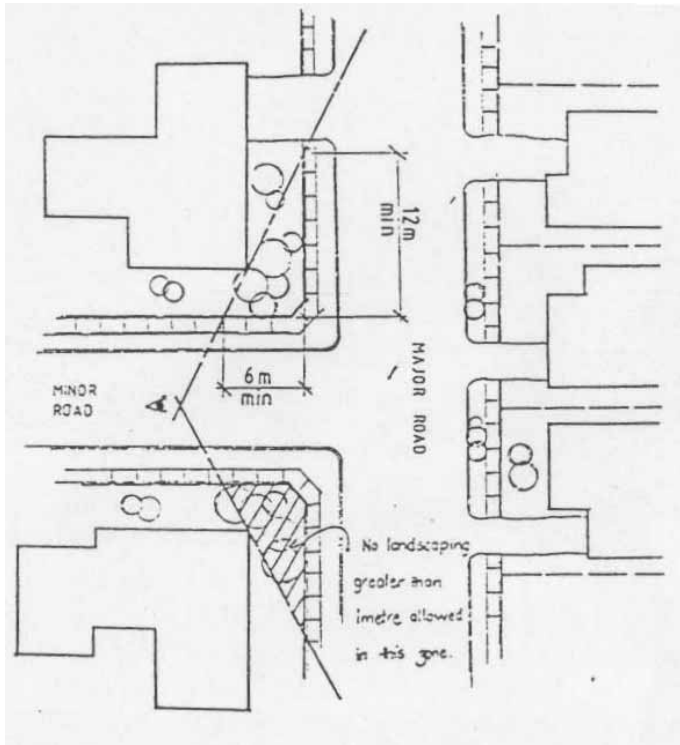


Figure 2 Preservation of Sight Lines

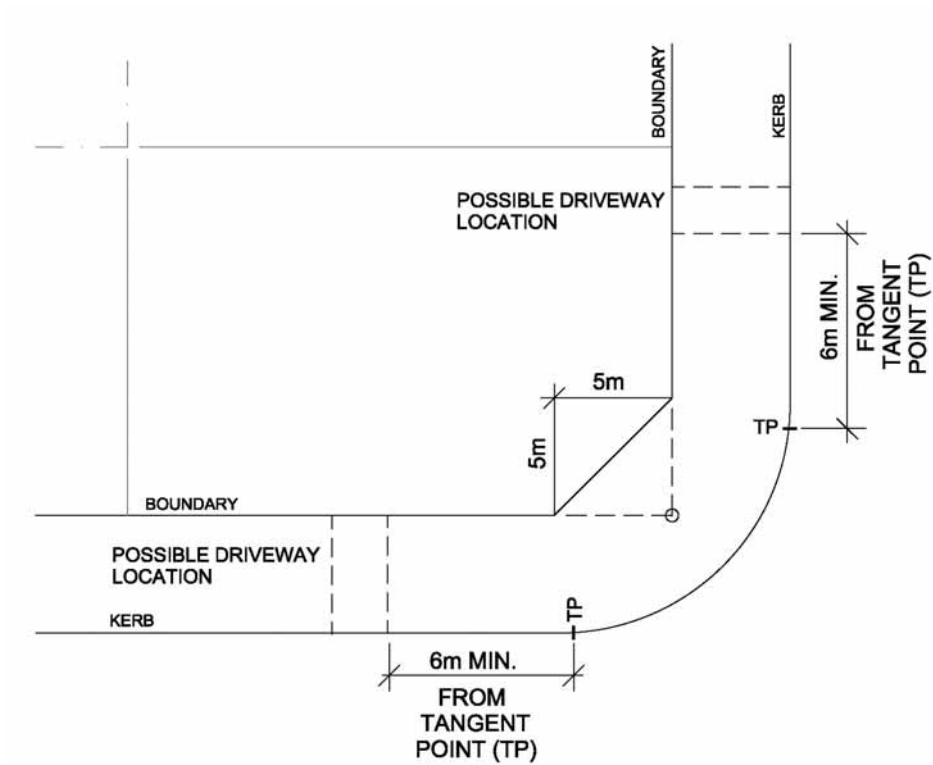


Figure 3 Potential Locations for Driveways

3.0 ADOPTED BUILDING LINES

WYONG COUNCIL BUILDING LINES

For details on Building Lines affecting land in Wyong Shire refer to the following Sections, with their associated Tables:

3.1 Building Lines

3.2 Foreshore Building Lines in Wyong Shire

The Building Lines stated are Council's minimum building setback lines. Applicants have the ability to propose additional distances should such be warranted by the merits of the design and the circumstances of the case.

3.1 Building Lines

RESIDENTIAL (Up To 2 Storeys) - FRONT BOUNDARY		
CATEGORY	FRONT BUILDING LINE	SPECIAL CONDITIONS
<ul style="list-style-type: none"> ▪ Single Detached Dwelling ▪ Garages and Carports (whether attached or detached) ▪ Ancillary Buildings and Structures (eg: garden sheds, water tanks, pergolas, etc.) ▪ Dual Occupancy ▪ Villas ▪ Townhouses and Residential Flat Buildings. <p>(For development exceeding 2 storeys refer to Development Control Plan No. 64 – Guidelines to Medium and High Density Residential Development)</p>	<p><u>Building Façade:</u></p> <p>“Category A” roads: 7.5m</p> <p>“Category B” roads: 6.0m</p> <p>“Category C” roads: 4.5m</p> <p><u>NB:</u> For “Category C” roads, a 6.0m setback applies where:</p> <ul style="list-style-type: none"> ▪ the road reserve < 12m; and ▪ the development is proposed on both sides of the road. <p><u>Garage or Carport,</u> whether attached or detached:</p> <ul style="list-style-type: none"> ▪ 6.0m minimum from the street accessed, excepting “Category A” roads, where 7.5m applies. 	<p>The Building Line applies to the front wall, including patio, steps and balconies.</p> <p>Any building line less than that identified shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) enhancing the local streetscape;</p> <p>(iii) retaining reasonable privacy for existing and future residents;</p> <p>(iv) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and/or retention of significant existing vegetation.</p>
<p>Swimming Pools</p>	<p>As above for Single Detached Dwelling, etc. Note requirements in relation to preservation of sight lines on corner allotments.</p>	<p>Council may consider an application for a swimming pool within the front setback where site constraints prevent another location, solar access is at a premium and the enclosing fence is set back a minimum of 1.5 metres with screen landscaping and a fence design that blends with the streetscape.</p>
<p><i>Corner Allotments –</i></p> <ul style="list-style-type: none"> ▪ Single Detached Dwelling, etc. ▪ Dual Occupancy, ▪ Villas, ▪ Townhouses and Residential Flat Buildings 	<p>As above, <u>plus</u> comply with:</p> <p><u>“Preservation of Sight Lines”:</u> No building 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</p>	<p>For single detached dwellings refer also to requirements specified within DCP 100 – Quality Housing.</p>

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RESIDENTIAL (Up To 2 Storeys) – SIDE AND REAR BOUNDARIES		
CATEGORY	SIDE AND REAR BUILDING LINE	SPECIAL CONDITIONS
<ul style="list-style-type: none"> ▪ Single Detached Dwelling ▪ Garages and Carports (whether attached or detached) ▪ Ancillary Buildings and Structures (eg: garden sheds, water tanks, pergolas, etc.) ▪ Dual Occupancy ▪ Villas ▪ Townhouses and Residential Flat Buildings. 	<p><i>Walls:</i> 900mm</p> <p><i>Eaves:</i> 675mm</p> <p><u>In addition to the above</u>, a minimum setback of 2.4 metres shall be provided to one side of the dwelling to allow vehicular access to the rear of the lot, except where the following can be satisfied:</p> <ul style="list-style-type: none"> ▪ A garage or carport is erected as part of the proposed dwelling, thereby providing 2 off-street parking spaces; or ▪ The proposed dwelling is set back a sufficient distance to allow a future carport/garage to be erected on or behind the relevant building line; or ▪ Vehicular access to the rear of the lot can be provided from an adjoining street. <p>Any landing and/or steps adjacent to a side boundary of a single storey dwelling will be permitted at a lesser distance than the 900 mm minimum wall clearance and may extend to the boundary provided the height does not exceed 1 metre and there is no interference with the amenity of the adjoining property.</p> <p>Open tread stairs serving the first floor of a 2 storey dwelling must have a minimum clearance of 675 mm to the side boundary.</p> <p>Check Development Control Plan No. 85 - Exempt Development for relevant uses. Water tanks may be located closer to the boundary where comprising non-combustible materials. A minimum passing area of 675mm is desirable.</p>	<p>The Building Line applies to the wall, including patio, steps and balconies.</p> <p>A cornice or eave may return along a wall for a maximum distance of 1800mm if the cornice or eave at any part is not less than 450mm from the boundary line.</p> <p>Any building line less than that identified shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) enhancing the local streetscape;</p> <p>(iii) retaining reasonable privacy for existing and future residents;</p> <p>(iv) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and/or retention of significant existing vegetation.</p> <p>(v) addressing one or more of the circumstances identified in clause 1.9 of this development control plan; and</p> <p>(vi) adequate off street and on street parking being available for the dwelling.</p>
Swimming Pools	1.0 metre to edge of water.	

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RESIDENTIAL (Up To 2 Storeys) – Side and Rear Boundaries (Cont'd)		
CATEGORY	SIDE AND REAR BUILDING LINE	SPECIAL CONDITIONS
<p>Corner Allotments –</p> <ul style="list-style-type: none"> ▪ Single Detached Dwelling ▪ Garages and Carports (whether attached or detached) ▪ Ancillary Buildings and Structures (eg: garden sheds, water tanks, pergolas, etc.) ▪ Dual Occupancy ▪ Villas ▪ Townhouses and Residential Flat Buildings. 	<p>Side Streets: 2.0m, where a drive-through garage or carport is provided with the dwelling and the intersection sight lines are preserved and the driveway location requirements specified under s.2.6 are adhered to.</p> <p>NB: Where a garage or carport is proposed to be accessed from the side street, a 6.0m setback applies to that structure, or component of the dwelling, from the boundary with the street accessed, excepting “Category A” roads, where 7.5m applies.</p>	<p>See “Sight Lines” above</p> <p>In the absence of a double garage, or a drive-through garage or carport for a single dwelling, a 2.4m side setback for access to the rear yard applies (see above).</p> <p>Refer also DCP 64 – Multiple Dwelling Residential Development.</p>
<p>Existing Dwelling House and Ancillary Buildings – Veneering or refacing</p>	<p>If an existing external wall of a Class 1 building is veneered or refaced, guttering, eaves hoods and similar structures or attachments erected between the external plane of the face of the external wall and any boundary line must not be less than 500mm from that boundary.</p>	
<p>Garages (timber clad)</p>	<p>500mm</p>	<p>Detached from dwelling by 900mm; and no encroachment on adjoining site.</p>
<p>Garages (masonry)</p>	<p>Nil</p>	<p>Detached from dwelling by 900mm; no windows in wall; and no encroachment on adjoining site.</p>
<p>Carports</p>	<p>500mm</p>	<p>Nil to existing approved masonry wall on the boundary.</p> <p>An open carport, open porch, awning, pergola or similar structure may extend to the boundary line of the allotment if the structure complies with the BCA and Council is satisfied that it will not materially affect the amenity of the adjoining site.</p>

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RESIDENTIAL (More Than 2 Storeys) – SIDE AND REAR BOUNDARIES		
CATEGORY	SIDE AND REAR BUILDING LINE	SPECIAL CONDITIONS
<ul style="list-style-type: none"> ▪ Single Detached Dwelling ▪ Garages (whether attached or detached) ▪ Ancillary Buildings and Structures (eg: garden sheds, pergolas, etc.) ▪ Dual Occupancy ▪ Villas ▪ Townhouses and Residential Flat Buildings. 	<p><i>Walls:</i> 1500mm</p> <p><i>Eaves:</i> 1125mm</p>	<p>Check specific building lines within DCP 58 – Dual Occupancy and DCP 64 – Multiple Dwelling Residential Development.</p>

RURAL AND RURAL RESIDENTIAL – Rural Dwellings / Front, Side and Rear		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Rural Dwelling	<p>As per DCP 100:</p> <p><u>Front</u>: 20 metres</p> <p><u>Side/Rear</u>: 10 metres</p> <p><u>Creeklines</u>: 40 metres from top of bank.</p> <p><u>Ridgelines</u>: 50 metres from crest or highest point.</p>	<p>Refer to Development Control Plan No. 100 – Quality Housing.</p> <p>Any building line less than that specified shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) protecting the physical characteristics of the land including, slope soil, watercourses, trees and other natural features;</p> <p>(iii) enhancing the visual amenity of the locality and in keeping with the rural character of the area and with the objectives of the zone;</p> <p>(iv) protection from bushfire;</p> <p>(v) enabling better access;</p> <p>(vi) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of vegetation; or</p> <p>(vii) retaining reasonable privacy for existing and future residents.</p>

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RURAL AND RURAL RESIDENTIAL – Other Buildings / Front, Side and Rear		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Farm Buildings, Ancillary Buildings, Machinery Sheds, Water Tanks, etc.	<p><u>Front:</u> 20 metres and generally not in front of the dwelling house.</p> <p><u>Side/Rear:</u> 10 metres</p> <p><u>Creeklines:</u> 40 metres from top of bank.</p> <p><u>Ridgelines:</u> 50 metres from crest or highest point.</p>	<p>Check DCP 85 - Exempt Development for setback requirements for certain rural land uses.</p> <p>Location of a building or structure behind the building line but in front of the dwelling house shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) protecting the physical characteristics of the land including, slope soil, watercourses, trees and other natural features;</p> <p>(iii) enhancing the visual amenity of the locality and in keeping with the rural character of the area and with the objectives of the zone;</p> <p>(iv) protection from bushfire;</p> <p>(v) enabling better access;</p> <p>(vi) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of vegetation; or</p> <p>(vii) retaining reasonable privacy for existing and future residents.</p>
Silos	<p><u>Front:</u> 20 metres.</p> <p><u>Side/Rear:</u> Distance equivalent to the height of the silo plus 1 metre.</p>	<p><u>Note:</u> For Silos as Exempt Development under DCP 85, the front setback is 20 metres and not in front of the dwelling house</p>

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RURAL AND RURAL RESIDENTIAL – Other Buildings / Front, Side and Rear		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Tennis Courts	<p><u>Front</u>: 20 metres.</p> <p><u>Side/Rear</u>: 10 metres minimum and 30 metres from any dwelling on adjoining land.</p>	Lighting requires Council approval. The potential impact on neighbours may determine that an additional setback or specific directional lighting controls may be required.
Swimming Pools	<p><u>Front</u>: 20 metres.</p> <p><u>Side/Rear</u>: 10 metres.</p>	

COMMERCIAL - Front, Side and Rear		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Buildings on Commercial Land affected by a Development Control Plan	As per the applicable Development Control Plan.	Refer to applicable Development Control Plan.
Buildings on other Commercial Land	Nil, subject to satisfactory design.	<p>Satisfactory design means compliance with the BCA and that all activities associated with the commercial use are accommodated on the relevant site including:</p> <ul style="list-style-type: none"> ▪ Access ▪ Carparking ▪ Display and Storage <p>Where a residential component is included, the standards within Development Control Plan No. 64 apply.</p>

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INDUSTRIAL – Front Boundary		
CATEGORY	FRONT BUILDING LINE	SPECIAL CONDITIONS
Buildings on Industrial Land affected by a Development Control Plan	As per the applicable Development Control Plan.	Refer to applicable Development Control Plan.
Buildings on other Industrial Land	“Category A” roads: 15m “Category B & C” roads: 10m	Landscaped setback area, not including carparking. Advertising is restricted to one sign identifying the premises.

INDUSTRIAL – Side and Rear		
CATEGORY	SIDE AND REAR BUILDING LINES	SPECIAL CONDITIONS
Buildings on Industrial Land affected by a Development Control Plan	As per the applicable Development Control Plan.	Refer to applicable Development Control Plan.
Buildings on other Industrial Land	<u>Side</u> : 5 metres to each side, or zero on one side. <u>Rear</u> : 5 metres.	Zero on one side is only applicable in certain cases, e.g., on small lots, on southern boundary with adjacent land or adjoining another site utilising zero setback. Subject to satisfactory fire rating under the Building Code of Australia and acceptable landscape provision to other areas.

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SPECIAL USES		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
All 5(a) - Special Use Zoned land under Wyong LEP 1991	On merit.	Building design and placement shall have regard to the character and placement of adjoining development.

LAND ADJOINING PUBLIC RESERVES		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Dwelling Houses and Ancillary Structures	<p>4.5m from the rear boundary with the reserve.</p> <p>900mm from a side boundary with the reserve if the driveway cannot be located on this boundary to provide additional separation and amenity.</p>	<p>Any building line less than 4.5 metres shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) enhancing the local streetscape;</p> <p>(iii) retaining reasonable privacy for existing and future residents;</p> <p>(iv) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of significant existing vegetation; and</p> <p>(v) not compromising the integrity of the public reserve including its natural features (including bushland) and built features; or</p> <p>(vi) protection from bushfire or other hazard.</p>

3.1 Foreshore Building Lines in Wyong Shire

FORESHORE BUILDING LINES:		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
Specified - (i.e.: prescribed under Wyong LEP 1991)	As per clause 31 of Wyong LEP 1991 (refer following page)	Development Control Plan No 77 - Coastal Hazards also sets building lines and applies to certain land adjoining the coastline in Blue Bay, Toowoan Bay, The Entrance, North Entrance to Noraville and Norah Head.
Other foreshore areas - habitable buildings (i.e.: fixed by Council resolution)	20m from Mean High Water Mark (identified on the Title).	
Other foreshore areas - items specified in clause 31 (5) of Wyong LEP 1991	20 metres	Variations may be considered, subject to suitable justification, for boat sheds, wharves, jetties, retaining walls, swimming pools, structures or works (not being habitable buildings below or at the surface of the ground) and other structures which, in the opinion of Council, are unobtrusive and acceptable.
Other foreshore areas - non habitable buildings and structures	20 metres	Development Consent is required where the building is within 40 metres of a watercourse, stream, creek or lake where excavation of the land (not including footings for minor structures) is proposed within a Foreshore Building Line prescribed under clause 31 Wyong LEP 1991.

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FORESHORE BUILDING LINES:		
CATEGORY	BUILDING LINE	SPECIAL CONDITIONS
<p>Other non habitable buildings and works not specified in Development Control Plan No. 85 - Exempt Development Policy or in clause 31(5) of Wyong LEP 1991</p>	<p>a) As per clause 31 of Wyong LEP 1991 where a Foreshore Building Line is prescribed; or</p> <p>(b) On other foreshore land, 20m from Mean High Water Mark unless Special Conditions apply</p>	<p>Development Consent is required for (a) and (b).</p> <p>Any building line less than 20m shall be justified in terms of:</p> <p>(i) matching or being sympathetic to the desirable character and placement of adjoining development;</p> <p>(ii) reducing any adverse impact on the amenity, views, or reasonable privacy of existing and future adjoining residents;</p> <p>(iii) reducing any adverse impacts on the local environment; or</p> <p>(iv) enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of vegetation.</p>