

# C Development Types

## C1 Subdivision 60

This Part applies to **development** that is defined as **subdivision**

## C2 Commercial 67

This Part applies to **development** defined as **commercial premises**

This Part also provides additional requirements for **specialised retail premises**

## C3 Industrial 75

This Part applies to **development** defined as **industry** and/or **development** within the zone B5 Business Development

## C4 Dwelling House, Secondary Dwelling, or Dual Occupancy 80

This Part applies to **development** that is defined as a **dwelling house**, **secondary dwelling**, or **dual occupancy**

## C5 Multi Dwelling Housing or Seniors Housing 87

This Part applies to development that is defined as **multi dwelling housing** or **seniors housing**

## C6 Home Business or Home Industry 97

This Part applies to **development** that is defined as **home business** or **home industry**

## C7 Restricted or Sex Services Premises 99

This Part applies to **development** that is defined as **restricted premises** or **sex services premises**

## C8 Ancillary Structures 101

This Part applies to **development** that is defined as **ancillary structures**, including sheds, carports, swimming pools, fencing, retaining walls and shipping containers

# C1 Subdivision

## Application

This Part applies to **development** that is defined as **subdivision**

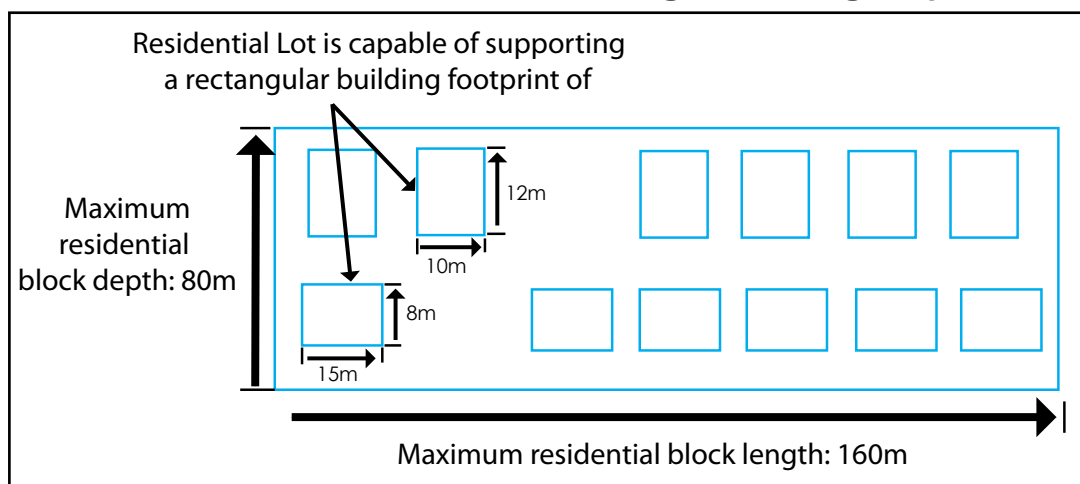
### C1.A All subdivision - lot size and dimensions

#### Objective

To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements

| Development controls  |  |
|-----------------------|--|
| Lot size              |  |
| C1.1                  | <b>Subdivision</b> adheres with <b>Local Environmental Plan</b> Part 4   |
| Rectangular footprint |  |
| C1.2                  | A residential lot is capable of supporting a rectangular building footprint of 15m x 8m or 10m x 12m as illustrated by Figure CA |

**Figure CA: Residential block dimensions and rectangular building footprint**



| Development controls   |   |
|------------------------|---|
| <b>Battle-axe lots</b> |   |
| C1.3                   | <p>All lots provide direct street frontage</p> <ul style="list-style-type: none"> <li><b>Battle-axe lots</b> are only considered when there is no practical way to provide direct street frontage</li> <li>Right of carriageway is constructed prior to the issuing of a <b>subdivision certificate</b> and is provided in accordance with Figure CB <ul style="list-style-type: none"> <li>Alternative solutions are to be considered for lots created prior to the <b>Local Environmental Plan</b>, but only where safety is not impeded</li> </ul> </li> </ul> |

Figure CB: Battle-axe lot requirements

|   | Entry width | Max length | Misc.              | Torrens |
|---|-------------|------------|--------------------|---------|
| Dwelling house<br>Dual occupancy                    | 3.6m        | 30m        | Max 2<br>dwellings | Max 3   |
| Multi dwelling housing<br>Residential flat building | 6m          | 50m        | -                  | -       |
| Business<br>Industrial                              | 10m         | -          | -                  | Max 3   |
| Rural - 2 lots or less                              | 6.5m        | 200m       | -                  | Max 2   |
| Rural - 3 lots                                      | 10m         | 200m       | -                  | Max 3   |

### Development controls

#### Splay corners

C1.4 **Splay corners** are provided for corner lots and must be a minimum of:

- 4m x 4m for residential zones
- 8m x 8m for commercial and industrial zones
- 6m x 6m or **merit-based approach** for other zones

## C1.B All subdivision - street trees

### Objective

To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines

### Development controls

#### Street tree requirements

- C1.5 Street trees are required as a component of the road reserve for the following:
- residential **subdivisions**
  - commercial **subdivisions**
  - industrial **subdivision** creating 10 or more lots
    - Street trees are provided in accordance with the **tree technical specification<sup>1</sup>**
    - Tree Planting Guidelines of the **tree technical specifcaiton<sup>1</sup>** provides guidance to the application of the **tree technical specification<sup>1</sup>** to determine the total number of trees to be provided

#### Street tree replacement

- C1.6 Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the **tree technical specification<sup>1</sup>**

## C1.C All subdivision - solar access

### Objective

To maximise **solar access** for residential **dwelling**s

| Development controls |  |
|----------------------|--|
| Solar access         |  |
| C1.7                 | <p>Residential <b>subdivision</b> addresses the following guidelines for <b>solar access</b>. Any inconsistency clearly justifies how alternative energy efficiency is achieved.</p> <ul style="list-style-type: none"> <li>• Where possible, lots should be oriented to provide one axis within 30 degrees east and 20 west of true solar north</li> <li>• Where a northern orientation of the long axis is not possible, lots should be wider to allow <b>private open space</b> on the northern side of the <b>dwelling</b></li> <li>• Topography and landform should inform the subdivision layout in order to maximise <b>solar access</b> opportunities</li> </ul> |

## C1.D All subdivision - public scale drainage

### Objective

To ensure further guidance is provided for subdivision that is consistent with B4 Drainage and Water Quality and the Infrastructure Specification<sup>12</sup> (where relevant)

| Development controls     |   |
|--------------------------|---|
| Inter-allotment drainage |   |
| C1.8                     | Each lot must be able to be gravity drained through the drainage system to <b>public drainage</b>   |
| C1.9                     | Inter-allotment drainage may be required for <b>subdivision</b> where a lot does not drain directly to the road kerb  |
| Drainage reserves        |   |
| C1.10                    | An <b>overland flow path</b> is provided for the <b>1% Annual Exceedance Probability (AEP)</b> storm event and is a <b>drainage reserve</b> dedicated to Council as <b>operational land</b> |

## C1.E Major subdivision - block and street layout

### Objectives

- To ensure **local streets** are well-connected to the street network with obvious pedestrian and cycle links to higher order streets
- To ensure priority is provided to residents' needs when designing **local streets** to encourage usability
- To ensure pathways follow **desire lines**

## Development controls

### Block dimensions

C1.11 A block seeks to achieve the dimensions identified in Figure CC

**Figure CC: Block dimensions**

| Zone        | Maximum depth | Maximum length |
|-------------|---------------|----------------|
| Residential | 80m           | 160m           |
| Commercial  | 50m           | 80m            |
| Industrial  | 120m          | 200m           |

## Development controls

### Technical specifications

C1.12 Street layout complies with the road network specifications in the Infrastructure Specification<sup>12</sup>

### Street layout attributes

- C1.13 The street layout addresses the following:
- All street components are integrated, such as kerbing, pavement type, width, street tree planting, footpaths, on road cycleway, **shared paths**, lighting and seating are provided as specified in infrastructure specific - design<sup>11</sup>
  - Road widths accommodate the necessary movements of service and emergency vehicles
  - **Driveways** and footpaths are provided at **subdivision** as a part of the **subdivision** works
  - Footpaths and **shared paths** follow **desire lines**
  - Street layout is interconnected to provide a grid-like structure
  - Street layout is informed by street connections for future **subdivisions** on adjacent lands
  - Street layout enables each lot to front a street and for corner lots to face both streets
  - Street layout seeks to provide a perimeter road between residential **dwelling**s and;
    - **bush fire prone land**
    - **open space** defined as a **regional park**, **district park** or **local park**
  - Street layout ensures public access to **public open space** is maintained and encouraged
  - Street layout responds to the topographical features of the site, such as:
    - where land slopes at a grade of 6% or more the predominant street alignment is perpendicular to the contours
    - straight or gently curved to frame **vistas**

Note: **Development** should have consideration for the Port Stephens Pathways Plan



## Development controls

### Cul-de-sacs

- C1.14 Cul-de-sacs are generally only supported where:
- the existing street layout does not permit a through street
  - connectivity to an adjoining street is not required
  - the cul-de-sac has a maximum length of 75m
  - access is provided to no more than 10 allotments
  - clear line of sight is provided from the nearest intersection

## C1.F Major subdivision - public open space

### Objectives

- To provide a hierarchy of **public open space** in accordance with **public open space** hierarchy
- To provide parks that are **multi-functional**
- To ensure parks achieve **centrality** by being located near transport **nodes**, public buildings, waterfronts, libraries or places of public worship
- To ensure **public open space** meets the demands of the local community to encourage usability and **critical mass**

## Development controls

### Open space hierarchy

- C1.15 Council may require the provision of **public open space** in accordance with Figure CD

Figure CD: Public open space hierarchy

|   | Category                   | Area                        | Catchment                   |
|---|----------------------------|-----------------------------|-----------------------------|
| A | <b>regional park</b>       | <b>merit-based approach</b> | <b>merit-based approach</b> |
| B | <b>district park</b>       | 1-2ha                       | 500-800m                    |
| C | <b>local park</b>          | 0.5ha                       | 150-400m                    |
| D | corridor <b>open space</b> | <b>merit-based approach</b> | -                           |

## Development controls

### Open space reduction

- C1.16 The quantity of **public open space** may be reduced if:
- accessibility is improved through such measures as providing extended connections to the wider pedestrian network; or
  - value of **open space** is improved through such measures as an increased amount and/or quality of park furniture, amenities, play equipment, sports infrastructure.

## Development controls

### Open space attributes

|      |  |
|------|--|
| C.17 | <p><b>Public open space</b> for the purpose of a <b>local park</b>, <b>district park</b> or <b>regional park</b> must:</p> <ul style="list-style-type: none"> <li>• be of regular shape (rectangle/square) to maximise recreation opportunities;<br/>Note: Long narrow <b>open spaces</b> are not acceptable unless used for linkages.</li> <li>• be generally flat and centrally located near transport <b>nodes</b>, public buildings, waterfronts, libraries or places of public worship to maximise accessibility for all members of the public;</li> <li>• provide for safe and convenient access by being located on pedestrian and cycle routes;</li> <li>• clearly demonstrate that it is a public space and be bounded by a street and faced by lots zoned or used for residential or commercial purposes;</li> <li>• be designed with consideration to <b>crime prevention through environmental design (CPTED)</b> principles; and</li> <li>• include access for services (eg garbage collection, maintenance, water, sewerage and electricity)</li> </ul> <p>Note: The provision of playgrounds is assessed on a case by case basis by primarily considering proximity to other community and recreation facilities.</p> <p>Note: Further attributes specific to a <b>local park</b>, <b>district park</b> and <b>regional park</b> are provided in Part E1 of the <b>DCP</b>.</p> |
| C.18 | <p>Land that may be deemed unsuitable as <b>public open space</b> for the purposes of a <b>local park</b>, <b>district park</b> or <b>regional park</b> includes:</p> <ul style="list-style-type: none"> <li>• <b>contaminated land</b>;</li> <li>• land primarily used for stormwater management or drainage control purposes;</li> <li>• land containing sites or items of cultural significance; or</li> <li>• land identified as an <b>asset protection zone (APZ)</b>.</li> </ul>   |
| C.19 | <p>Corridor <b>open spaces</b> are <b>drainage reserves</b> classified as <b>operational land</b> under the <i>Local Government Act 1993</i></p>   |

## C1.G Major subdivision - infrastructure

### Objective

To ensure detailed consideration is provided to the provision of integrated and quality **public infrastructure**

## Development controls

### Technical specifications

|       |  |
|-------|--|
| C1.20 | Infrastructure in accordance with the Infrastructure Specification <sup>12</sup> is identified on the concept utility plans or more detailed preliminary engineering plans |
|-------|--|

## Development controls

### Public infrastructure

C.21 **Subdivision** provides **public infrastructure** within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus shelters, excluding:

- **Public** utilities, such as water and electricity, are kept within private lot boundaries and are not located within the **road reserve**

### Lifecycle and maintenance

C1.22 Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers to those specification in the Infrastructure Specification<sup>12</sup>

- Council will request life cycle costing and maintenance manual details for infrastructure to assist in ongoing maintenance



# C2 Commercial

## Application

This Part applies to **development** defined as **commercial premises**

- This Part also provides additional requirements for **specialised retail premises**

## C2.A Height

### Objectives

- To ensure **development** is of an appropriate height that minimises privacy loss and over-shadowing
- To ensure that floor to ceiling height allows for flexible uses over time

| Development controls    |   |
|-------------------------|---|
| Building height         |   |
| C2.1                    | <b>Building height</b> is provided in accordance with the <i>Local Environmental Plan</i> clauses 4.3 and 5.6 |
| Floor to ceiling height |   |
| C2.2                    | Minimum ground floor to ceiling height for all new <b>development</b> within a commercial zone is 3.5m        |
| C2.3                    | Minimum first floor and above floor to ceiling height for <b>commercial premises</b> is 3m                    |
| C2.4                    | Minimum first floor and above floor to ceiling height for <b>residential accommodation</b> is 2.7m            |
| C2.5                    | <b>Ground level (finished)</b> must be between 100-500mm above adjacent footpath levels                       |

## C2.B Site frontage and setbacks

### Objective

To ensure **development** provides continuity and consistency to the **public domain**

| Development controls                          |   |
|---|---|
| Site frontage for buildings higher than 10.5m |   |
| C2.6  | Minimum 20m site frontage where <b>development</b> is proposed to be more than 10.5m in height                                    |
| Front <b>setback</b> and facade articulation  |   |
| C2.7  | <b>Development</b> is built to the <b>front property line</b> for the ground and first floor                                      |
| C2.8  | Minimum 3m front <b>setback</b> from the <b>front property line</b> for the second floor and above                                |
| C2.9  | Minimum 3.5m front <b>setback</b> from the <b>front property line</b> for <b>mixed use development</b> for second floor and above |

## Development controls

C2.10 Parts of a building may give variation in setback to provide design articulation

### Side setback

C2.11 **Development** should be built to the **side boundary** to maximise continuous **active street frontage**, except where side access is provided

### Rear setback

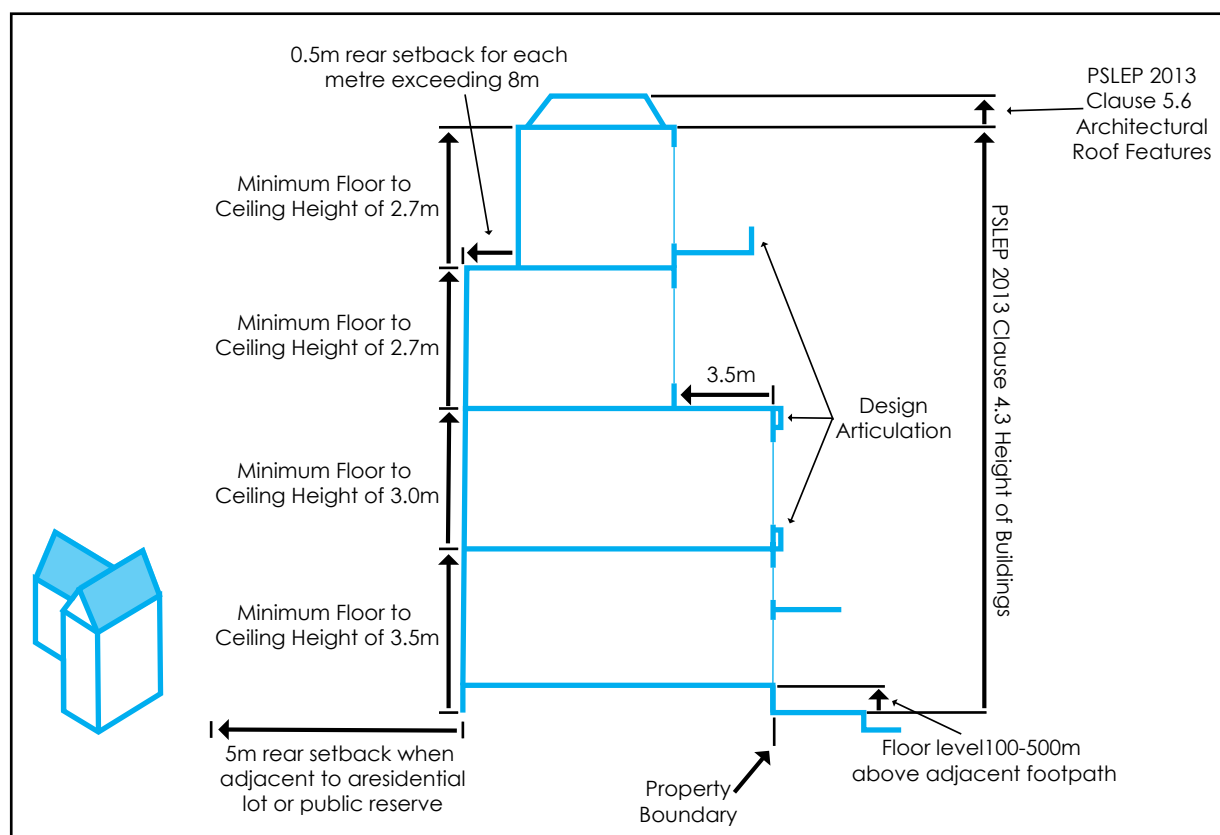
C2.12 **Commercial premises** adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an additional 0.5m for each metre of the height of the building that exceeds 8m

C2.13 **Rear setback** is built for purpose and informed by a **site analysis plan**

### Longitudinal gradient

C2.14 Where there is a level of change in excess of 500mm at the **front property boundary** the floor plate and rooflines of **development** steps with the longitudinal grade of street

Figure CE: Illustration of commercial building envelope



## C2.C Building form and massing

### Objective

To ensure **development** reinforces, compliments and enhances the visual character of the street

| Development controls |  |
|----------------------|--|
| Amenity              |  |
| C2.15                | Building mass does not result in unreasonable loss of amenity to adjacent properties or the <b>public domain</b> |
| Proportions          |  |
| C2.16                | Building proportion is complimentary to the form, proportions and massing of existing building patterns          |

## C2.D Facades

### Objectives

- To ensure street activation and passive surveillance through **active street frontage**
- To facilitate **development** that is safe and secure for pedestrians and contributes to **public domain** safety by incorporating principles of **crime prevention through environmental design (CPTED)**, such as:
  - Territorial re-enforcement
  - Surveillance
  - Access control
  - Space/activity management
- To ensure the bulk of large floor plate **development** is concealed by a sleeve of smaller buildings fronting the street

| Development controls          |  |
|-------------------------------|--|
| Materials                     |  |
| C2.17                         | Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting  |
| <b>Active street frontage</b> |  |
| C2.18                         | <ul style="list-style-type: none"> <li><b>Development</b> provides continuity of an <b>active street frontage</b> for localities where <b>business premises</b> or <b>retail premises</b> predominately face the street and have direct pedestrian access from the street, which may be identified in Part D Specific Areas</li> <li>An <b>active street frontage</b> provides the following:               <ul style="list-style-type: none"> <li>- Maximum unarticulated wall is 2m in length</li> <li>- Minimum 50% of ground floor front is windows, which does not include <b>false windows</b></li> </ul> </li> </ul> <p>Note: C1.13 requires that the street layout enable each lot to front a street or corner lots to face both streets</p> |

### Development controls

|                 |   |
|-----------------|---|
| C2.19           | A big box <b>development</b> may achieve an <b>active street frontage</b> by providing a sleeve of smaller buildings that conceal its bulk to the street frontage<br>Note: C2.K provides additional requirements for <b>specialised retail premises</b> |
| C2.20           | <b>Development</b> incorporates <b>crime prevention through environmental design (CPTED)</b> principles by providing passive surveillance to public spaces through building design and orientation  |
| Public footpath |   |
| C2.21           | <b>Development</b> provides paving to the public footpath for the entire length of the <b>development</b> street frontage   |

## C2.E Awnings

### Objectives

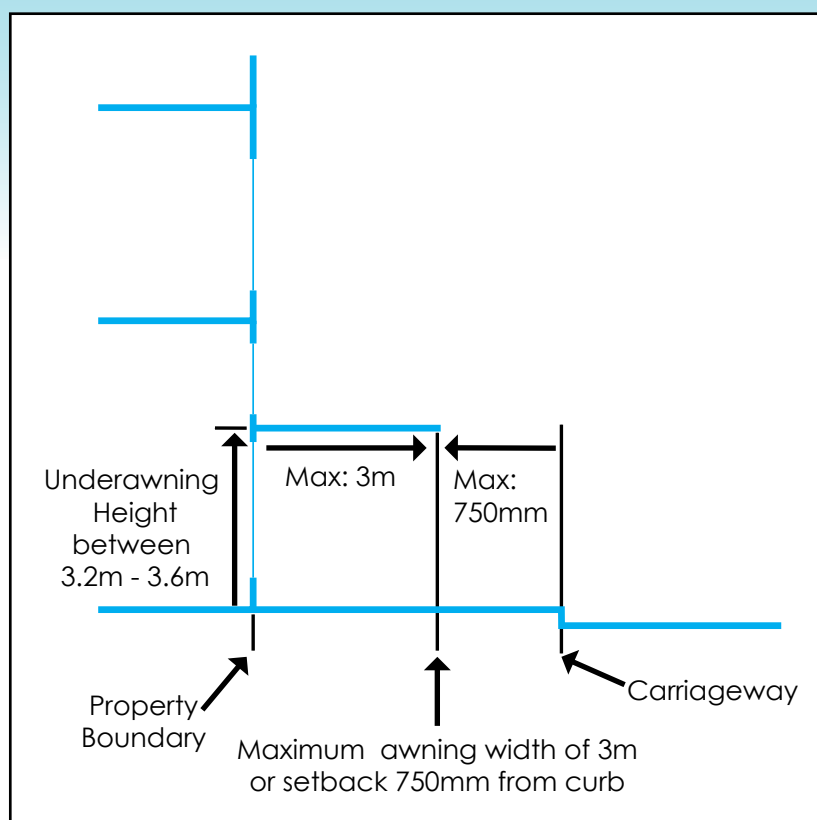
- To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs
- To ensure awning design is integrated with the building façade to integrate with adjoining buildings

### Development controls

#### Awnings

|       |   |
|-------|---|
| C2.22 | <p>Awnings must be provided over pedestrian pathways</p> <ul style="list-style-type: none"> <li>• New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street</li> <li>• A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings 3m in width or setback 750mm from the curb, whichever is less</li> <li>• Under awning height will be between 3.2m and 3.6m</li> <li>• Awnings on sloping sites should be a <b>cantilevered</b> steel box section that steps with street slope</li> <li>• Awnings are varied when there is a need to highlight the location of a major building entrance</li> </ul> |
|-------|---|

Figure CF: Illustration of commercial awning dimensions



## C2.F Building entries

### Objective

To provide clear direction to access points

| Development controls |   |
|----------------------|---|
| Access points        |   |
| C2.23                | Provide a recognisable entry from the primary street <ul style="list-style-type: none"> <li>Entries on corner sites address both streets by providing a splayed entry on that corner</li> <li>A separate and secure access point that provides a clear sense of building address is provided for the residential component of <b>mixed-use development</b></li> </ul> |
| Entry structures     |   |
| C2.24                | Entry structures, such as access ramps, are located within the site behind the property boundary so as not to obstruct pedestrian footpaths in the <b>public domain</b>   |

## C2.G Building facilities and services

### Objective

To appropriately locate building facilities and services that do not **adversely impact** on the **public domain**

### Development controls

#### Location of building facilities and services

- C2.25 Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and not be visible from streets, parks and other public spaces, except for service lanes

#### Public toilets

- C2.26 **Commercial development** with a **capital investment value** over \$2 million shall provide toilets that are accessible to the public

## C2.H Public art

### Objective

To ensure that features of the **public domain** contribute to identity, character, safety, amenity and accessibility

### Development controls

#### Public art

- C2.27 **Commercial development** with a **capital investment value** over \$2 million and that provides frontage to the **public domain** shall incorporate public art in accordance with Council's Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens

Note: Evidence must be provided with a commercial **development application** value over \$2 million demonstrating that the developer has obtained public art approval from Council.

## C2.I Shipping container stacks

### Objective

To ensure **development** that proposes the use of shipping containers does not impact upon the amenity of the area

### Development controls

#### Scale and height

- C2.28 The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.

#### Siting

- C2.29 Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.

#### Formation

- C2.30 Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.



## C2.J Landscaping

### Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees.
- To encourage landscaping between buildings for screening.
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area.
- To improve the aesthetics of commercial areas, especially major commercial road corridors, through landscape works and co-ordination of architectural and **signage** elements
- To reduce hydrocarbon emission by providing shading of untendered vehicles
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

### Development controls

#### Landscaping coverage

C2.31 Landscaping is provided as follows:

- 10% of the **site area** consisting of deep soil planting
- 30% shading over car park areas

Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping

#### Landscaping dimensions

C2.32 To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.

#### Landscaping qualities

C2.33 Landscaping is in accordance with the following:

- Landscape works incorporate adequate screening from the street and adjacent neighbours;
- Corner lots provide landscaping to both street frontages;
- Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed **development's** buildings and pavement areas
- Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure
- Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**<sup>1</sup>

#### Rear **setback**

C2.34 The rear setback area is to be:

- a deep soil landscape planting area where the **development** adjoins a residential zone or land used for residential purposes; or

### Development controls

- assessed by a **merit-based approach** where the **development** does not adjoin a residential zone or land used for residential purposes

#### Species selection

- C2.35 Landscape species are to be selected in accordance with the **landscape technical specification**<sup>4</sup>

## C2.K Specialised retail premises

### Objectives

- Establish requirements for **specialised retail premises**
- Ensure the design of **specialised retail premises** contributes positively to the streetscape and **public domain** through quality architecture, materials and finishes

### Development controls

#### Specialised retail premises principles

- C2.36 **Specialised retail** premises are to be designed to:
- incorporate detail and architectural interest
  - avoid creating ambiguous external spaces with poor pedestrian amenity and security
  - provide a clearly identifiable and dedicated pedestrian access to the building and across the site from the primary street frontage
  - provide pick-up areas next to the entrance to reduce unnecessary movement of heavy objects across the site

## C2.L Signage

### Objective

To ensure **signage** is complementary to its surroundings

### Development controls

#### Types of signage

- C2.37 The following types of **signage** are generally not supported:
- Flashing signs
- Note: Flashing signs may be permitted in the **road reserve** if the text is a road safety message
- Roof signs
  - Vehicular signs where the **primary use** of the vehicle is for advertising.
  - Above awning signs
  - Anchored balloons or airborne signs
  - Inflatable signs
  - Hoarding signs
  - A-frame signs

# C3 Industrial

## Application

This Part applies to **development** defined as **industry** and/or **development** within the zone B5 Business Development

## C3.A Height

### Objectives

- To ensure the height of buildings is appropriate for the context and character of the area
- To ensure **building heights** reflect the hierarchy of centres and land use structure

#### Development controls

##### Building height

|      |  |
|------|--|
| C3.1 | Maximum height limit of 15m or a <b>merit-based approach</b> is taken where no height limit is specified under the <b><i>Local Environmental Plan</i></b> clause 4.3 |
|------|--|

## C3.B Building siting and design

### Objective

To ensure **development** is situated within an appropriate building envelope

#### Development controls

##### Front setback

|      |   |
|------|---|
| C3.2 | Maximum 6m front setback from the <b>front property line</b> or in line with the existing <b>average building line</b>  |
| C3.3 | Single storey offices and display rooms within the front setback must: <ul style="list-style-type: none"> <li>• not exceed 50% of the front setback area</li> <li>• ensure sightlines are maintained for pedestrian and vehicle movement</li> </ul> |

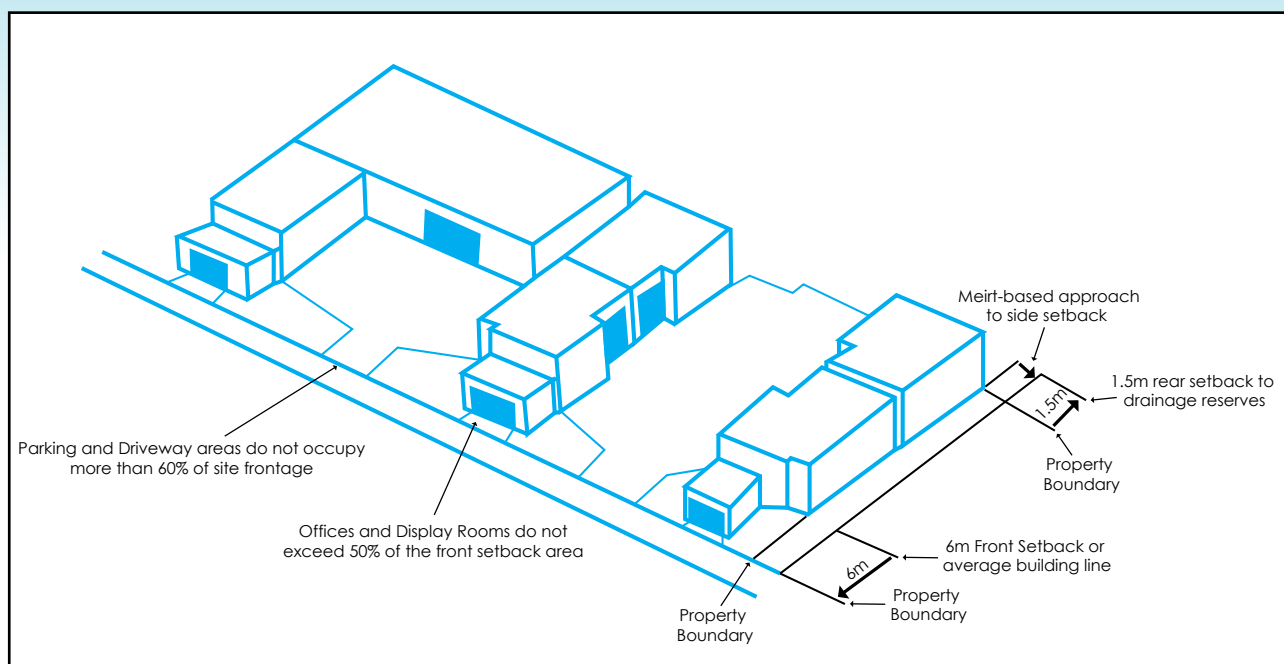
##### Side setback

|      |  |
|------|--|
| C3.4 | <b>Side boundary setbacks</b> are to be in accordance with the <b>Building Code of Australia (BCA)</b> |
|------|--|

##### Rear setback

|      |   |
|------|---|
| C3.5 | <b>Merit-based approach</b> to rear setback with a 1.5m <b>buffer</b> zone provided to <b>drainage reserves</b> |
|------|---|

Figure CG: Illustration of industrial building principles



## C3.C Shipping container stacks

### Objective

To ensure **development** that proposes the use of shipping containers does not impact upon the amenity of the area

#### Development controls

##### Scale and height

- C3.6 The scale and height of shipping container stacks shall have regard to the scale and height of nearby buildings.

##### Siting

- C3.7 Shipping container stacks shall be located at the rear of the site where possible, unless the rear of the site abuts a sensitive use.

##### Formation

- C3.8 Shipping containers stacked adjacent to landscaped areas or along property boundaries shall be stacked in a tier or pyramid formation to reduce their visual bulk.

## C3.D Fencing

### Objective

To avoid the dominance of fences on the streetscape and similar hostile design, and to soften the built environment in industrial areas

**Development controls**

## Fencing height

C3.9 Fencing forward of the building line must not exceed a height of 1.2m.

## Fencing materials

C3.10 Fencing forward of the building line must be constructed of masonry or dark coloured picket in combination with vegetation

## Security fencing

C3.11 Security gates and other fencing may be utilised behind the setback, provided that it does not exceed a height of 2m

**C3.E Facades and articulation****Objectives**

- To ensure facades consist of appropriate materials and colours that contribute to streetscape amenity
- To ensure weather protection is provided at building entrances

**Development controls**

## Colours and materials

C3.12 Building colours and materials are sympathetic to the natural environment and existing site context

## Awnings

C3.13 Weather protection awnings are provided for building entrances

## Building access

C3.14 The building access point provides a clear sense of building address for residents and their visitors

## Building frontage

C3.15 Offices, showrooms and customer service areas are located towards the front of the **development**

C3.16 Parking and **driveway** areas do not occupy more than 60% of the site frontage

C3.17 Buildings face the street and provide clear entry points

## Blank walls

C3.18 Blank walls are minimised by incorporating an opening or change in the wall's articulation. This should include a combination of change in materials, setback variation, architectural details or landscaping

## Screening

C3.19 Screening of poorly designed buildings with vegetation is not an acceptable streetscape treatment. A combination of quality building design and landscaping is to be used to provide a positive contribution to the streetscape

## C3.F Landscaping

### Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees.
- To encourage landscaping between buildings for screening.
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area.
- To minimise the visual impact and noise pollution generated by **development** on nearby residential areas and road corridors
- To use land efficiently and minimise disturbance to the local natural environment
- To integrate existing landscape features and/or architecture into **development**
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

### Development controls

#### Landscaping coverage

- C3.20 Landscaping is provided as follows:
- 20% of the **site area** consisting of deep soil planting
  - 30% shading over car park areas
- Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping

#### Landscaping dimensions

- C3.21 To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.

#### Landscaping qualities

- C3.22 Landscaping is in accordance with the following:
- Landscape works incorporate adequate screening from the street and adjacent neighbours;
  - Corner lots provide landscaping to both street frontages;
  - Landscape planting must provide adequate shading to the eastern and western elevations of poorly insulated buildings
  - Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed **development's** buildings and pavement areas
  - Remnant trees are retained and protected where possible
  - Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure
  - Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council **tree technical specification**<sup>1</sup>

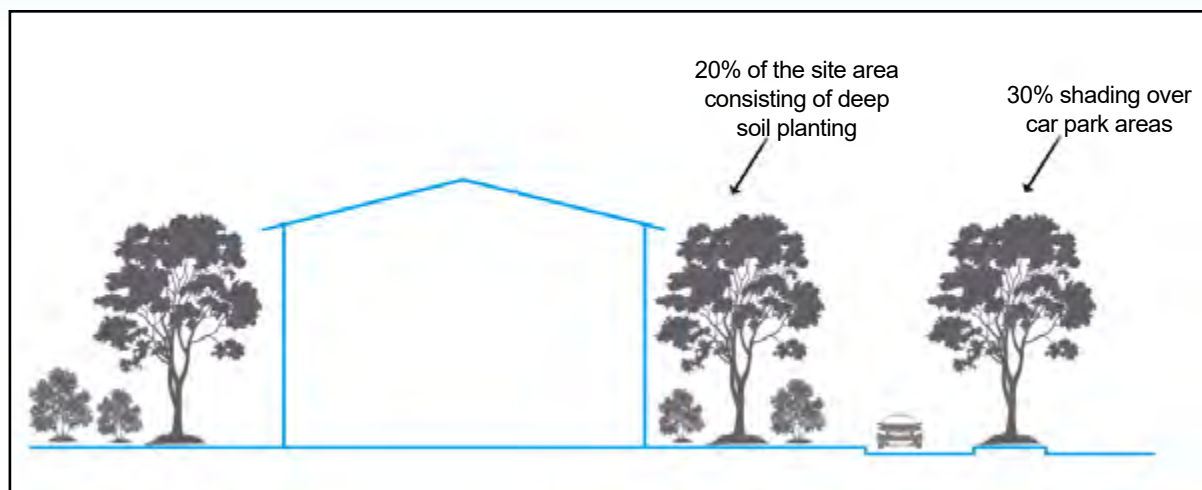


### Development controls

#### Species selection

|       |  |
|-------|--|
| C3.23 | Landscape species are to be selected in accordance with the landscape technical specification <sup>4</sup> |
|-------|--|

**Figure CH: Landscape design requirements for industry development**



## C3.G Signage

### Objective

To ensure **signage** is complementary to its surroundings

### Development controls

#### Types of **signage**

|       |  |
|-------|--|
| C3.24 | <p>The following types of <b>signage</b> are generally not supported:</p> <ul style="list-style-type: none"> <li>• Flashing signs</li> <li>• Roof signs</li> <li>• Vehicular signs where the <b>primary use</b> of the vehicle is for advertising.</li> <li>• Above awning signs</li> <li>• Anchored balloons or airborne signs</li> <li>• Inflatable signs</li> <li>• Hoarding signs</li> <li>• A-frame signs</li> </ul> <p>Note: Flashing signs may be permitted in the <b>road reserve</b> if the text is a road safety message</p> |
|-------|--|

# C4 Dwelling House, Secondary Dwelling, or Dual Occupancy

## Application

This Part applies to **development** that is defined as a **dwelling house**, **secondary dwelling**, or **dual occupancy**

## C4.A Height

### Objectives

- To ensure the height of buildings is appropriate for the context and character of the area
- To ensure **building height** reflects the hierarchy of centres and land use structure

### Development controls

#### Building height

|      |   |
|------|---|
| C4.1 | Maximum height limit of 8m or a <b>merit-based approach</b> is taken where no height limit is specified under the <i><b>Local Environmental Plan</b></i> clause 4.3<br><br>Note: C2.4 requires a minimum first floor and above ceiling height for <b>residential accommodation</b> in a commercial zone of 2.7m |
|------|---|

## C4.B Setbacks

### Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To ensure **development** contributes to the streetscape and does not detract from the amenity of the area

### Development controls

#### Setback requirements

|      |  |
|------|--|
| C4.2 | Development is to be setback from the subject property boundary, in accordance with the provisions outlined in Figure C1 |
|------|--|

Figure C1: Setbacks for dwellings, dual occupancies and secondary dwellings

|   | Residential or RU5 (Village) zone   | Rural, Environmental or R5 (Large Lot Residential) zone |
|---|---|---|
| Front <b>setback</b>                          | greenfield - 4.5m<br>infill - 4.5m or the average building line (whichever is less) | 10m   |
| Secondary <b>setback</b> (corner lots)        | 2m  | 10m   |
| Side <b>setback</b> – ground level (finished) | 0.9m  | 5m  |
| Side <b>setback</b> – upper storey            | 2m  | 5m  |
| Rear <b>setback</b> – ground level (finished) | 2m  | 5m  |
| Rear <b>setback</b> – upper storey            | 6m  | 5m  |

### Development controls

#### Front **setback** encroachment

- C4.3 Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck

#### Secondary dwelling setback

- C4.4 **Development** for a **secondary dwelling** must be located behind the **building line** of the principal **dwelling** it is in conjunction with

#### Secondary setback encroachment

- C4.5 Maximum 1m encroachment to **secondary setback** for architectural features, such as an entry porch or deck

#### Garage **setback**

- C4.6 Garage **setback** minimum 1m behind the **building line** or **setback**

#### Public reserve and waterfront **setback**

- C4.7 Minimum 3m **setback** from a public reserve boundary
- C4.8 Minimum 4.5m **setback** from a waterfront reserve boundary
- C4.9 Minimum 1m **setback** from **waterfront land** from the **access boundary**

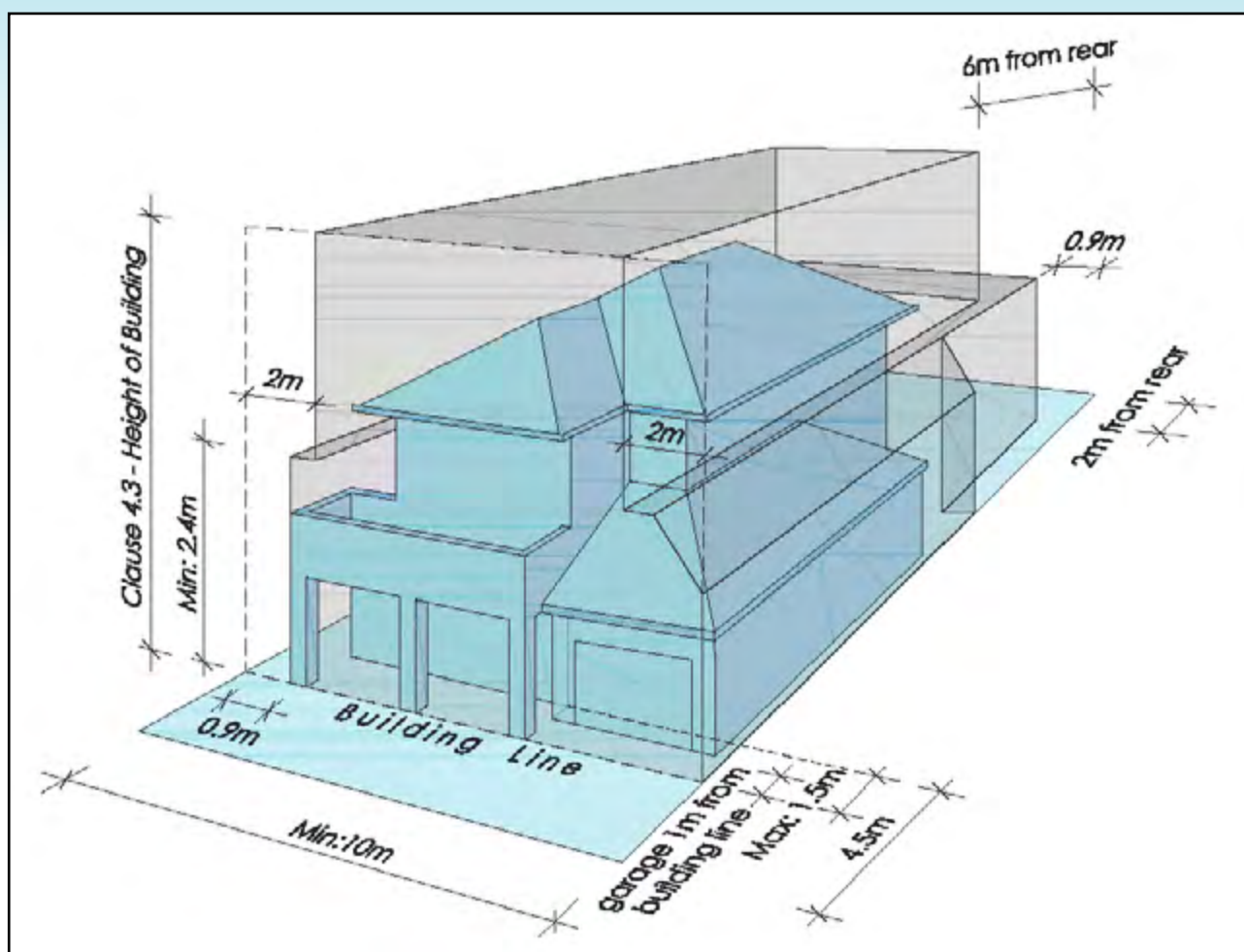
#### Battle-axe lot handle

- C4.10 Minimum 1m setback from a **battle-axe lot** handle, access corridor or **easement** that is required for access
- Note: C1.3 details when **battle-axe lots** are provided

#### Adjoining agricultural **buffers**

- C4.11 An agricultural **buffer** of 150m or greater should be provided between a rural **dwelling house**, **secondary dwelling** or an **ancillary structure** for habitable purposes to adjoining land in separate ownership that is used or capable of being used for agricultural purposes
- Where the 150m **buffer** or greater cannot be achieved the planting of a 30m wide **native vegetation** strip is to be provided between the proposed **development** building envelope and the adjacent agricultural land
- Note: B2.1 requires a suitable **buffer** on the land which is the subject of **development** to items of **environmental significance**

Figure CJ: Dwelling house building envelope



## C4.C Streetscape and privacy

### Objective

To ensure development activates the streetscape to provide passive surveillance and privacy.

#### Development controls

##### Passive surveillance

- C4.12 **Development** is to address the street by having at least one **habitable room** front the street and/or adjoining public spaces
- C4.13 **Development** on corner lots is to address both street frontages by having **habitable rooms** face both streets

##### Streetscape character

- C4.14 To be sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials and roof configuration

##### Privacy and two-storey development

- C4.15 Two storey **development** is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the **dwelling** frontage

| Development controls |   |
|----------------------|---|
| C4.16                | Balconies are to be located to minimise overlooking of adjoining properties   |
| C4.17                | <b>Privacy screens</b> are required for balconies and patios, which result in unreasonable privacy impacts to properties  |
| C4.18                | <b>Privacy screens</b> , high-light windows or opaque glass is to be used for windows of <b>habitable rooms</b> (other than bedrooms) which overlook adjoining properties |

## C4.D Private open space

### Objective

To ensure **private open space** with **solar access** is provided to allow opportunity for passive and active outdoor recreation

| Development controls          |  |
|-------------------------------|--|
| Private open space dimensions |  |
| C4.19                         | Minimum of 50m <sup>2</sup> of ground floor <b>private open space</b> comprising a minimum of 35m <sup>2</sup> that is usable. <b>Private open space</b> is considered usable if it: <ul style="list-style-type: none"> <li>• has minimum dimensions of 4m x 4m;</li> <li>• has direct access from internal living areas;</li> <li>• is not located within a front <b>setback</b>; and</li> <li>• has a northerly aspect.</li> </ul> |
| C4.20                         | Where <b>development</b> cannot provide <b>private open space</b> on the ground floor, provisions shall be made for a balcony of not less than 20m <sup>2</sup> with a minimum width of 3m for the use as <b>private open space</b>  |
| Solar access                  |  |
| C4.21                         | Minimum of 2 hours sunlight to the principal <b>private open space</b> area between the hours of 9am-3pm midwinter   |
| C4.22                         | Minimum of 30% of <b>private open space</b> of adjoining <b>dwelling</b> s must remain unaffected by any shadow for a minimum of 3 hours between 9am-3pm midwinter   |

## C4.E Car parking and garages

### Objective

To ensure car parking caters for anticipated vehicle movements to and from the **development** and does not **adversely impact** on building articulation

| Development controls |  |
|----------------------|--|
| Driveway width       |  |
| C4.23                | A <b>driveway</b> should have a minimum width of 3m<br>Note: B8.12 requires ingress/egress widths to provide the listed dimensions |
| Garage dimensions    |  |
| C4.24                | Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less                            |
| C4.25                | Maximum garage width of 9m for lots exceeding 1,500m <sup>2</sup>  |

## C4.F Landscaping

### Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees
- To encourage landscaping between buildings for screening
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area
- To add value and quality of life for residents and occupants within a **development** in terms of privacy, outlook, views and recreational opportunities
- To create and enhance vegetation links between natural areas and reduce weed potential to **environmentally sensitive areas**
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

### Development controls

#### Dwelling house

- C4.26 **Development** located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains:
- a Coastal Wetland identified in **SEPP** (*Biodiversity and Conservation*) 2021; or
  - **koala habitat**; or
  - species or communities listed within the *Biodiversity Conservation Act 2016*
- must provide landscaping that:
- will enhance the environmental constraints of the site;
  - retains trees within the outer protection area of the **APZ** identified by a bushfire report; and
  - constrains turf areas within the inner protection area of the **APZ** identified by a bushfire report.

#### Dual occupancy landscaping coverage

- C4.27 Landscaping is provided as follows:
- 20% of the **site area**; or
  - 40% of the **site area** where development is located within 50m of:
    - a Coastal Wetland identified in **SEPP** (*Biodiversity and Conservation*) 2021; or
    - **koala habitat**; or
    - species or communities listed within the *Biodiversity Conservation Act 2016*; or
    - a public reserve; and
  - 30% shading over uncovered car park areas



## Development controls

### Dual occupancy landscaping dimensions

|       |  |
|-------|--|
| C4.28 | To be counted as part of the total landscaping coverage, the landscaped area must be at least 1.5m wide and 3m long. |
|-------|--|

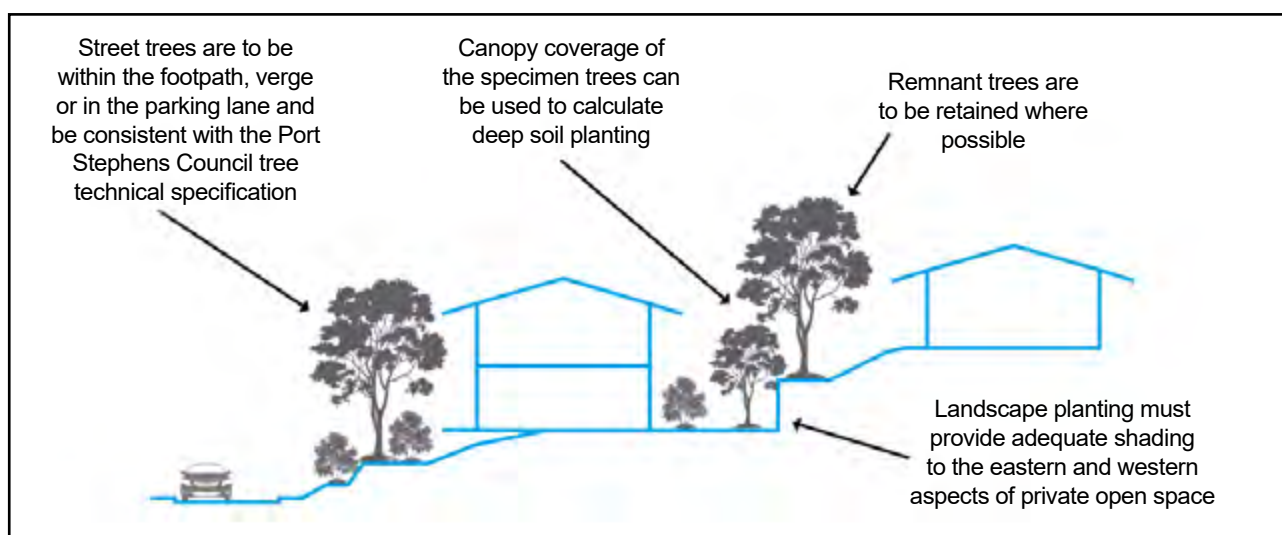
### Dual occupancy landscaping qualities

|       |   |
|-------|---|
| C4.29 | <p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> <li>• Landscape works incorporate adequate screening from the street and adjacent neighbours.</li> <li>• Corner lots provide landscaping to both street frontages.</li> <li>• Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting.</li> <li>• Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council <b>tree technical specification</b><sup>1</sup></li> <li>• Landscape planting must provide adequate shading to the eastern and western aspects of <b>private open space</b></li> <li>• Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure</li> </ul> <p>Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping</p> |
|-------|---|

### Species selection

|       |  |
|-------|--|
| C4.30 | Landscape species are to be selected in accordance with the landscape technical specification <sup>4</sup> |
|-------|--|

**Figure CK: Landscape design requirements for dual occupancy development**



## C4.G Site facilities and services

### Objective

To ensure **development** provides appropriate facilities and services in the most appropriate site location

| Development controls |  |
|----------------------|--|
| <b>Waste</b> storage |  |
| C4.31                | An adequately screened <b>waste storage and recycling area</b> is to be provided behind the <b>building line</b>                               |
| Clothes drying       |  |
| C4.32                | A suitable open-air area for clothes drying is to be provided for each <b>dwelling</b> behind the <b>building line</b> with a northerly aspect |

# C5 Multi Dwelling Housing or Seniors Housing

## Application

This Part applies to development that is defined as **multi dwelling housing** or **seniors housing**

Note: **Development** defined as a **residential flat building** should refer to **SEPP No 65 - Design Quality of Residential Apartment Development** and the Apartment Design Guide<sup>14</sup>

## C5.A Landscaping

### Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees
- To encourage landscaping between buildings for screening
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area
- To add value and quality of life for residents and occupants within a **development** in terms of privacy, outlook, views and recreational opportunities
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

### Development controls

#### Landscaping coverage

C5.1 Landscape area is provided as follows:

- 15% of the **site area** consisting of deep soil planting where the lot is equal to or less than 250m<sup>2</sup> and zoned R1 General Residential or R2 Low Density Residential; or
- 20% of the **site area** consisting of deep soil planting where the lot is greater than 250m<sup>2</sup> and zoned R1 General Residential or R2 Low Density Residential; or
- 10% of the **site area** consisting of deep soil planting when the site is zoned R3 Medium Density Residential or B4 Mixed Use; and

Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping

- 50% of the landscaped area must be located behind the building line to the primary road; and
- 30% shading over uncovered car park areas

### Development controls

#### Landscaping dimensions

|      |   |
|------|---|
| C5.2 | To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long. |
|------|---|

#### Landscaping qualities

|      |   |
|------|---|
| C5.3 | <p>Landscaping is in accordance with the following:</p> <ul style="list-style-type: none"> <li>• Landscape works incorporate adequate screening from the street and adjacent neighbours.</li> <li>• Corner lots provide landscaping to both street frontages.</li> <li>• Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting.</li> <li>• Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure</li> <li>• Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council <b>tree technical specification</b><sup>1</sup></li> </ul> |
|------|---|

## C5.B Height

### Objectives

- To ensure **building height** is appropriate for the context and character of the area
- To ensure **building heights** reflect the hierarchy of centres and land use structure
- To ensure ceiling heights achieve sufficient ventilation and daylight access
- To ensure ceiling heights increase the sense of space and provides for well-proportioned rooms
- To ensure ceiling heights contribute to the flexibility of building use over the life of the building

### Development controls

#### Building height

|      |   |
|------|---|
| C5.4 | <p>Maximum height limit of 8m or a <b>merit-based approach</b> is taken where no height limit is specified under the <b>Local Environmental Plan</b> clause 4.3</p> <p>Note: C2.4 requires a minimum first floor and above ceiling height for <b>residential accommodation</b> in a commercial zone of 2.7m</p> |
|------|---|

#### Floor to ceiling height

|      |  |
|------|--|
| C5.5 | Minimum floor to ceiling heights of 2.4m |
|------|--|

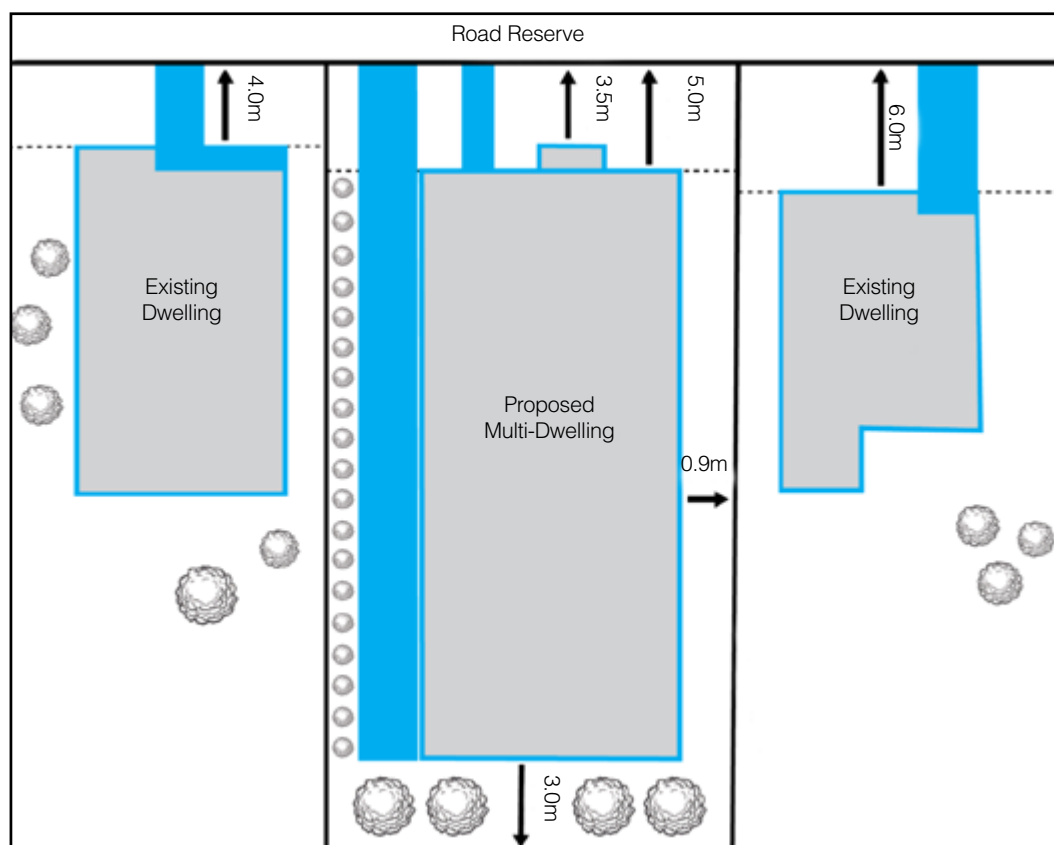
## C5.C Setbacks

### Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To ensure adequate space between buildings to enable effective landscaping
- To alleviate impacts on amenity including privacy, **solar access**, acoustic control and natural ventilation
- To reduce the visual bulk of buildings from the street
- To maintain the rhythm and built form on the street

| Development controls       |   |
|----------------------------|---|
| Front setback              |   |
| C5.6                       | Minimum 4.5m front setback from the <b>front property line</b> or the existing <b>average building line</b> (whichever is less)           |
| C5.7                       | <b>Podium</b> structures and basement car parks are not to be within the front setback area   |
| C5.8                       | Setback areas are not to be used for at grade parking.  |
| C5.9                       | Minimum 5.5m front setback from the <b>front property line</b> for a garage to enable a parked car to be situated in front of the garage. |
| Front setback encroachment |   |
| C5.10                      | Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck                                     |

**Figure CL: Ground level (finished) setbacks for the existing average building line**



| Development controls            |  |
|---------------------------------|--|
| Secondary setback (corner lots) |  |
| C5.10                           | Minimum 3m <b>secondary setback</b> , except for an open veranda, porch or deck which must be setback a minimum of 2m  |
| Side setbacks                   |  |
| C5.11                           | Minimum 0.9m <b>side boundary</b> setback for any part of a building at or below 5.5m in height  |
| C5.12                           | Minimum 3m <b>side boundary</b> setback for any part of a building above 5.5m in height  |
| C5.13                           | <p>Despite the above requirements, a <b>dwelling</b> may be built to a <b>side boundary</b> if within a commercial zone or the zone R3 Medium Density Residential, if the following is achieved:</p> <ul style="list-style-type: none"> <li>• The maximum wall height is 6m and the maximum wall length is 6m and there will be no impact on privacy, use of <b>private open space</b> and <b>solar access</b> for adjoining properties unless these properties have approval/are proposed for medium density residential.</li> <li>• Wall openings comply with the fire resistance levels of the <b>BCA</b>.</li> <li>• The wall height and length match a similarly constructed wall on the adjoining site.</li> </ul> |
| Rear setbacks                   |  |
| C5.14                           | <p>For the <b>ground level (finished)</b>, rear setback must not exceed whichever of the following is greater:</p> <ul style="list-style-type: none"> <li>• Minimum 3m from the rear boundary, or</li> <li>• 25% of the average of the length of the side boundaries.</li> </ul>   |
| C5.15                           | Minimum 4m rear setback for the upper levels.  |
| C5.16                           | Despite the above requirements, <b>development</b> may be built to the rear boundary on lots that have rear lane access.   |
| C5.17                           | <b>Podium</b> structures and basement car parks are not to be placed in the rear setback   |
| Driveway setback                |  |
| C5.18                           | Minimum 0.9m <b>side boundary</b> setback to provide for landscaping, which can be included in calculations.   |

## C5.D Natural Ventilation

### Objectives

- To ensure all **habitable rooms** are naturally ventilated.
- To ensure a comfortable indoor environment is created for residents.

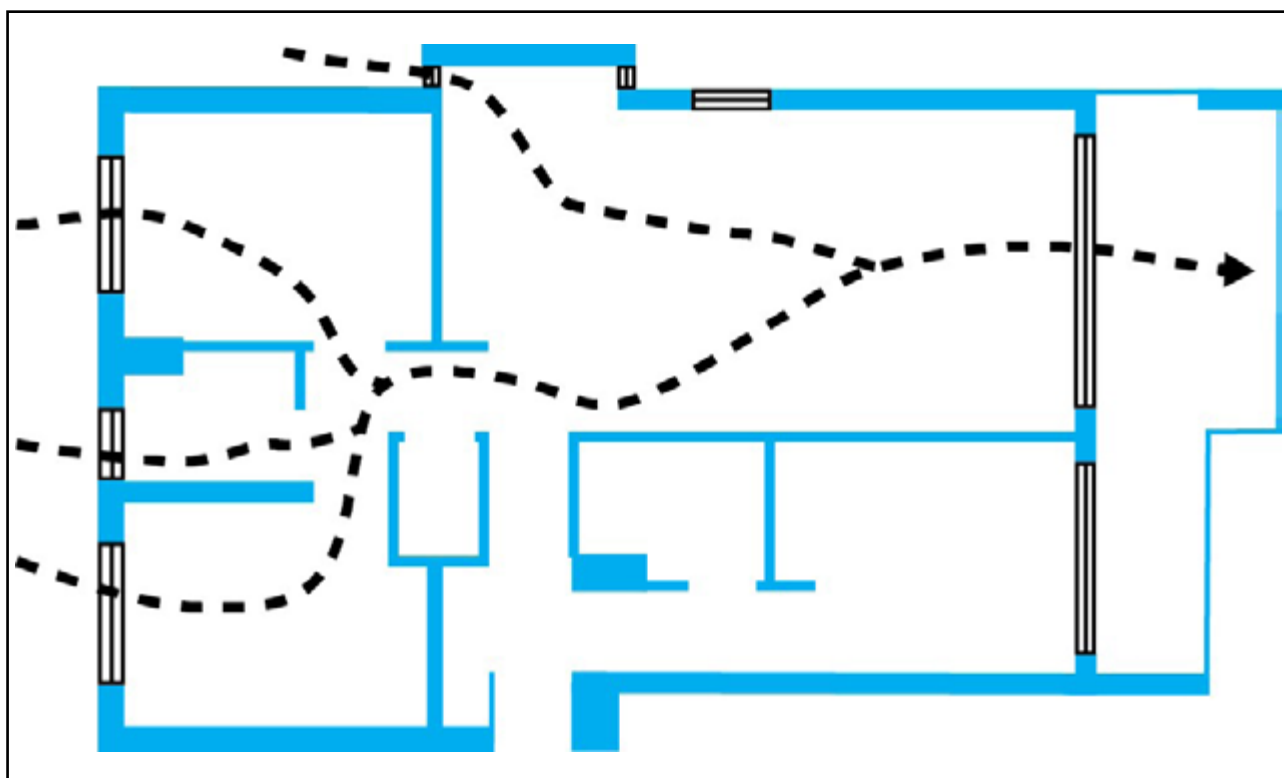
| Development controls |   |
|----------------------|---|
| Natural ventilation  |   |
| C5.19                | The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in <b>habitable rooms</b> . |
| C5.20                | Depths of <b>habitable rooms</b> support natural ventilation.   |



### Development controls

- C5.21 Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:
- Adjustable windows with large effective openable areas;
  - A variety of window types that provide safety and flexibility such as awnings and louvres; and
  - Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.

Figure CM: Cross-ventilation



## C5.E Streetscape and privacy

### Objective

To ensure **development** activates streetscape to provide passive surveillance and privacy

### Development controls

#### Access

- C5.22 **Dwellings** that have street frontage provide direct and legible pedestrian access from the street to the front entry.

Note: **Development** should have consideration for the Port Stephens Pathways Plan

#### Openings

- C5.23 The front door entrance of each **dwelling** must be sheltered and be located forward of the designated car parking space.

| Development controls |   |
|----------------------|---|
| C5.24                | Windows and walls are located to avoid noise sources from adjacent lots and streets.  |
| C5.25                | Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings.  |
| C5.26                | <b>Privacy screens</b> , high-light windows or opaque glass is to be used for windows of <b>habitable rooms</b> (other than bedrooms) which overlook adjoining properties.  |
| Colour schemes       |   |
| C5.27                | Building colours should adopt a colour scheme to express building massing, articulation and detailed facade elements.   |
| Corner lots          |   |
| C5.28                | <b>Development</b> on a corner lot has one or more <b>dwelling</b> s facing each street frontage.   |
| Facade               |   |
| C5.29                | The facade of each <b>dwelling</b> within a building should be identifiable as such to indicate that the building consists of separate <b>dwelling</b> s. Subtle changes provide individuality between the proposed <b>dwelling</b> s while seeking to maintain pattern continuity of the overall building. |
| C5.30                | Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.   |
| C5.31                | The <b>dwelling</b> with street frontage provides a recognisable pedestrian entry point from the street.  |
| Privacy              |   |
| C5.32                | Balconies, terraces and decks must include <b>privacy screens</b> where they face onto side boundaries or are orientated to avoid direct overlooking onto adjoining lots.   |

## C5.F Noise

### Objectives

- To minimise noise transfer through the siting of buildings and building layout
- To ensure noise impacts are mitigated within units through layout and acoustic treatments

| Development controls |  |
|----------------------|--|
| Noise                |  |
| C5.33                | Window and door openings are generally oriented away from noise sources  |
| C5.34                | Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas |
| C5.35                | Storage, circulation areas and <b>non-habitable rooms</b> should be located to <b>buffer</b> noise from external sources   |
| C5.36                | The number of part walls (a common wall shared with another <b>dwelling</b> ) are limited and are appropriately insulated  |

## C5.G Car parking and garages

### Objectives

- To ensure car parking caters for anticipated vehicle movements to and from the **development** and does not adversely impact on building articulation
- To ensure vehicular access has minimal impacts on neighbouring **dwelling**s
- To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers

| Development controls      |  |
|---------------------------|--|
| Driveway width and access |  |
| C5.37                     | Where a common <b>driveway</b> is to be provided it is to have a minimum width of 3.6m   |
| C5.38                     | Where a common <b>driveway</b> is not provided and individual <b>driveways</b> connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the <b>driveway</b> door.  |
| C5.39                     | Visual impact of long <b>driveways</b> should be minimised through changing alignments and screen planting   |
| C5.40                     | Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.   |
| C5.41                     | Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: <ul style="list-style-type: none"> <li>• changes in surface materials;</li> <li>• level changes;</li> <li>• the use of landscaping for separation.</li> </ul> |

## C5.H Private open space

### Objective

To ensure **private open space** with **solar access** is provided to allow the opportunity for passive and active outdoor recreation

| Development controls          |  |
|-------------------------------|--|
| Private open space dimensions |  |
| C5.42                         | Minimum of 16m <sup>2</sup> of ground floor <b>private open space</b> for each <b>dwelling</b> containing one or two bedrooms that: <ul style="list-style-type: none"> <li>• has minimum dimensions of 4m x 4m;</li> <li>• has direct access from internal living areas;</li> <li>• is not located within a front setback; and</li> <li>• has a northerly aspect.</li> </ul> |
| C5.43                         | Minimum area of 25m <sup>2</sup> of ground floor <b>private open space</b> for each <b>dwelling</b> containing three or more bedrooms that: <ul style="list-style-type: none"> <li>• has minimum dimensions of 4m x 4m;</li> <li>• has direct access from internal living areas;</li> </ul>  |

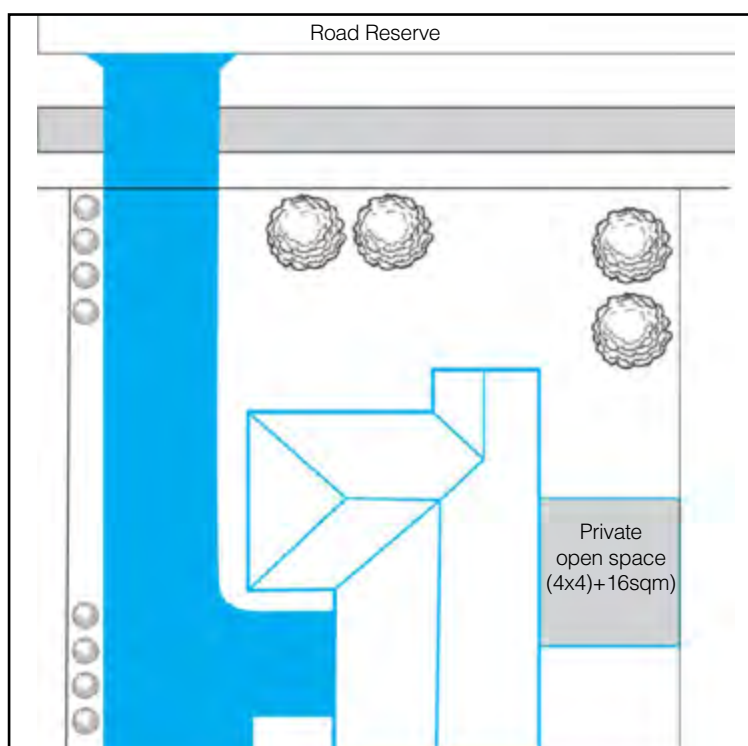
### Development controls

- is not located within a front setback; and
  - has a northerly aspect.
- C5.44 Where **development** cannot provide **private open space** on the ground floor, provisions shall be made for a balcony of not less than 16m<sup>2</sup> with a minimum width of 2.4m and minimum depth of 1.5m for the use as **private open space**

### Private open space dimensions for seniors housing

- C5.45 Despite the above requirements, ground floor **private open space** for each **dwelling in development** for **seniors housing** may be reduced to a minimum area of 9m<sup>2</sup> and minimum dimensions of 3m x 3m

**Figure CN: Private open space requirements for one or two bedroom dwellings.**



Note: **Dwellings** containing three or more bedrooms must provide a minimum **private open space** area of 25m<sup>2</sup>

### Development controls

#### Solar access

- C5.46 Minimum of two hours sunlight to the **private open space** area between the hours of 9am-3pm midwinter
- C5.47 Minimum of 50% of **private open space** of adjoining **dwellings** is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter

## C5.I Site facilities and services

### Objective

To ensure **development** provides appropriate facilities and services in the most appropriate site location

| Development controls         |  |
|------------------------------|--|
| Equipment                    |  |
| C5.48                        | Equipment, such as water tanks, pool pumps and air conditioners, are to be located and shielded to minimise the impact of noise on adjoining <b>dwelling</b> s   |
| Waste storage                |  |
| C5.49                        | Adequately screened <b>waste storage and recycling area</b> are to be provided behind the <b>building line</b> or <b>setback</b> of a <b>dwelling</b>  |
| Mail boxes                   |  |
| C5.50                        | Mail boxes are adjacent to the major entrance  |
| Street numbers               |  |
| C5.51                        | Street/unit numbers are identifiable from the street   |
| Clothes drying               |  |
| C5.52                        | A suitable open-air area for clothes drying is to be provided for each <b>dwelling</b> behind the <b>building line</b> or <b>setback</b> with a northerly aspect   |
| Site facilities and services |  |
| C5.53                        | The provision of electricity and gas for new <b>dwelling</b> s should be provided underground.   |
| Storage                      |  |
| C5.54                        | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> <li>• 6m<sup>3</sup> for one bedroom units</li> <li>• 8m<sup>3</sup> for two bedroom units</li> <li>• 10m<sup>3</sup> for three or more bedroom units</li> </ul> |

## C5.J Additional requirements for seniors housing

### Objectives

- To establish additional requirements for **seniors housing development**
- To ensure **development** for **seniors housing** provides adequate area for communal **open space**
- To provide communal **open space** within **seniors housing development** that is accessible from **dwelling**s and promotes interaction between residents
- To allow a merits based assessment of communal **open space** dependant on the quality of facilities, accessibility, furniture, and landscaping and feature elements
- To ensure adequate community facilities are provided for residents in **seniors housing development**

## Development controls

### Communal open space

C5.55 **Development** for **seniors housing** must provide communal **open space** that:

- has a minimum area equal to 25% of the site or a **merit-based approach**;
- is clearly identifiable and easily accessible to all residents;
- is overlooked by windows of **habitable rooms**;
- incorporates a landscaped area between 10% and 25% of the total communal **open space** area. Landscaped areas should be vegetated with native species;
- provides seating areas connected to **dwellings** by a continuous sealed pathway according with AS 1428.1 - Design for access and mobility;
- contains ornamental features such as sculptures, ponds, water features, art work and the like; and
- provides a barbeque area for **development** of 20 or more **dwellings**.

### Community facilities

C5.56 Community facilities such as common rooms, libraries, gyms and the like are to facilitate use by on-site residents and should comply with the following:

- A minimum floor to ceiling height of 3m;
- Be accessible from common areas;
- Be serviced by a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty **dwellings**, whichever is the greater; and
- Meet enhanced access and mobility requirements of AS 1428.2 - Design for access and mobility.

C5.57 Outdoor community or common facilities/spaces are to meet the requirements of AS1428.1 and are to include accessible access options such as ramps or lifts into **swimming pools**.

C5.58 Where **dwellings** are serviced by contractors such as cleaners, rubbish collectors or the like, storage and support structures may be centralised.

# C6 Home Business or Home Industry

## Application

This Part applies to **development** that is defined as **home business** or **home industry**

## C6.A Operational requirements

### Objective

To ensure operating hours do not **adversely impact** on residential amenity

| Development controls |  |
|----------------------|--|
| Hours of operation   |  |
| C6.1                 | Hours of operation <b>merit-based</b> or considered: <ul style="list-style-type: none"> <li>Monday to Friday, 8am-6pm</li> <li>Saturday, 9am-12pm</li> <li>Sunday or Public Holidays, not allowed to operate               <ul style="list-style-type: none"> <li>Hours of operation may be further restricted depending on the location and nature of the <b>development</b></li> </ul> </li> </ul> |
| Goods storage        |  |
| C6.2                 | Storage of goods or equipment must be contained within the confines of the building  |

## C6.B Vehicle repair and trucking operations

### Objective

To ensure adequate consideration is given to the impacts of vehicle repair operations on neighbourhood amenity

| Development controls  |   |
|-----------------------|---|
| Vehicles and trailers |   |
| C6.3                  | A maximum of two vehicles or trucks associated with the operation of the <b>home business</b> or <b>home industry</b> may be kept on the site at any one time |
| C6.4                  | Only one trailer per truck is permitted   |
| Vehicle storage       |   |
| C6.5                  | Vehicle storage areas are located behind the <b>building line</b>   |



## C6.C Signage

### Objective

To ensure **signage** is complementary to its surroundings

#### Development controls

##### Types of **signage**

|      |   |
|------|---|
| C6.6 | <p>The following types of <b>signage</b> are generally not supported:</p> <ul style="list-style-type: none"> <li>• Flashing signs</li> </ul> <p>Note: Flashing signs may be permitted in the <b>road reserve</b> if the text is a road safety message</p> <ul style="list-style-type: none"> <li>• Roof signs</li> <li>• Vehicular signs where the <b>primary use</b> of the vehicle is for advertising.</li> <li>• Above awning signs</li> <li>• Anchored balloons or airborne signs</li> <li>• Inflatable signs</li> <li>• Hoarding signs</li> <li>• A-frame signs</li> </ul> |
|------|---|

# C7 Restricted or Sex Services Premises

## Application

This Part applies to **development** that is defined as **restricted premises** or **sex services premises**

### C7.A Building entries - restricted premises

#### Objective

To provide clear direction to access points and ensure they are appropriately located

#### Development controls

##### Restricted premises building entries

|      |   |
|------|---|
| C7.1 | The building entrance should be located 400m from: <ul style="list-style-type: none"> <li>• a <b>dwelling</b> on land zoned residential;</li> <li>• a child care centre, community facility, education establishment, hospital or place of public worship; and</li> <li>• another <b>restricted premises</b></li> </ul> |
| C7.2 | Building entrance must be discrete and unobtrusive  |

### C7.B Design of premises - sex services

#### Objectives

- To provide clear direction to access points and ensure they are most appropriately located
- To ensure the privacy and comfort of patrons
- To protect children from risk of harm
- To maximise the safety and security of staff, clients and the general public by upholding principles of **crime prevention through environmental design (CPTED)**

#### Development controls

##### Sex services building entries

|      |   |
|------|---|
| C7.3 | <p>The building entrance should be:</p> <ul style="list-style-type: none"> <li>• located 150m from a <b>dwelling</b> on land zoned residential;</li> <li>• located 200m from a child care centre, community facility, educational establishment or recreational area; and</li> <li>• designed so that there is only one entrance to the premises located at the front of the building</li> </ul> <p>Note: The <b>Local Environmental Plan</b> may also provide higher order guidance as to the location of <b>sex services premises</b></p> |
|------|---|

| Development controls                               |  |
|--|--|
| <b>Sex services</b> duress alarm                   |  |
| C7.4   | All premises are to have either an intercom or a duress alarm in each working room that is used for sexual activity. Alarms are to connect back to a central base, such as reception, that is to be monitored at all times   |
| <b>Sex services</b> reception area                 |  |
| C7.5   | The premises is to be provided with an adequate reception area/waiting room with a minimum area of 20m <sup>2</sup> to prevent clients from loitering outside  |
| <b>Sex services</b> maximum rooms                  |  |
| C7.6   | No more than five rooms are to be provided in which acts of prostitution are to take place   |
| <b>Sex services</b> staff facilities               |  |
| C7.7   | Staff facilities must include a communal lounge or rest area and a bathroom for staff use only   |
| <b>Sex services</b> toilet and bathroom facilities |  |
| C7.8   | Toilet and bathroom facilities must be provided within the premises and not be shared with any other premises within the building  |
| <b>Sex services</b> noise                          |  |
| C7.9   | <p><b>Sex services premises</b> must be designed to minimise noise transmission, measures include:</p> <ul style="list-style-type: none"> <li>• Grouping room uses according to the noise level generated</li> <li>• Using storage or circulation zones within the premises to <b>buffer</b> noise from adjacent apartments, mechanical equipment or corridors and lobby areas</li> <li>• Incorporating appropriate noise shielding or attenuation techniques into the design of the building where appropriate</li> </ul> |

## C7.C Signage

### Objective

To ensure **signage** provides identification to a premises in a manner that is discrete and complimentary to the streetscape

| Development controls |   |
|----------------------|---|
| Offensive content    |   |
| C7.10                | The business identification sign is to be devoid of sexually explicit images, language or objects |

# C8 Ancillary Structures

## Application

This Part applies to **development** that is defined as **ancillary structures**, including sheds, carports, swimming pools, fencing, retaining walls and shipping containers

## C4.H Ancillary structures

### Objectives

- To provide further guidance for **ancillary structures** to ensure consistent and desired amenity is attained
- To ensure **ancillary structures** do not **adversely impact** upon the amenity of the surrounding area
- To ensure **ancillary structures** are consistent in terms of height, bulk and scale with the surrounding area

### Development controls

#### Sheds (residential)

- C8.1 Except as provided for in C8.2, **development** in a residential zone (except R5 Large Lot Residential) adheres to a:
- maximum gross floor area of 72m<sup>2</sup>;
  - maximum height of 3.6m;
  - minimum side and rear setback of 0.9m; and
  - minimum 1m behind the **building line** or **setback**
- Note: **SEPP** (*Exempt and Complying Development Codes*) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m<sup>2</sup> in a residential zone to be **exempt development**

#### Exceptions for residential sheds (except on land zoned R5 Large Lot Residential)

- C8.2 **Development** for the purposes of a shed in a residential zone (except R5 Large Lot Residential) may exceed the limits in C8.1 where the following can be demonstrated:
- The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing
  - The shed is not located within 1.8m of a dwelling on an adjacent lot;
  - The shed does not exceed 5% site coverage of the lot;
  - The shed height considers the change in topography from neighbouring allotments;
  - The shed is located so that it does not detract from the dwelling being the primary use of the land;

### Development controls

- The shed uses colours and materials consistent with the dwelling on the land;
- The shed is of a similar bulk and scale to surrounding sheds;
- The shed is consistent with the context and character of the area;
- Must not be a shipping container.

#### Sheds (R5 Large Lot Residential)

C8.3 Except as provided for in C8.4, development in the R5 Large Lot Residential zone, adheres to Figure CO.

**Figure CO: Shed controls R5 Large Lot Residential**

| R5 Large Lot Residential                             | Site < 4,000m <sup>2</sup>                            | Site ≥ 4,000m <sup>2</sup> |
|--|---|----------------------------|
| Maximum floor area                                   | 120m <sup>2</sup>                                     | 200m <sup>2</sup>          |
| Maximum eave height                                  | 4.8m  |                            |
| Minimum front <b>setback</b>                         | Behind the front building line of the <b>dwelling</b> | 15m                        |
| Minimum <b>side boundary</b> and rear <b>setback</b> | 5m  |                            |
| Colour scheme  | Consistent with the existing character of the area.   |                            |

Note: **SEPP** (*Exempt and Complying Development Codes*) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m<sup>2</sup> in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**

### Development controls

#### Exceptions for sheds (R5 Large Lot Residential)

- C8.4 **Development** for the purposes of a shed on land zoned R5 Large Lot Residential may exceed the limits in C8.3 where the following can be demonstrated:
- The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing
  - The shed is not located within 10m of a dwelling on an adjacent lot
  - The shed does not exceed 5% site coverage of the lot
  - The shed does not result in the combined site coverage of all ancillary structures on the land exceeding 7.5% site coverage
  - The shed is located so that it does not detract from the dwelling being the primary use of the land
  - The shed uses colours and materials consistent with the dwelling on the land
  - The shed is of a similar bulk and scale to surrounding sheds
  - The shed is consistent with the context and character of the area
  - Must not be a shipping container

## Development controls

### Sheds (Rural)

C8.5 **Development** in a rural zone adheres to a:

- minimum 10m **side boundary** and rear setback;
- minimum 5m setback from another building; and
- colour scheme consistent with the existing character of the area.

Note: **SEPP** (*Exempt and Complying Development Codes*) 2008, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m<sup>2</sup> in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**

### Carports

C8.6 Except as provided for in C8.12, carports should be located a minimum of 1m behind the **building line**

C8.7 Minimum side and rear **setback** of 0.9m

Note: Carports may be located within 0.9m of the boundary where they do not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale or overshadowing

C8.8 Maximum height of 3.6m, or if attached to a single storey **dwelling**, be no higher than the roof gutter line

C8.9 If the carport fronts the street, the opening must not exceed more than 6m or 50% of the building frontage, whichever is less

C8.10 The design of carport must be integrated with the existing **dwelling**

C8.11 Carports are to have at least two open sides and not less than one-third of its perimeter open

C8.12 Carports may be located in the front **setback** where the following can be demonstrated:

The carport cannot be reasonably located behind the building line

The carport is set back 2m from the front boundary

The design of carport is consistent with the existing **dwelling**

The carport is connected to a driveway

The carport does not impact sight lines for pedestrians or other vehicles, does not obscure any view from a habitable room to the street, and has at least 3 open sides

### Swimming pools

C8.13 The water edge must be setback at least 1m from the side and rear boundaries

C8.14 Maximum decking height of 1.4m in height if the pool is located more than 600mm above the **ground level (finished)**

### Front fences (including forward of the building line)

C8.15 Maximum height of 1.2m and is not of solid infill construction

C8.16 Maximum height of 1.5m along main roads and secondary street frontages

C8.17 Compatible with street facilities, such as mailboxes, and allow easy access to public utilities

### Development controls

#### Side and rear fences

- |       |  |
|-------|--|
| C8.18 | Maximum height of 1.8m   |
| C8.19 | Side fences must not encroach on the front setback area of any <b>dwelling</b>   |
| C8.20 | Fencing materials should reflect context and character of the area   |
| C8.21 | Fences within the root zone of an existing tree must be constructed of light weight suspended panels supported by posts with pier footings |

#### Retaining walls

- |       |  |
|-------|--|
| C8.22 | Maximum height of 1m   |
| C8.23 | Masonry construction within 0.9m of the property boundary when greater than 0.6m in height |
| C8.24 | Retaining walls are wholly contained within the site                                       |

#### Shipping containers

- |       |  |
|-------|--|
| C8.25 | Shipping containers are to be sited behind existing buildings, not be located in front of the established or proposed <b>building line</b> and be screened from view from any adjoining property |
| C8.26 | The total number of shipping containers ancillary to residential <b>development</b> must not exceed more than 2 per lot.   |
| C8.27 | Shipping containers are to be placed at ground level only and may not be stacked on top of another shipping container  |