# Chapter 6: Residential Uses

maitland
CITY COUNCIL

# Table of Contents – Chapter 6: Residential Uses

# 6.1. Introduction

## 6.1.1. Application

This section applies to all land to which residential accommodation is permissible with consent under the Maitland Local Environmental Plan (MLEP) 2011.

## 6.1.2. Relationship to other Chapters

This section is to be read in conjunction with the following chapters and documents:

- Chapter 1: Introduction and Administration
- Chapter 2: Environmental Considerations
- Chapter 3: Site Requirements
- Chapter 4: Heritage
- Chapter 7: Commercial Uses
- Chapter 9: Rural and Other Land Uses
- Appendix A: Application Requirements – Other Development
- Appendix B: Application Requirements – Minor Development
- Council's Manual of Engineering Standards

Depending on where the site is located, the following area plans and associated additional development controls may also apply to a development:

- Chapter 10: Special Precincts, Locality Plans and Urban Release Areas

**Note:** Where no site-specific Chapter or Locality Plan applies to a development site, Council may require one to be prepared prior to lodgement of development applications in the following cases:

a. If the land is subject to Clause 6.3 of the MLEP 2011, OR
*b*. where the land is subject to environmental constraints and/or more than one land parcel or ownership is involved.

## 6.1.3. How to use this Chapter

This Chapter has been organised into two distinct parts. The first is general housing controls, which provide a consolidated categorisation of the wide range of residential housing typologies and development types for common aspects, such as setbacks, open space, fencing, and landscaped areas.

The second part of the Chapter contains controls that specifically apply to their relevant housing typology, in line with the definitions provided under the MLEP 2011 and in the Glossary of this DCP. In the event of an inconsistency, these controls overrule the general housing controls provided in the first part of this Chapter.

## 6.1.4. Intent of this Chapter

The intent of this DCP Chapter is to:

a. Ensure that residential development responds to the character of the site and locality, the qualities of the surrounding urban environment, and any desired future character.
b. Limit adverse impacts on the amenity of existing residential areas.
c. Encourage increased residential development in areas with proximity to services, infrastructure, and transport.
d. Support the principles of Ecologically Sustainable Development.
e. Inspire innovative and sustainable residential designs.
f. Encourage a diversity of housing typologies and choice to meet the needs of the existing and future community.
g. Adhere and give effect to the provisions under *MLEP 2011* relating to residential accommodation.
h. Adhere to the aims, objectives and planning principles of the *Maitland Local Housing Strategy 2041.*

## 6.2. General housing controls

**Note:** The general objectives and controls in this Section are to be applied in conjunction with the specific controls for all residential typologies contained in **Sections 6.3 to 6.11** of this Chapter.

### 6.2.1. Character and design

#### Objectives

O.1 To ensure that development is consistent with the existing and/or desired future residential character of an area.

O.2 To ensure that the design of the development minimises the overall bulk and scale of the building.

O.3 To protect the visual amenity of the streetscape and neighbouring properties by taking into account patterns of street setbacks, spaces between buildings, controlling building bulk and scale and associated overlooking.

O.4 To ensure that development provides passive surveillance to the street and public areas.

O.5 To ensure that development provides a well-defined address to the street, clear wayfinding for each dwelling within a development, and that the development more broadly creates a sense of place.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **AS.1**<br>• O.1 | Built form should relate to the topography, existing site conditions, and the existing and desired future character of the area. |
| **AS.2**<br>• O.2 | Development should consider the impact on surrounding development and the streetscape, including overshadowing and privacy. To assist in the reduction of such impacts, the incorporation of split levels, broken roof lines and site-specific floor layouts should be utilised over large earthworks or retaining works. |
| **AS.3**<br>• O.2<br>• O.3 | Architectural design should demonstrate the following:<br>a. the use of textured finishes,<br>b. stepping of walls, pergolas, eaves, verandahs, and blade walls etc. to establish articulation and create light and shadows on a building,<br>c. the coordinated use of diverse materials and appropriate decorative treatments,<br>d. consideration of the relationship between glazed and solid wall areas,<br>e. consideration of passive surveillance and access legibility, and |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| | f. minimising the amount and length of unbroken roof ridgelines, unpunctuated facades, fencing and repetitive form. |
| **PC.1**<br>• O.2 | Walls exceeding 10m in length or 4m in height are to be articulated, landscaped, or treated with architectural features such as projections, recesses, windows, or material variations to provide visual relief. |
| **PC.2**<br>• O.4 | Development must provide direct and legible access from the street to the front entry of each dwelling or building. This entry must be reinforced by landscaping at a minimum. |
| **PC.3**<br>• O.4 | Development design must include windows for habitable rooms that overlook the street and public areas. Developments on corner sites must provide windows that overlook both streets. |
| **PC.4**<br>• O.1 | Repetitive building designs are not supported, particularly in new residential areas where there may be a number of sites being developed simultaneously. Designs are to ensure that key elements such as materials, colour schemes, fencing and driveway treatments, landscaping, window configurations and roof forms are varied. |

## 6.2.2. Universal accessible design

Universal accessible design is an approach to building that uses good planning, design and construction to ensure that any person can use a dwelling, irrespective of age, level of mobility or condition of health. A universally designed dwelling is capable of adapting to accommodate changing needs such as ageing in place or supporting those with mobility issues.
Universal accessible housing adheres to seven core universal design principles, being:

1. Equitable use: The design is useful and marketable to people with diverse abilities.
2. Flexibility in use: The design accommodates a wide range of individual preferences and abilities.
3. Simple and intuitive use: Use of design is easy to understand, regardless of the user's experience, knowledge, language skills or current concentration levels.
4. Perceptible information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
5. Tolerance for error: The design minimises hazards and the adverse consequences of accidental or unintended actions.
6. Low physical effort: A design that can be used efficiently and comfortably with a minimum of fatigue.
7. Size and space for approach and use: Appropriate size and space is provided for approach, reach, manipulation and use regardless of user's body size, posture or mobility.

### Objectives

O.6 To promote development to achieve universal accessible design in adaptable dwellings.

O.7 To plan for household needs now and in the future due to changes in mobility and ability.

O.8 To ensure adaptable housing meets universal design principles.

**PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS**

**PC.1**

- O.6

Adaptable dwellings are to be provided in accordance with **Table 6.1** below.

**Table 6.1: Adaptable dwelling ratios**

| NUMBER OF DWELLINGS | NUMBER OF ADAPTABLE DWELLINGS REQUIRED |
|---|---|
| **0–9** | 0 |
| **10–15** | 1 |
| **16–24** | 2 |
| **25–34** | 3 |
| **35 or more** | 10% of total dwellings |

**PC.2**

- O.7

Adaptable dwellings are to satisfy the requirements of AS 4299-1995, which include provision of the following:

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| • O.8 | • a car park linked to the dwelling by an unobstructed path of travel, at a suitable gradient for wheelchair access and being as close as possible to the adaptable dwellings that they are intended for,<br>• an accessible car parking space for each adaptable dwelling,<br>• entries, doors and passageways that are of suitable dimensions to facilitate wheelchair access, and<br>• an entrance at ground level, which is direct to a public road. |
| **AS.1**<br>• O.7 | Dwelling design should be capable of being easily adapted to suit the widest possible range of lifetime needs. This includes the needs of people with physical, sensory disabilities, and/or intellectual disabilities. |
| **PC.3**<br>• O.8 | Development containing adaptable dwellings must be accompanied by certification from a suitably qualified (and experienced) Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard AS 4299-1995. |

## 6.2.3. Solar access and cross ventilation

### Objectives

O.9 To provide dwellings with adequate solar access and ventilation for both internal habitable rooms and Private Open Space (POS).

O.10 To ensure the design and siting of new developments maintains a reasonable level of daylight and sunlight to habitable rooms, POS, and solar collectors of new and neighbouring developments.

O.11 To avoid the potential for significant overshadowing of habitable rooms and POS within the development itself and with respect to adjoining development.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.9<br>• O.10<br>• O.11 | Shadow diagrams must be provided for residential developments of two (2) storeys or more that are within an urban area. The shadow diagram must address the overshadowing impact of new development as well as the impact from adjoining development against the criteria below:<br>a. development must not reduce the sunlight available to windows of living areas that face north to less than 3 consecutive hours between 9.00am and 3.00pm on the Winter Solstice (21st of June);<br>b. at least 50% of the principal area of ground level Private Open Space must achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (21st of June). |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| | c. at least 50% of the principal area of above ground level private open space must achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (21st of June).<br>d. at least 50% of the area of communal private open space must achieve not less than 3 hours sunlight between 9.00am and 3.00pm on the Winter Solstice (21st of June).<br><br>**Note 1:** Council reserves the right to request shadow diagrams (in accordance with **Section 6.2.3 PC.1**) with respect to single storey development if, by reason of the topography of the site, the nature of adjoining development and fencing, the orientation of the building or the design of the building, there is potential for significant loss of solar access to adjoining lots or to dwellings within the development itself. The shadow cast by fences, roof overhangs and changes in levels should be included on any shadow diagrams to allow proper assessment of the overshadowing impacts.<br><br>**Note 2:** This control does not apply to residential flat buildings, shop top housing, or the residential components of mixed-use development. See **PC.2** of this section. |
| **PC.2**<br>• O.9 | Solar access for Residential Flat Building, Shop Top Housing and the residential components of mixed-use developments are to achieve the solar access and ventilation requirements set out in the Apartment Design Guideline. |

## 6.2.4. Visual and acoustic privacy

### Objectives

O.12 To balance the need for views and outlook with the need for privacy.

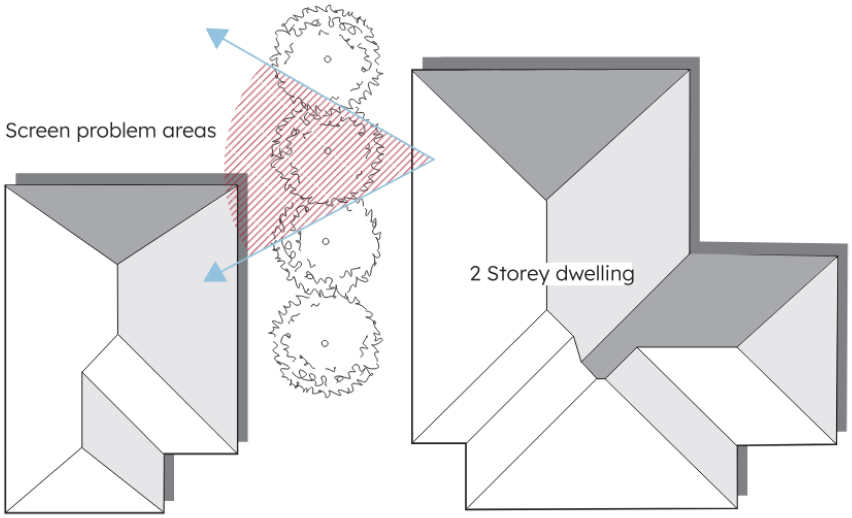
O.13 To encourage the sharing of views whilst not restricting the reasonable development potential of a site.

O.14 To maximise visual and acoustic privacy both within a development lot and between a development and its neighbours.

O.15 To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.

O.16 To ensure that the siting and design of development minimises the impacts of noise transmission between properties.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.15<br>• O.16 | Where no design techniques and screening, such as fences or walls, are proposed, openings of adjacent dwellings must be separated by a distance of at least 3m from the centre of the opening. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.2**<br>• O.12<br>• O.13<br>• O.14<br>• O.15 | Overlooking of Principal Private Open Space (PPOS) and direct views between living area windows from neighbouring dwellings and properties are to be screened or obscured using one or more of the following methods:<br>• separation distance of at least 3m between windows of habitable rooms or balconies<br>• separation by design<br>• offset living room windows of opposing dwellings/units<br>• splay windows to redirect sight lines<br>• fencing design or privacy screens<br>• plantings<br>• use of fin walls<br>• planter boxes<br>• louvre screens (vertical or horizontal)<br>• pergola<br>  <br><br>**Figure 6-1: Possible screening treatment (plantings)** |
| **PC.3**<br>• O.14<br>• O.16 | Site layout must separate shared parking areas, driveways and service equipment areas away from bedroom areas of dwellings. |

## 6.2.5. Open space

### Objectives

O.17 To ensure principal private open space areas are provided in a manner that is functional and responsive to the environment, thereby promoting the enjoyment of outdoor living for residents.

O.18 To ensure that private open space is integrated with, and directly accessible from, the living areas of a dwelling.

O.19 To ensure that open space meets requirements for privacy of the residents and adjoining properties, enabling access to outdoor activities and landscaping.

O.20 To locate open space to take account of outlook, natural features of the site, solar access, and neighbouring buildings or public open space.

### 6.2.5.1. Communal Open Space (COS)

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.19<br>• O.20 | Open space must be clearly defined to distinguish between Communal Open Space (COS), Private Open Space (POS), and the Principal Private Open Space (PPOS) provided.<br><br>**Note:** Controls for PPOS and general open space (landscaped area) are provided in Section 6.2.5.2 and 6.2.6, respectively. |
| **AS.1**<br>• O.19<br>• O.20 | Where COS is provided, it should be orientated to enable solar access to help achieve comfortable year-round use. |
| **AS.2**<br>• O.20 | COS should be sited to maximise retention of non-invasive tree species. |
| **PC.2**<br>• O.19<br>• O.20 | The landscaping surrounding COS must be designed to minimise water usage and maintenance requirements. |
| **PC.3**<br>• O.20 | A proposed development that provides COS must indicate, on a landscape plan, communal facilities, such as seating, BBQ, shade structures and the like that promote use by residents. |

### 6.2.5.2. Principal Private Open Space (PPOS)

**PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS**

**PC.4**

- O.17

PPOS is to be provided in accordance with **Table 6.2.**

**Table 6.2: Minimum Principal Private Open Space**

| DWELLING TYPE | MINIMUM PPOS |
|---|---|
| **Dwelling house** | 24m² and at least 4m wide. |
| **Dwelling houses in rural or environmental zones** | 24m² and at least 4m wide. |
| **Dual occupancies and Semi-detached dwellings** | 24m² and at least 3m wide (each). |
| **Secondary dwellings** | 24m² and at least 4m wide (each). |
| **Attached dwellings** | 24m² and at least 4m wide,<br>or<br>16m², and an additional balcony with a minimum width of 2.5m. |
| **Multi-dwelling housing** | 1 – 2 bedrooms: 16m² and at least 4m wide.<br>3+ bedrooms: 24m² and at least 4m wide. |
| **Boarding houses and Co-living housing** | 24m² and at least 4m wide. |
| **Group homes** | 24m² and at least 4m wide. |
| **Residential flat buildings** | Refer to Apartment Design Guide (or equivalent). |
| **Shop top housing** | Refer to Apartment Design Guide (or equivalent). |
| **Seniors housing** | Refer to Apartment Design Guide (or equivalent). |
| **Note:** PPOS provisions are to be read in conjunction with the controls of Solar Access and Cross Ventilation (Section 6.2.3) and Visual and Acoustic Privacy (Section 6.2.4). | |

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

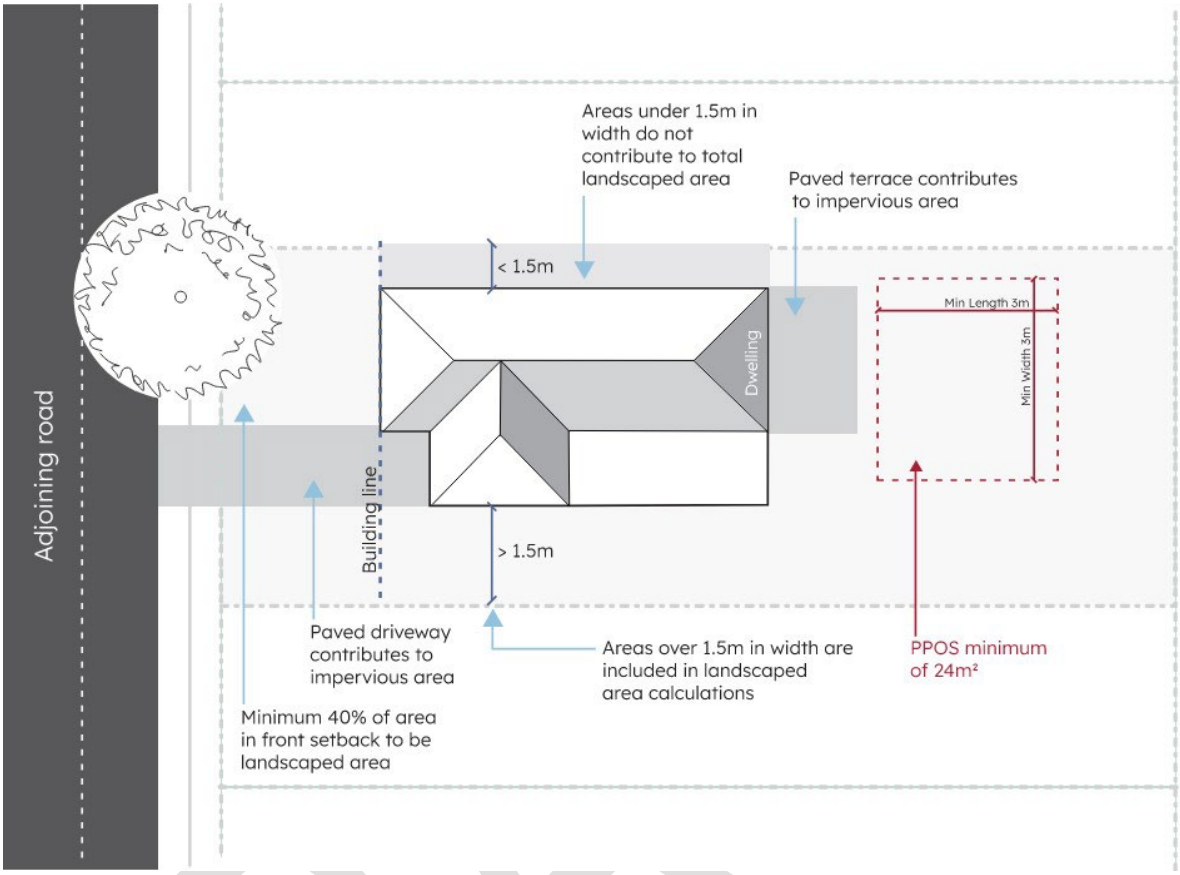



**Figure 6-2: Example of PPOS provision for dwelling house**

| | |
|---|---|
| **PC.5**<br>• O.18<br>• O.19 | The landscape design and plans for the development must recognise PPOS areas as 'outdoor rooms' and the design must incorporate:<br>a. paved areas or decks for outdoor dining/relaxation,<br>b. garden areas to reduce the 'hard' visual impact of fencing, paving and walls,<br>c. the inclusion of trees of a scale which will provide adequate shade (deciduous species may be appropriate depending on the orientation of POS), and<br>d. provision of drying areas and garbage storage areas and the screening of these areas with vegetation and/or structural elements such as timber panels. |
| **PC.6**<br>• O.17 | The maximum cross-fall over the PPOS must not exceed 5%. |
| **PC.7**<br>• O.19 | Areas of ground level PPOS required for external drying facilities, garbage storage, roof water tanks etc are not to be included in the PPOS. These ancillary uses must be located where they are able to be screened from view of the street or other public place. |
| **PC.8**<br>• O.19 | PPOS must be screened for privacy if required by **Section 6.2.4** of this Chapter. |

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

**Note:** Additional balconies etc are permitted but cannot be taken into account as POS unless meeting the minimum criteria specified above.

## 6.2.6. Landscaping & landscaped area

### Objectives

O.21 To enhance the appearance and amenity of new development for the benefit of users and the community in general.

O.22 To encourage the use of water efficient landscape systems embracing the principles of Water Sensitive Urban Design (WSUD).

O.23 To integrate building and landscape elements.

O.24 To protect existing landscape features including natural landforms, watercourses and native vegetation and integrate them, where possible, with new development.

O.25 To blend new development into an established streetscape and neighbourhood character.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.23<br>• O.25 | Development must be supported by a landscape plan, including a planting scheme. |
| **PC.2**<br>• O.21<br>• O.22<br>• O.23<br>• O.24<br>• O.25 | Landscape design is to:<br>a. retain existing non-invasive vegetation, where practicable, for integration with the landscape design for the development,<br>b. utilise native vegetation suitable for local conditions that are low maintenance and drought resilient,<br>c. incorporate the use of advanced plant specimens and tube stock to ensure that the completed built form is immediately and effectively softened by landscaping,<br>d. be of an appropriate scale relative to the width of driveways and the associated space between buildings and the building bulk,<br>e. trees that achieve a height above the roofline of the dwelling are to be incorporated to soften built form,<br>f. take into account, protect and be sympathetic to view corridors and vistas, including by introducing species that preserve opportunities for views and vistas when matured,<br>g. provide adequate lighting for vehicular and pedestrian safety,<br>h. address and enhance streetscapes and landscapes within heritage conservation areas, locally listed heritage items and within the proximity of heritage items,<br>i. clearly identify where turfed areas are to be located and specify the materials used for forming the edges of garden beds,<br>j. identify POS / COS areas, including the PPOS or Principal Communal Open Space,<br>k. detail the various paving materials used throughout the site for driveways, pedestrian pathways, parking areas and private open space areas, and<br>l. utilise screen planting to soften and reduce the dominance of walls and fences. |

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

**PC.3**

- O.23
- O.25

Landscaped area for a development is to be provided in accordance with **Table 6.3.**

**Table 6.3: Minimum Landscaped Area**

| DWELLING TYPE | MINIMUM LANDSCAPED AREA (% OF LOT AREA) |
|---|---|
| **Dwelling house** | 30%, including:<br>• 40% of the front setback, and<br>• A minimum of two trees, one in the front and one in the rear of the lot, with the species in accordance with Council's Tree Species List. |
| **Dwelling houses in rural or environmental zones** | A minimum of ten trees, with the species in accordance with Council's Tree Species List. |
| **Dual occupancies and Semi-detached dwellings** | 50%, minus 100m$^2$, including:<br>• 25% of the front setback, and<br>• A minimum of two trees, one in the front and one in the rear of the lot, with the species in accordance with Council's Tree Species List. |
| **Secondary dwellings** | 20% |
| **Attached dwellings** | 10%, including:<br>• A minimum of one tree along each building frontage, with the species in accordance with Council's Tree Species List. |
| **Multi-dwelling housing** | 15%<br>• A minimum of one tree per five (5) dwellings, with the species in accordance with Council's Tree Species List. |
| **Boarding houses and Co-living housing** | 20% |
| **Group homes** | 20% |
| **Residential flat buildings** | 20%, including:<br>• A minimum of one tree per five (5) dwellings, with the species in accordance with Council's Tree Species List. |
| **Shop top housing** | Refer to Apartment Design Guide (or equivalent). |
| **Seniors housing** | Refer to Apartment Design Guide (or equivalent). |

**Note 1:** The minimum landscaped area is in addition to the PPOS requirements under **Section 6.2.5.2**. Additionally, the minimum landscaped area contributes to the minimum unbuilt area requirements stipulated in **Section 6.2.7**.

**Note 2:** Areas less than 1.5m in width are not included in the landscaped area calculation.

**AS.1**

- O.22

Except for dwelling houses, the landscape design for a development should integrate with the stormwater management scheme, having regard to relevant WSUD principles.

## 6.2.7. Impervious area

This section is to be read in conjunction with **Section 6.2.5 Open Space** and **Section 6.2.6 Landscaping & Landscaped Area**. The minimum landscaped areas and minimum COS/PPOS required **Section 6.2.5** and **6.2.6** take precedent over any maximum impervious area provided under this section.

### Objectives

O.26 To ensure the density of new residential development is sympathetic to the locality.

O.27 To ensure that development minimises impervious surfaces and maintains a balance of amenity, solar access and privacy between 'built' and 'unbuilt' areas.

O.28 To ensure dwellings can meet requirements relating to landscaped area, privacy, solar access, internal site circulation, deep soil zones, and open space.

**PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS**

**PC.1**

- O.26
- O.27
- O.28

Impervious area must satisfy the requirements detailed in Table 6.4. All development application site plans for residential development are to provide a detailed 'percentage impervious area' calculation, including having regard to the requirements of Sections 6.2.5 and 6.2.6.

**Table 6.4: Maximum Impervious Area**

| DWELLING TYPE AND LOT AREA RANGE | MAXIMUM IMPERVIOUS AREA (NOTE 2) |
|---|---|
| **Dwelling house <700m²** | 75% |
| **Dwelling house 700m² – <1500m²** | 60% |
| **Dwelling house 1500m² – <2500m²** | 50% |
| **Dwelling house 2500m² - <4000m²** | 1,000m² |
| **Dwelling houses Over 4,000m²** | 1,250m² |
| **Dual occupancies and Semi-detached dwellings** | 75% |
| **Attached dwellings (Torrens title terraces)** | 80% |
| **Multi-dwelling housing** | 75% |
| **Boarding houses and Co-living housing** | 80% |
| **Group homes** | 80% |
| **Residential flat buildings** | 80% |
| **Shop top housing** | 100% |

| | |
|---|---|
| **Seniors housing** | Where applicable refer to Housing SEPP, multi-dwelling housing or residential flat buildings. |

**Notes**

1. Maximum impervious area means the proportion of a site area covered by surfaces that water is unable to penetrate. This includes, but is not limited to, buildings, driveways, sheds, and garages. However, the following are not included for the purpose of calculating maximum impervious area:
    a. any basement that has more than 1m deep soil coverage,
    b. any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
    c. swimming pools including 0.5m of coping tiles, and
    d. any eaves.
2. The remaining uncovered balance of the site is to provide deep soil zones in accordance with Appendix C: Canopy Cover Guidelines.

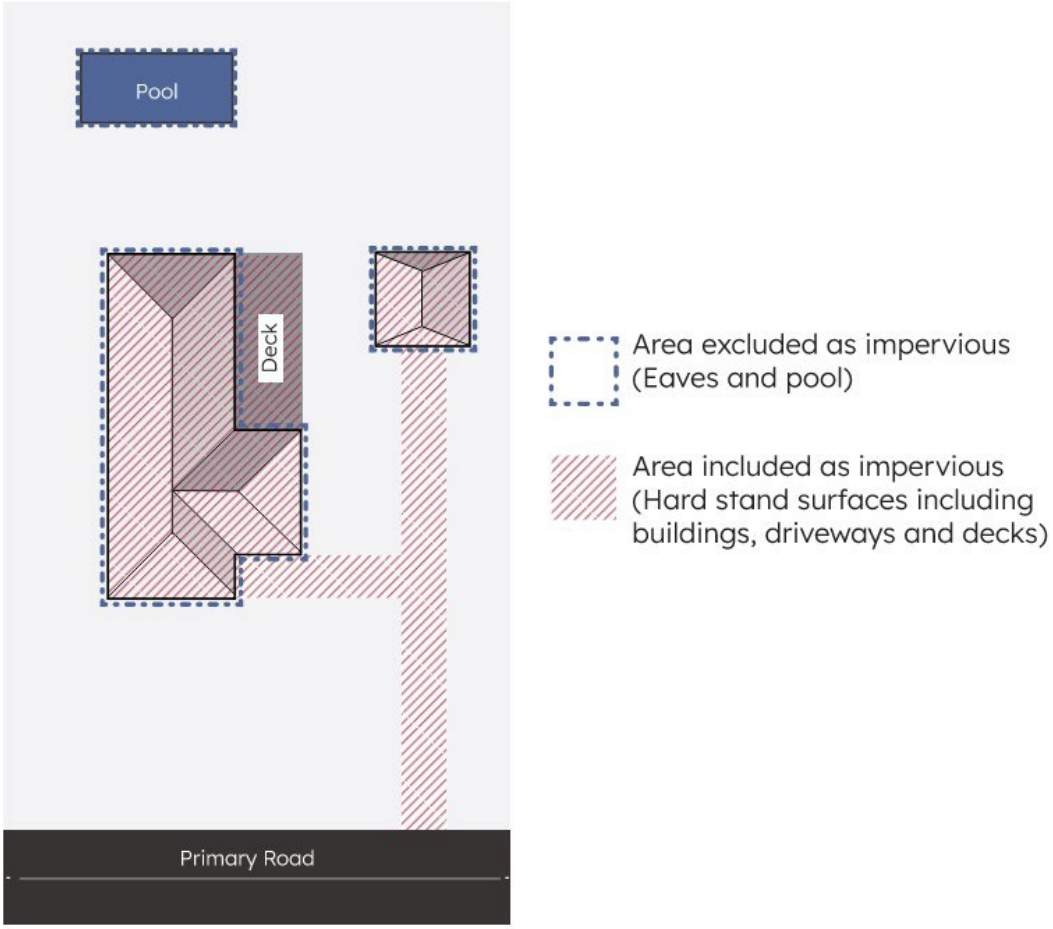



**Figure 6-3: Impervious Area Inclusions and Exclusions**

## 6.2.8. Housing setbacks

### Objectives

O.29 To ensure that housing provides a consistent presentation to the road among similar typologies.

O.30 To reduce overall bulk and scale of development.

O.31 To facilitate the opportunity for variability in design in areas of residential density.

O.32 To improve site impermeability and circulation.

**PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS**

**PC.1**

- O.29

Setbacks for a development are to be provided in accordance with **Table 6.5**.

**Table 6.5: Housing setbacks (minimum)**

| DWELLING TYPE | FRONT SETBACK | SECONDARY SETBACK (CORNER LOTS) | SIDE SETBACK (SEE PC.2) | REAR SETBACK |
|---|---|---|---|---|
| **Dwelling house** | 4.5m or the average existing setback of dwellings within 40m of the lot. Note 1 | 2m | Ground floor: 0.9m<br>Upper floor: see **PC.2** | Ground floor: 4m<br>Upper floor: 6m |
| **Dwelling house on R5 Large Lot Residential** | <5,000m$^2$: 10m<br>>5,000m$^2$: 20m | <5,000m$^2$: 6m<br>>5,000m$^2$:10m | <5,000m$^2$:4m<br>>5,000m$^2$: 6m | <5,000m$^2$: 4m<br>>5,000m$^2$: 6m |
| **Dwelling houses in rural zones** | 20m | 15m | 10m | 10m |
| **Dwelling houses in environmental zones** | 20m | 10m | 6m | 6m |
| **Dual occupancies, Semi-detached dwellings,** | 4.5m or the average existing setback of dwellings within 40m of the lot. | 3m | Ground floor: 0.9m<br>Upper floor: see PC.2 | Ground floor: 4m<br>Upper floor: 6m |

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

| DWELLING TYPE | FRONT SETBACK | SECONDARY SETBACK (CORNER LOTS) | SIDE SETBACK (SEE PC.2) | REAR SETBACK |
|---|---|---|---|---|
| **Secondary dwellings** | Equal to or behind the front building line of the primary dwelling. | | | <900m$^2$: 3m<br>900m$^2$ - <1500m$^2$: 5m<br>>1500m$^2$: 10m |
| **Attached dwellings** | 4.5m or the average existing setback of dwellings within 40m of the lot. | 3m | Zero lot or attached boundary: 0m<br>Detached boundary: 0.9m | On rear lane: 1m |
| **Multi-dwelling housing** | 4.5m or the average existing setback of dwellings within 40m of the lot. | 2m | Ground floor: 0.9m<br>Upper floor: see **PC.2** | Ground floor: 4m<br>Upper floor: 6m |
| **Boarding houses and Co-living housing** | 4.5m or the average existing setback of dwellings within 40m of the lot. | 3m | Ground floor: 0.9m<br>Upper floor: see **PC.2** | Ground floor: 4m<br>Upper floor: 6m |
| **Group homes** | 4.5m or the average existing setback of dwellings within 40m of the lot. | 2m | Ground floor: 0.9m<br>Upper floor: see **PC.2** | Ground floor: 4m<br>Upper floor: 6m |
| **Residential flat buildings** | 6m | 6m | 3m | 6m |
| **Shop top housing** | Existing street setback. | Existing street setback. | Merit based. | 6m |
| **Seniors housing** | Where applicable refer to Housing SEPP, multi-dwelling housing or residential flat buildings. | | | |

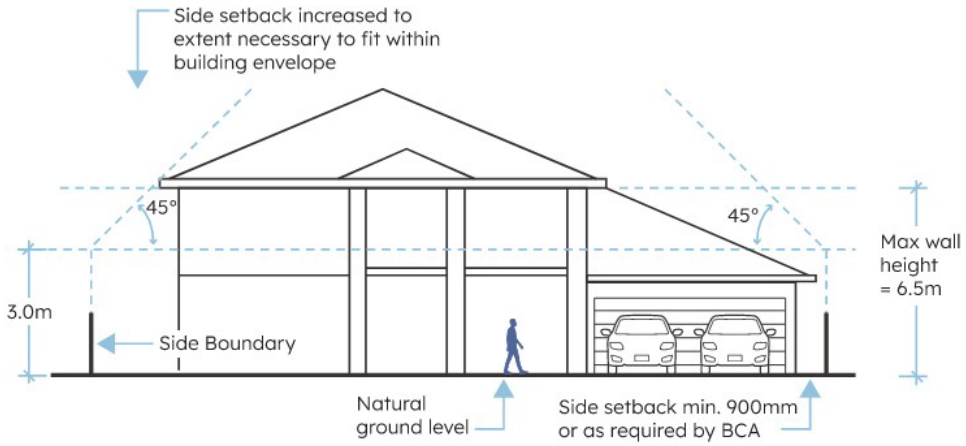
**Note:**

1. See **AS.1** of this section for how to calculate average setback in existing streets.
2. Setback to classified roads is to be a minimum of 9m.

**PC.2**

- O.30

Except for **Residential flat buildings** and **Shop top housing**, and notwithstanding **PC.1**, side setbacks are to increase with dwelling height and the dwelling must be within a

| | |
|---|---|
| | building height plane – a plane projected at an angle of 45 degrees over the land to be built upon from a distance of 3m above ground level.<br>  <br><br>**Figure 6-4: Increase in side setbacks for two or more storeys** |
| **PC.3**<br>• O.29<br>• O.31 | Where the shape of the allotment located within a residential zone is irregular due to the geometry of the street boundary, the setback from the front property boundary to the building line must be a minimum of 3m and average 4.5m over the length of the building addressing those street boundaries. |
| **AS.1**<br>• O.31 | Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to 1.5m into the front setback area. This encroachment must not cover more than 25% of building width. |
| **PC.4**<br>• O.32 | Side and rear setbacks must provide access for:<br>a. maintenance of any utilities (i.e. air conditioner units, water heater etc) between the building and boundary,<br>b. pedestrians, and<br>c. garbage bins and yard maintenance equipment to move from the front of the dwelling to the rear yard. |

## 6.2.9. Residential building height

### Objectives

O.33 To provide guidance for where no building heights apply under the MLEP 2011.

O.34 To ensure that the height of new development is not excessive and relates well to topography, the current local character and any future desired local character.

O.35 To respond to site topography and slope by stepping building heights/floor levels to minimise cut and/or fill and not result in excessive scale or bulk.

O.36 To minimise impact on key view-lines or appreciation of significant natural features or heritage items.

O.37 To minimise overshadowing and impacts on views and privacy of adjacent dwellings and their private open space.

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

**AS.1**

- O.33
- O.34
- O.35
- O.36
- O.37

The maximum building height of residential accommodation is to be consistent with the MLEP 2011 Height of Buildings Map. Where no height limit is specified, a merit-based approach is taken.

Table 6.6 provides recommended maximum storeys for each housing typology permitted under the definition of 'residential accommodation' in the MLEP 2011.

**Table 6.6: Recommended Maximum Storeys**

| HOUSING TYPOLOGY | RECOMMENDED MAXIMUM STOREYS |
|---|---|
| Attached dwellings, Dual Occupancies, Dwelling houses, Semi-detached dwellings | 2 storeys |
| Boarding houses, Co-living housing, Group homes | 3 storeys |
| Multi dwelling housing | 3 storeys |
| Residential flat buildings and Shop top housing | 4 storeys |
| Rural workers dwellings, Secondary dwellings | 1 storey |
| Tourist and visitor accommodation and Seniors housing | No specific recommendation. |

**AS.2**

- O.33
- O.34
- O.35
- O.36
- O.37

In cases where residential accommodation is:

a. Greater than two storeys and/or 8m in height from existing ground level to the highest point of the building (excluding extrusions such as antennae, chimneys, and the like), OR
b. Ground floor or basement levels are higher than 800mm above the existing ground level,

The proposed development must ensure that it complies with:

- The objectives of this control, and
- The visual, privacy, and solar access controls for the proposed type of residential accommodation in this Chapter.

## 6.2.10. Fencing and walls

### Objectives

O.38 To ensure that all fences and walls provide privacy, security and noise attenuation while balancing impacts upon the streetscape, passive surveillance, adjacent buildings, and the use of open spaces areas within the development or on adjoining land.

O.39 To ensure that fences and walls positively contribute to the character of the streetscape through careful consideration of materials, height, form, and transparency.

O.40 To maintain clear, legible, and inviting pedestrian entry points from the street, ensuring that fencing and walls do not obstruct access or diminish the welcoming nature of the home's entrance.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.38 | Fencing between dwellings must be designed to provide visual privacy to internal rooms and outdoor POS. Heights for this dividing fencing is to be a maximum of 1.8m. |
| **PC.2**<br>• O.38<br>• O.40 | Fencing, when combined with retaining walls, is not to exceed:<br>• on the front boundary: 1.2m from existing ground level<br>• on side and rear boundaries: 2m from existing ground level |
| **PC.3**<br>• O.38<br>• O.39 | Where side boundary fencing is proposed in the front setback to the principal frontage, then the maximum height of the fence must not exceed 1.2m within the front setback area. |
| **AS.1**<br>• O.38 | Solid fencing for the purposes of containing a dwelling's PPOS area must not exceed a height of:<br>• 1.2m in instances where it is located within the primary street building line setback, OR<br>• 1.5m in instances where it is located within the secondary street building line setback.<br>Landscaping is recommended to supplement this restricted fence height in order to achieve adequate privacy.<br><br>Exceptions to this are where it can be demonstrated that a higher fence is appropriate, having regard to:<br>• noise,<br>• privacy, and<br>• existing streetscape and architectural merit. |

**Note:** Fencing between adjoining properties is regulated by the Dividing Fences Act 1991. This Act is administered by the Local Court. For single dwellings the fencing of the property boundary (type

of fence, height of fence, installation of fence and cost sharing arrangements) is a matter that must be determined between the two adjoining landowners and then the Court in those circumstances where agreement cannot be reached.

## 6.2.11. Driveways, carparking and garages

*This section is to be read in conjunction with Chapter 3: Site Requirements, Section 3.4.4. Parking Provision for parking rate requirements.*

### Objectives

O.41 To provide convenient, accessible and safe parking to meet the needs of residents and visitors in a manner which does not dominate the streetscape or cause congestion in nearby streets.

O.42 To encourage the proper integration of driveway access, parking and landscaped areas as part of the overall landscape design.

O.43 To provide garage designs that are complementary to dwellings and surrounding character.

O.44 To ensure driveways are located outside of areas prohibited by Council's MoES.

### 6.2.11.1. Driveways

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.41 | Driveways within the site must be a minimum of 3m wide and are not to conflict with existing infrastructure, such as street trees. |
| **PC.2**<br>• O.41 | The driveway width across the footway must be as follows:<br>a. 3m wide for single car garages, OR<br>b. 4.5m for double garages (side by side spaces). |
| **AS.1**<br>• O.42 | Landscaping should be incorporated into the design of driveway and manoeuvring areas to minimise the expanse of hard surfaces, volume and rate of stormwater runoff, and adverse visual impacts on the streetscape. |
| **PC.3**<br>• O.41<br>• O.44 | Driveways must be located to maximise on-street parking. The distance between driveway crossings must be less than 1.5m or greater than 7m to maximise on-street parking and to provide sufficient length for whole car parks between access points. |
| **PC.4**<br>• O.44 | Driveways must demonstrate suitable vehicle access can be achieved and are to avoid any applicable denied driveway areas, such as at intersections, roundabouts, in-road street tree pits and other infrastructure and regulated locations. Exact requirements relating to this control are to comply with Council's MoES. |
| **AS.2**<br>• O.41<br>• O.42 | Driveways may be required to incorporate a dedicated turning area in instances where:<br>a. there is poor sight distance from the driveway to pedestrian or vehicular traffic, OR<br>b. the accessway fronts a main road or highly pedestrianised area, OR<br>c. where vehicles would otherwise have to reverse more than 30m. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.5**<br>• O.41<br>• O.42 | Pedestrian entries and paths are to be clearly distinguished from vehicle driveways. |
| **AS.3**<br>• O.41<br>• O.42<br>• O.44 | Driveways are to be located in areas that avoid street tree plantings wherever possible. Where avoidance is not possible, development must ensure that suitable arrangements have been made to replant any removed street trees at a 2:1 ratio. |
| **PC.6**<br>• O.42 | Where required by AS.3, turning paths must be designed to in accordance with Council's MoES and are not to compromise deep soil or landscaping requirements and are to meet the following requirements:<br><br>a. deep soil zones of a minimum width of 1m and depth of 1m must be provided along the boundary,<br>b. contrasting pavement treatments should be used to reduce the expanse of a single pavement material, and<br>c. landscaped area is to be provided between the driveway and the external wall of the dwelling. |

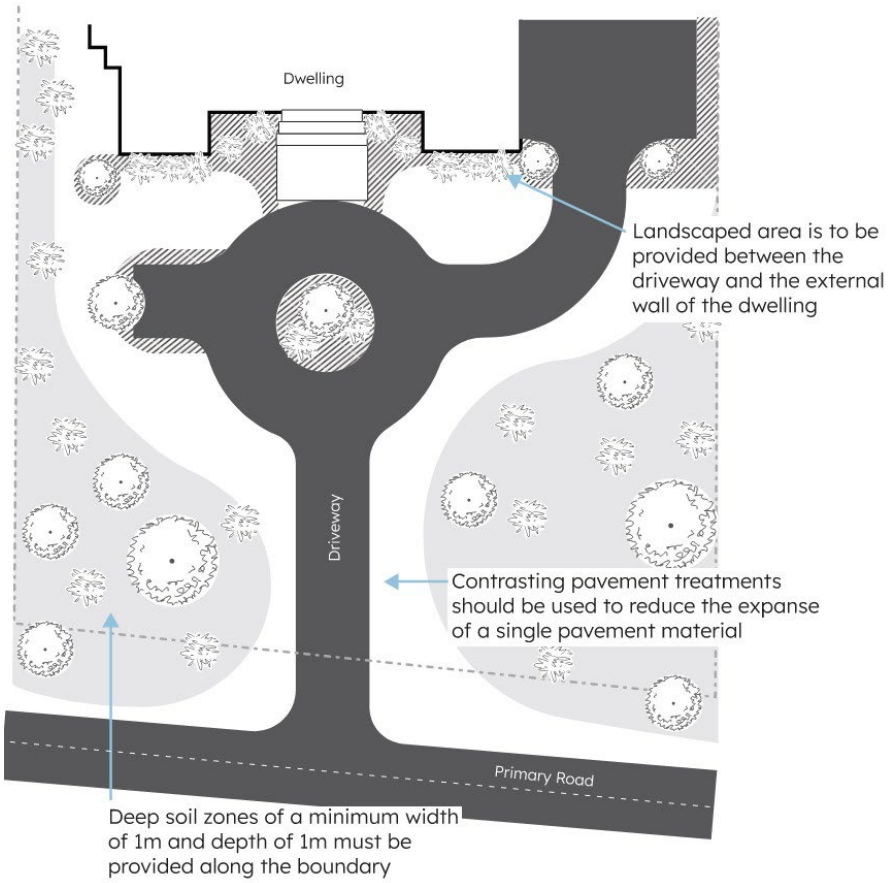



**Figure 6-5: Possible Turning Path Solution**

## 6.2.11.2. Carparking and garages

Refer to **Section 6.2.12** Sites having a boundary to a laneway of this Chapter for specific carparking and garage controls relating to development on laneways.

### PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

**PC.1**

- O.41
- O.43

Garages must be setback a minimum of 5.5m from a boundary adjoining a road or a minimum 1m behind the building line to the principal street frontage, whichever is greater.

**PC.2**

- O.43

The minimum dimensions of enclosed garages are to be in accordance with **Table 6.7**.

**Table 6.7: Minimum Dimensions for Enclosed Garages**

| DWELLING TYPE | MINIMUM DIMENSIONS | SINGLE GARAGE | DOUBLE GARAGE (SINGLE DOOR) |
|---|---|---|---|
| **Dwelling houses, Dual occupancies, Semi-detached dwellings, Attached dwellings, and Multi-dwelling housing** | **Width** | 3.0m | 5.8m |
| | **Length** | 6.0m | 6.0m |
| | **Garage door opening width** | 2.4m | 4.8m |
| **Secondary dwellings** | Maximum area of 24m² - see **Section 6.5, PC.9** | | |
| **Residential flat buildings** | No minimums – see **Section 6.10**. | | |
| **Shop top housing** | No minimums – see **Section 6.10**. | | |

**Notes:**

1. For the purposes of this control, a double door garage would need to satisfy the requirements of two single garages.
2. Garages proposed with three or more doors will be assessed on a case-by-case basis against the other controls within this section.

**AS.1**

- O.41
- O.43

Garages for a single storey dwelling should be no greater than 50% of the total width of the dwelling's frontage.

**Example**: The total width of a dwelling's frontage is 15m, therefore the maximum width of a garage (i.e. doors and pillars/wall plane) is to be no greater than 7.5m.

**AS.2**

- O.41
- O.43

Garages for two or more storey dwellings should be no greater in width than 75% of the total width of the dwelling's frontage.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.3**<br>• O.43 | Where the prevailing pattern of development locates garages and carports to the rear of the property, new development must also locate garages and carports at the rear, provided it does not compromise deep soil or landscaping requirements. |
| **PC.4**<br>• O.43 | Contrasting colours or textures must be used on garage doors and/or walls to create articulation, identity and visual interest that separates it from the primary dwelling. |
| **PC.5**<br>• O.41 | Vehicle car parking spaces and manoeuvring areas must not be located within the building line setback area.<br>**Note:** This does not apply to a driveway that provides direct vehicle access to a garage or carport from the street. |
| **PC.6**<br>• O.43 | Where a laundry or bicycle storage area is incorporated into the garage, then width or length (whichever applies) must be increased by at least 1m. |

## 6.2.12. Sites having a boundary to a laneway

### Objectives

O.45 To ensure that new residential development is positioned to face the primary street and contributes to the amenity and 'sense of place' of the existing urban environment.

O.46 To ensure that laneways are developed in a manner consistent with their design constraints and function as service roads.

O.47 To ensure laneways are utilised where available to provide rear access to car parking.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.45 | The main pedestrian entry point to the dwelling must form a direct connection with the principal street address, which is not to be oriented to the laneway. |
| **PC.2**<br>• O.45 | Pedestrian access to dwellings located to the rear of the site must have an access corridor at least 2m wide. If utilities such as air conditioner units or water heaters are located alongside the dwelling, a clearance of 1m must be achieved to provide adequate access for pedestrians, deliveries, garbage services, and the like. This can take the form of an access handle or easement. |
| **PC.3**<br>• O.45 | The pedestrian access from the principal street frontage to the dwelling located to the rear of the site must be landscaped and provided with adequate lighting in accordance with 'Safer by Design' principles. |
| **PC.4**<br>• O.46<br>• O.47 | Garage, carports and parking space access via the laneway must be setback the greater of: |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| | • 2m from the boundary where the laneway corridor (boundary to boundary) is less than or equal to 7m wide, OR<br>• 1m from the boundary where the laneway corridor (boundary to boundary) is greater than 7m wide. |
| **PC.5**<br>• O.46<br>• O.47 | Where a garage door is located closer than 5.5m to the property boundary with the laneway, the garage doors must be fitted with automatic opening devices to allow continuous movement from the laneway to the garage without obstructing the lane. |

**Note:** Depending on the standard of construction and overall condition of the laneway, Council may require the laneway pavement to be upgraded to ensure an adequate standard of access to the development.

## 6.2.13. Development incorporating existing dwellings

### Objectives

O.48 To ensure that the streetscape character is retained and incorporated into new development where possible.

O.49 To ensure that new and existing dwelling(s) are complementary and provide a high standard of amenity and privacy.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.48<br>• O.49 | Developments which incorporate existing buildings must be accompanied by a floor plan and elevations of the existing building, as well as a schedule of externals colours and materials for the development. |

## 6.3. Dwelling house

This Section of the Chapter applies to detached dwelling houses within the R1 General Residential and R5 Large Lot Residential zones of MLEP 2011. Relevant 'General Housing Controls' are found in **Section 6.2** and this section. **In the event of any inconsistency between Section 6.2 and this section, this section prevails.**

### Objectives

O.50 To ensure street trees are protected through replacement and embellishment.

O.51 To limit the overall impact of driveway accesses along each street frontage.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.50 | Each dwelling must ensure that suitable arrangements have been made to replant any removed street trees as a result of the development. |
| **PC.2**<br>• O.51 | A maximum of one driveway is permitted per street frontage.<br><br>**Example**: A lot with rear laneway and a road frontage would be allowed to have a maximum of two driveways: one accessing the laneway and the other accessing the road (in some cases, other controls may restrict this). |

## 6.4. Dwellings in rural and environmental zones

This Section of the DCP applies to rural dwellings within the RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management and C4 Environmental Living zones of MLEP 2011. Relevant controls are found in Section 6.2 and this section. In the event of any inconsistency between Section 6.2 and this section, this section prevails.

Dwellings in rural and environmental zones are an important part of the rural character of Maitland. These dwellings are unique, as they serve a number of purposes from a residence, providing space for agricultural activities, mitigating and caring for environmental factors, such as bushland, water management and flooding. Therefore, specific controls are required to manage and be sympathetic to the range of unique factors.

Refer to 'Clause 4.2A Erection of dwelling on land in certain rural and conservation zones' and 'Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones' of MLEP 2011 for additional provisions on dwelling permissibility.

### Objectives

O.52 To conserve and enhance native vegetation, vegetation corridors, topographical features, and fauna habitat.

O.53 To limit impact on scenic corridors by maintaining and/or enhancing them, as identified within the Maitland Local Strategic Planning Statement.

O.54 To ensure that external finishes used have minimal detrimental impact on the visual amenity of an area.

O.55 To ensure that fencing and retaining walls are compatible with the existing landscape character and are not a risk to fauna.

O.56 To enable suitable driveway widths for all vehicle users.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **AS.1**<br>• O.52<br>• O.53 | Development should, through sensitive design, retain the majority of significant natural features on the site, including mature trees, rocky outcrops, and major vegetation. |
| **AS.2**<br>• O.54 | Buildings should be visually unobtrusive in the landscape and complement the characteristics of the landform. |
| **PC.1**<br>• O.54 | The colours of roof and wall cladding must be generally low reflective neutral/earth tones, to maintain the visual amenity of the area. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **AS.3**<br>• O.52<br>• O.54 | Buildings should be positioned in a manner that is considerate of prominent ridgelines so as not to intrude on the sensitivity of rural landscapes. |
| **PC.2**<br>• O.55 | The fence design and materials are to consider and be sympathetic to the character of the local landscape. |
| **PC.3**<br>• O.55 | Front fences and front fence returns must not exceed 1.2m in height and must not be more than 50% solid. |
| **PC.4**<br>• O.54<br>• O.55 | Front and side return fences must be compatible with the rural character of the area and not be lapped or capped timber, or powder coated metal fencing. |
| **AS.4**<br>• O.55 | Side and rear boundary fences should generally not exceed 1.8m above the existing ground level. Exceptions are made on a merit basis that is dependent on the land use, such as the type of livestock housed in a paddock. |
| **PC.5**<br>• O.56 | Access driveways are to be of trafficable width to allow for passing vehicles, manoeuvring and turning space, and bush fire access including emergency and service vehicles, in accordance with *Planning for Bushfire Protection 2019* (as amended). |

## 6.5. Secondary dwellings

*This Section of the DCP applies to secondary dwellings within the R1 General Residential, and R5 Large Lot Residential zones of MLEP 2011.*

*The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) provides for the development of secondary dwellings (commonly referred to as granny flats) as complying development. SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP) also contains provisions relevant to the development of a secondary dwelling as complying development.*

*If all requirements for a secondary dwelling specified under the Housing SEPP and Codes SEPP are met, a Complying Development Certificate (CDC) can be obtained from Council or an accredited certifier without the need for a development application.*

*Where the requirements for a secondary dwelling under the Housing SEPP and Codes SEPP cannot be satisfied, a development application must be lodged with Council.*

*Secondary dwellings must comply with the controls in Sections 6.2 and this section. In the event of any inconsistency between Section 6.2 and this section, this section prevails.*

### Objectives

O.57 To enable the development of a diversity of dwelling types and contribute to the availability of affordable housing.

O.58 To promote innovative housing solutions that are compatible with the surrounding residential environment.

O.59 To ensure orderly and planned residential density.

O.60 To ensure high quality design standards, safety, privacy, accessibility and functionality.

O.61 To provide a designated area for waste collection to ensure efficient waste servicing.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.58<br>• O.59<br>• O.60 | Secondary dwellings must be designed to complement the design of the principal dwelling and be subservient to the principal dwelling in terms of visual bulk and scale. |
| **PC.2**<br>• O.57<br>• O.58 | A secondary dwelling is to have a maximum floor area of 60m$^2$. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.3**<br>• O.60 | Any secondary dwelling must be setback behind the front building line of the principal dwelling. |
| **PC.4**<br>• O.60 | Secondary dwellings attached to or within the principal dwelling must include at least one direct external access. |
| **AS.1**<br>• O.60 | Secondary dwellings attached to or within the principal dwelling can either be totally separated or accessed through an internal door between the secondary and principal dwelling. |
| **PC.5**<br>• O.60 | The secondary dwelling must have a defined entrance visible from the primary road frontage. |
| **PC.6**<br>• O.58<br>• O.60 | The secondary dwelling must have a window to a habitable room facing a primary road and secondary road where the land is a corner lot. |
| **AS.2**<br>• O.60 | A landscaped area of at least 1m in width must be planted (when applicable) between the principal dwelling and the PPOS of the detached secondary dwelling to provide for privacy. |
| **PC.7**<br>• O.58<br>• O.60 | The provision of a car park for a secondary dwelling is not mandatory. However, where car parking (car port or garage) is proposed for a secondary dwelling it must:<br>a. not interfere with parking and the movement of vehicles associated with the principal dwelling,<br>b. be limited to one car park,<br>c. be a maximum of 24m$^2$, and<br>d. be located adjacent to the secondary dwelling and not within the street or rear setback. |
| **PC.8**<br>• O.58<br>• O.60 | The conversion of garages to a secondary dwelling will only be permitted if at least one car parking space for the primary dwelling is provided behind the front setback of the primary dwelling (in addition to one space in front of the building line). |

# 6.6. Dual occupancies and semi-detached dwellings

This Section of the DCP applies to secondary dwellings within the R1 General Residential, R5 Large Lot Residential, RU1 Primary Production and RU2 Rural Landscape zones of MLEP 2011.

Dual occupancies and semi-detached dwellings are types of residential accommodation that are very similar in terms of built form (both consist of two dwellings). The distinction between the two is that dual occupancies are located on one lot of land and may only be strata subdivided, whereas semi-detached dwellings are located on their own lot of land (Torrens title).

In addition, there are two types of dual occupancies, dual occupancy (attached) and dual occupancy (detached). Refer to Glossary for further definition.

Refer to MLEP 2011 Clause 4.1A Exception to minimum lot size in Zone R1 for additional controls relating to dual occupancies and semi-detached dwellings.

Dual occupancies and semi-detached dwellings must comply with the controls in Section 6.2 and this section. In the event of any inconsistency between Section 6.2 and this section, this section prevails.

### Objectives

O.62 To ensure orderly and planned residential density.

O.63 To ensure dual occupancies and semi-detached dwellings are compatible with existing housing and do not adversely affect the local environment or the amenity of adjacent residents.

O.64 To limit the overall impact of driveway accesses along each street frontage.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **PC.1**<br>• O.62<br>• O.64 | Dual occupancy and semi-detached development on corner lots must be designed to address both street frontages while having one front entry and one garage fronting each street. |
| **AS.1**<br>• O.63 | Detached dual occupancies within residential zones should have a minimum of 2m separation between the dwellings. |
| **AS.2**<br>• O.63 | Detached dual occupancies within rural zones should have a maximum of 20m separation between the dwellings. |
| **PC.2** | Buildings must not be of mirror-reversed or replicated built form. Differentiation in building form and architectural treatment between dwellings must be provided. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| • O.64 | |
| **AS.3**<br>• O.63<br>• O.64 | Each dwelling should have a separate driveway. If a combined driveway is provided, each dwelling must ensure that suitable arrangements have been made to replant any affected street trees at a 2:1 ratio. |
| **PC.3**<br>• O.63<br>• O.64 | A minimum of a 1m wide landscaped area must be provided between a driveway and a boundary fence. The landscape area should be free of retaining walls and extend for the full length of the driveway. |
| **PC.4**<br>• O.64 | A driveway along the side of a dwelling must be offset a minimum of 0.9m from the side wall of the dwelling. |
| **AS.4**<br>• O.62<br>• O.63<br>• O.64 | For sites with a rear lane, vehicle access for the rear dwelling should be from the lane, and pedestrian access should be from the primary street frontage. |
| **PC.5**<br>• O.64 | A maximum of one driveway per dwelling is permitted per street frontage.<br><br>**Example:** A lot with rear laneway and a road frontage would be allowed to have a maximum of two driveways: one accessing the laneway and the other accessing the road (in some cases, other controls may restrict this). |

# 6.7. Attached dwellings

Attached dwellings (commonly referred to as terrace houses) are a group or line of housing from one side of the boundary to the other and can be either strata or Torrens title.

Attached dwellings must comply with the controls in Sections 6.2 and this section. In the event of any inconsistency between Section 6.2 and this section, this section prevails.

## Objectives

O.65 To ensure that attached dwelling developments are located on sites with sufficient size and street frontage to accommodate the required building envelope, car parking, solar access, landscaping and private open space.

O.66 To encourage high quality residential developments which feature a high standard of urban design and provide a high level of amenity for residents.

O.67 To ensure that each new dwelling provides a sufficient amount of storage for elements such as garden equipment and bicycles.

O.68 To provide a designated area for waste collection to ensure efficient waste servicing.

O.69 To limit the overall impact of kerb crossings and garaging along each street frontage.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **AS.1**<br>• O.65<br>• O.66 | Each proposed dwelling should have direct frontage to a public road. |
| **AS.2**<br>• O.66 | Attached dwellings should have a unified design for the whole development, including a coordinated style and base colour palette. Individuality can be added as small details or accent colours, rather than strikingly different forms. |
| **AS.3**<br>• O.66 | Create an appearance of a single dwelling or grouped dwellings that are separated by gardens and ancillary structures, with facades designed to incorporate a variety of materials and shading structures. |
| **AS.4**<br>• O.65<br>• O.66 | At least one habitable room is to be located at the front of each dwelling addressing the street and / or internal driveway. |
| **PC.1**<br>• O.67 | Each dwelling must provide a minimum storage area of $8m^3$. This space is to be provided exclusively for storage purposes and must be provided in addition to any garage space. |
| **AS.5** | Indoor ducted air conditioning elements are encouraged to be located towards the centre of the site and be acoustically insulated. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| • O.66 | |
| **PC.2**<br>• O.68 | Bins are to be presented on the kerbside for collection and are not to encroach on any driveway. This is to be demonstrated as a waste collection area on submitted site plans. |
| **PC.3**<br>• O.69 | A maximum of one driveway is permitted per street frontage of each dwelling.<br>**Example:** A dwelling with rear laneway and a road frontage would be allowed to have a maximum of two driveways: one accessing the laneway and the other accessing the road (in some cases, other controls may restrict this). |

## 6.8. Boarding houses, Co-living housing, and Group homes

Boarding houses are a form of housing that provides short to long term residency for individuals, and generally consist of a range of shared facilities with separate private rooms. These are used to provide affordable housing and are centrally managed by either the Land and Housing Corporation or a community housing provider.

Co-living housing is a form of housing that functions similarly to that of boarding houses, with the primary distinction being that Co-living housing is privately managed and maintained through a 24/7 property manager.

Group homes include both permanent and transitional solutions and are designed to operate as a single household unit with varying levels of care. Group homes are often employed as housing solutions for those with disabilities, socially disadvantaged, rehabilitation facilities, and temporary housing.

Detailed definitions for Boarding houses, Co-living housing, and Group homes are provided in the **Glossary**.

Boarding houses, Co-living housing, and Group homes must comply with the controls in **Section 6.2** and the Housing SEPP. In the event of any inconsistency between Section 6.2 and the relevant parts of the Housing SEPP, the Housing SEPP prevails.

# 6.9. Multi-dwelling housing

*Multi-dwelling housing, sometimes referred to as townhouses or villa complexes, are a form of housing that consist of 3 or more dwellings on a single lot of land. Multi-dwelling housing can be either attached or detached, and each residence has separate accesses at ground level.*

*Multi-dwelling housing must comply with the controls in **Section 6.2** and this section. In the event of any inconsistency between Section 6.2 and this section, this section prevails.*

## Objectives

O.70 To encourage low-medium rise housing in suitable locations through high quality and high amenity design that progresses towards closing the 'missing middle' housing gap.

O.71 To ensure that storage areas, parking areas, open space, and waste collection areas are suitably designed and located to be compatible with the streetscape, and be accessible, clean and safe.

O.72 To provide a set of urban design controls tailored to multi-dwelling housing that is considerate and complementary to both the housing typology and surrounding context.

O.73 To provide for adequate waste storage areas onsite and designate areas for waste collection that are effectively blended into frontages and designed for kerbside collection.

O.74 To provide dwellings in multi dwelling housing which are designed to be flexible and easily modified to cater for occupants with an existing or progressive mobility or ability need.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| **Design and siting** | |
| **PC.1**<br>• O.70<br>• O.72 | Multi-dwelling housing is to only be positioned on lots that have direct frontage to a public road, or with rear laneway access i.e. not on battle-axe lots. |
| **AS.1**<br>• O.70<br>• O.72 | Designs and architectural elements of multi-dwelling housing should be relatively consistent, having a coordinated style and base colour palette. Distinctions between dwellings should be made through small details, including varied extrusions, accent colours, and variances in bedrooms. |
| **AS.2**<br>• O.71 | Multi-dwelling housing is to generally adhere to the following principles relating to legibility and wayfinding:<br>a. Creation of an appearance of either a single dwelling or grouped dwellings that are separated by gardens, landscaping, open space, ancillary structures, and parking areas, with facades incorporating a variety of materials and shading structures, |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| | b. Avoidance of repetition or duplication of the design of nearby multi-dwelling housing near to the development, and<br>c. Keep each unit, its entrance, and associated private parking grouped, with clear numbering of each unit to provide wayfinding. |
| **PC.2**<br>• O.72 | At least one habitable room is to be located at the front of each dwelling addressing the street and/or internal driveway. |
| **AS.3**<br>• O.72 | Dwelling designs should locate bedrooms away from high noise areas, being:<br>• internal driveways,<br>• parking areas,<br>• garages,<br>• and manoeuvring areas. |
| **Internal circulation and access** | |
| **PC.3**<br>• O.71 | Driveway accesses for multi-dwelling housing are to provide internal passing bays in accordance with *AS2890.1 Parking facilities – Off-street car parking*. |
| **AS.4**<br>• O.71 | Traffic calming measures should be incorporated into the design of the internal driveway, such as speed bumps.<br>**Note:** Traffic calming measures utilised in the Maitland LGA are provided in Council's MOES. |
| **PC.4**<br>• O.71 | A clearly defined pedestrian route is to be provided for walking from the street frontage to each dwelling's frontage. On corner lots, this may be achieved through public footpaths around the development (if present). |
| **PC.5**<br>• O.71 | For multi-dwelling housing, the driveway crossing is to be a minimum of 5.5m wide and is to extend 6m minimum inside the property boundary to accommodate vehicle passing. |
| **Open space and storage areas** | |
| **PC.6**<br>• O.71 | Clear differentiation between private areas (private yards, carports/garages, PPOS) and communal open space and parking is to be made through physical separations, including fencing, dwelling siting, and landscaping. |
| **PC.7**<br>• O.71 | Both private and communal parking areas are to be positioned so that dwellings have passive surveillance over these areas. |
| **PC.8**<br>• O.71 | The PPOS for each dwelling is to be directly accessible via the main living area of each dwelling. |
| **AS.5**<br>• O.71 | PPOS is only permitted within the front setback in instances where:<br>• the dwelling is of a two-storey construction which provides casual surveillance to the street from a first-floor balcony; AND |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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| | • the dwelling does not front a public road; and the location of PPOS in the front setback is required to achieve compliant solar access. |
| **PC.9**<br>• O.71 | Each dwelling must provide a minimum storage area of $8m^3$. This space is to be provided exclusively for storage purposes and must be provided in addition to any garage space. |
| **Waste servicing** | |
| **AS.6**<br>• O.73 | Bins are to be presented on the kerbside for collection and are not to exceed 100%of the site's street frontage. This is to be demonstrated as a waste collection area on submitted site plans.<br><br>Notwithstanding the above, this control may be varied in the following circumstances where kerbside collection cannot be achieved, Council may consider:<br><br>a. Demonstration, to Council's satisfaction, that suitable arrangements have been made for waste collection that have no adverse impacts on the streetscape, local amenity, or neighbouring properties. OR<br>b. **In exceptional circumstances,** the provision of an alternate collection point (communal waste storage area or temporary bin holding area) for a collect and return service, which must:<br>i. be provided within 8m of the kerb,<br>ii. have a setback of at least 1m from the front boundary,<br>iii. be identified on site plans,<br>iv. consist of a hardstand area suitably graded to prevent stormwater runoff,<br>v. provide an unobstructed concrete pathway to the frontage, being at least 1.6m wide,<br>vi. provide for manoeuvring arrangements in and out of the area on a plan that demonstrates no stacking of bins,<br>vii. be at least 25% larger than the size of the bins and/or equipment required.<br>viii. **Additionally,** for temporary bin holding areas, bins are not to be present more than 24 hours before or 24 hours after collection.<br><br>Consultation is to occur with Council's Waste Services to ensure that adequate driveway thickness and turning circle is provided.<br><br>**Note:** If (a) or (b) are undertaken, the proposed development must have signed Council's Liability Indemnity Form before an Occupation Certificate is issued, should Council's waste services be required to access the property or driveway. |
| **PC.10**<br>• O.73 | Waste collection areas are not to obstruct traffic flows either on the road or access to and from the property. This includes not impeding pedestrian traffic along the site frontage. |
| **PC.11**<br>• O.73 | Where provided, communal waste storage areas are to meet the following design criteria in addition with that of **AS.5**:<br><br>a. Provision of a roof, with a minimum ceiling height of 2.4m,<br>b. Be screened or not visible from the street, preferably through a combination of plantings and design elements, |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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| | c. Maximum crossfall of 5%,<br>d. Provide adequate lighting and ventilation,<br>e. Include an external water tap near to the area and a drain within the bin storage area discharging to a sewer connection,<br>f. Provide doorways with a minimum width of 1.8m,<br>g. Have a floor area at least 25% larger than the size of bins and/or equipment required, and<br>h. Provide a minimum of 6m$^2$ additional storage area for bulky waste per every 20 units provided (rounded up). |
| **Universal Accessible Design** | |
| **PC.12**<br>• O.73 | Car parking and garages allocated to adaptable dwellings must comply with the requirements of AS 2890.6-2009 (Accessible (disabled) car parking requirements). |
| **AS.7**<br>• O.73<br>• O.74 | Dwellings designed for use by persons with a disability should be located at ground level.<br>Where adaptable dwellings are proposed above the ground level, lift access must be provided. The lift access must provide access from the basement level to allow access for people with disabilities. |
| **PC.13**<br>• O.73<br>• O.74 | Where adaptable dwellings are required, accessible and continuous paths of travel in accordance with AS 1428 are to be provided from the street to circulation areas and thoroughfares within the building and site and to communal facilities/open space areas. |

## 6.10. Residential flat buildings and Shop top housing

Residential flat buildings (generally referred to as apartments or units) are a type of housing that contain 3 or more dwellings, but do not include an attached dwelling, co-living housing or multi-dwelling housing. They are generally defined by having a consolidated ground floor access for multiple dwellings, rather than separated accesses.

Shop top housing consists of one or more dwellings located above the ground floor of a building, where at least the ground floor of the building is used for commercial premises or health services facilities. Where Shop top housing exceeds two storeys, the residential flat building controls are applied.

Further controls pertaining to residential flat buildings and shop top housing are provided in Chapter 4 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) (or equivalent).

Residential flat buildings and shop top housing must comply with the controls detailed in Chapter 4 of the Housing SEPP, **Section 6.2**, and this section. **In the event of any inconsistency between Section 6.2 and this section, this section prevails.**

**In the event of any inconsistency between Section 6.2, this section, and Chapter 4 of the Housing SEPP, the Housing SEPP prevails for the following matters:**

- visual privacy,
- solar and daylight access,
- common circulation and spaces,
- apartment size and layout,
- ceiling heights,
- private open space and balconies,
- natural ventilation, and
- storage.

### Objectives

O.75 To ensure that high-density development is situated on appropriate block types that take into account the increased level of servicing required for a comfortable level of habitation.

O.76 To establish a high-quality residential environment where all dwellings have a good level of amenity.

O.77 To ensure that high-density development integrates with streetscapes.

O.78 To provide for adequate waste storage areas onsite and designate areas for waste collection. These are to be suitably accessible from the street, effectively blended into frontages, and clean and safe for all users.

O.79 To provide dwellings in residential flat buildings and shop-top housing which are designed to be flexible and easily modified to cater for occupants with an existing or progressive mobility or ability need.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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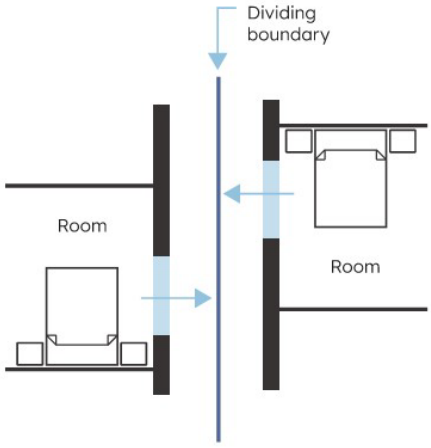
| **Design and siting** | |
| **PC.1**<br>• O.76 | Residential flat buildings and shop top housing are to satisfy the design quality principles detailed in Chapter 4 of the Housing SEPP, and to meet the objectives, design criteria, and design guidance stipulated in the Apartment Design Guide (or equivalent). |
| **AS.1**<br>• O.75 | Residential flat buildings are preferred on sites with at least 25m minimum of street frontage, with direct frontage to the public domain. Sites with less than 25m of street frontage are to be accompanied by justification that all controls pertaining to landscaped area, canopy cover, open space, waste, parking, and internal circulation can be satisfied. |
| **PC.2**<br>• O.76 | Direct facing windows or balconies of dwellings must not be within 6m of windows or balconies of other dwellings (at horizontal angles up to 45 degrees).<br>  <br><br>**Figure 6-6: Window Offset** |
| **Internal circulation and access** | |
| **AS.2**<br>• O.75<br>• O.77 | A proposed development should minimise the number of vehicular ingress and egress points to the site. |
| **PC.3**<br>• O.75<br>• O.77 | For garages, a maximum of two double garage doors per 20m of lot frontage facing any one street frontage is permitted. |
| **PC.4**<br>• O.77 | A clearly lit and defined pedestrian route is to be provided for walking from the street frontage to the accesses of each habitable structure. |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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| **Waste servicing** | |
| **PC.5**<br>• O.78 | A designated communal waste collection area is to be provided as part of a development and shown on site plans.<br>Developments satisfying the following criteria are exempted from this control and are to instead adhere to **Section 6.8 AS.5, PC.9, and PC.10**:<br>• The development proposes to construct a maximum of 16 residential dwellings on a single lot, AND<br>• The development is not more than 3 storeys high, AND<br>• In the case of Residential flat buildings, the proposed development has at least 25m minimum street frontage. |
| **PC.6**<br>• O.78 | The designated communal waste collection area is to include the following:<br>a. A loading dock or truck stand that provides enough space for the ingress, egress, and manoeuvring of Council's waste vehicles, including to adequately provide the waste service (e.g. accommodations for lifting mechanisms),<br>b. A waste holding room adjacent to the provided loading dock or truck stand to temporarily store all bins prior to collection. This waste holding room is to be in line with the design criteria provided in PC.8 below,<br>c. A bulky waste holding area adjacent to the waste holding room in line with the design criteria provided in PC.9 below,<br>d. A bin storage area in line with the design criteria provided in PC.10 below,<br>e. A bulky waste storage area in line with the design criteria provided in PC.9 below,<br>f. bin tug devices or a goods hoist may be required where bin storage and waste collection areas are on different levels or not within proximity to each other; and<br>g. A physical element to limit vehicular and pedestrian access to the loading dock / truck stand and communal waste collection area, such as a moveable barrier, and<br>h. Allowances for a Heavy Rigid Vehicle (HRV) throughout the vehicle's entire onsite path of travel as per AS 2890.2. HRVs must be able to enter and exit the site in a forward direction. Reversing of a HRV onsite must only be done in the vicinity of a turning bay.<br>In circumstances where a Council vehicle is required to access and manoeuvre within a site, an Indemnity Agreement is to be entered into with Council prior to the issue of an Occupation Certificate. |
| **PC.7**<br>• O.78 | Waste holding rooms are to meet the following design criteria:<br>a. Have a floor area at least 25% more than the size of the maximum bin capacity,<br>b. Not stack bins in a manner that is more than 4 bins deep.<br>c. Provide doors that are a minimum of 1.8m in width, opening in an outwards direction with the capability to be locked open,<br>d. Have a maximum crossfall of 5%, and<br>e. Provide adequate ventilation or mechanical ventilation. |
| **PC.8**<br>• O.78 | Bulky waste holding areas and bulky waste storage areas are to meet the following design criteria:<br>a. Be the following dimensions:<br>i. 6 – 20 units: a minimum of $6m^2$<br>ii. 20+ units: a minimum of $6m^2$ for every 20 units, up to a maximum of $24m^2$.<br>b. Provide adequate ventilation or mechanical ventilation,<br>c. Provide doors that are a minimum of 1.8m in width, opening in an outwards direction with the capability to be locked open,<br>d. Provide an external water tap adjacent to the area, |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
|---|---|
| | e. Provide a drain discharging to a sewer connection,<br>f. Have a maximum crossfall of 5%,and<br>g. Install Council's master locking system on access doors. |
| **PC.9**<br>• O.78 | Bin storage areas are to meet the following design criteria:<br>a. Provide adequate ventilation or mechanical ventilation,<br>b. Have a floor area at least 25% larger than the needed area for bins and/or equipment,<br>c. Provide an external water tap adjacent to the area,<br>d. Provide a drain discharging to a sewer connection,<br>e. Have a maximum crossfall of 5%,Have a minimum ceiling height of 2.4m,<br>f. Provide doorways with a minimum width of 1.8m and have a connecting pathway at least 1.6m wide between the bin storage area and the communal waste collection area,<br>g. Be sealed in order to prevent vermin,<br>h. In cases where chute systems **are not** used, bin storage areas are to be located in a position accessible to all residents, and<br>i. In cases where chute systems **are** used, chutes are to discharge into bin storage areas and access to the bin storage area is to be restricted from residents. |
| **PC.10**<br>• O.78 | Where the development is four storeys or more it must be provided with a garbage, recycling, and food organics chute system. E-diverters are not permitted. |
| **PC.11**<br>• O.78 | Where the development is four storeys or more, waste service rooms are to be provided within each level of the development. Waste service rooms must:<br>a. Contain all bins and where relevant, chute inlets,<br>b. Be located in a convenient location for all relevant users,<br>c. Be of an adequate size to contain garbage, recycling, and food organics infrastructure,<br>d. Have a floor area at least 50% larger than the size of the bins and equipment required,<br>e. Provide adequate ventilation or mechanical ventilation,<br>f. Have floors, walls and ceilings of the service rooms which are finished with smooth impervious materials that are capable of being easily cleaned, and<br>g. Contain clear signage that describes the types of waste that can be put in each chute/bin. |
| **PC.12**<br>• O.78 | In cases where the development is proposed to be mixed-use, residential waste and non-residential waste must be stored and managed separately and must be able to operate concurrently without conflict.<br>Residential waste must comply with the provisions under this Section, and non-residential waste must comply with the relevant provisions under Chapter 7 Section 7.5.2. Circular Economy and Waste Management. |
| **Note:** Underground waste collection is generally not supported and will be handled on a merit basis. | |
| **Universal Accessible Design** | |
| **PC.13** | A minimum of 10% of all dwellings in residential flat building developments containing 10 dwellings or more, are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian |

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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| • O.78<br>• O.79 | Adaptable Housing Standard (AS 4299-1995), which includes 'pre-adaptation' design details to ensure visitability is achieved. |
| **PC.14**<br>• O.78 | Car parking and garages allocated to adaptable dwellings must comply with the requirements of AS 2890.6-2009 (Accessible (disabled) car parking requirements). |
| **PC.15**<br>• O.78<br>• O.79 | Development must adhere to the applicable residential components of AS 1428.1-2009 (Design for access and mobility – General requirements for access – New building work) and AS 1428.2-1992 (Design for access and mobility – Enhanced and additional requirements – Buildings and facilities). |
| **PC.16**<br>• O.78<br>• O.79 | Dwellings designed for use by persons with a disability should be located at ground level.<br>Where adaptable dwellings are proposed above the ground level, lift access must be provided. The lift access must provide access from the basement level to allow access for people with disabilities. |
| **PC.17**<br>• O.78 | Where adaptable dwellings are required, accessible and continuous paths of travel in accordance with AS 1428 are to be provided from the street to circulation areas and thoroughfares within the building and site and to communal facilities/open space areas. |

## 6.11. Ancillary structures

This Section of the DCP applies to ancillary structures within the R1 General Residential, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape and C4 Environmental Management zones of MLEP 2011.

Ancillary development is a group term that covers a variety of minor types of development that would ordinarily be associated with a dwelling. They generally have minimal environmental impact and cannot contain a habitable room. Many of these forms of development can be undertaken as Exempt Development or Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

For the purpose of this Section 'development ancillary to a dwelling' is defined as: a shed, garage, carport or outbuildings. This Section applies where the Exempt and Complying Development Codes cannot be complied against.

Note that garages and carports are contained within the specific housing types within this Chapter of the DCP.

### Objectives

O.80 To ensure ancillary structures such as sheds and outbuildings do not dominate the streetscape.

O.81 To provide further guidance for ancillary structures to ensure consistent and desired amenity is attained without adverse impacts to adjoining properties.

O.82 To ensure ancillary structures are consistent with heights, bulk and setting of the relevant land use zone, locality and street character.

## PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

**AS.1**

- O.80
- O.81
- O.82

Ancillary structures within the R1 General Residential, R5 Large Lot Residential, C4 Environmental Living, RU1 Primary Production and RU2 Rural Landscape zones should generally comply with **Table 6.8**.

**Table 6.8: Ancillary structure provisions**

| CATEGORY | LAND USE ZONE (MLEP 2011) | | | |
|---|---|---|---|---|
| | R1 General Residential | R5 Large Lot Residential and C4 Environmental Living (<4,000m2) | R5 Large Lot Residential and C4 Environmental Living (>4,000m2) | RU1 Primary Production, RU2 Rural Landscape, and C3 Environmental Management |
| **Maximum building site coverage %** | 10% | N/A | | |
| **Maximum Floor Area** | 72m$^2$ | 120m$^2$ | 200m$^2$ | N/A |
| **Maximum Eave Height** | 3m | 4.8m | | 4.8m |
| **Total Overall Height** | 3.6m | 5.5m | | 7m |
| **Minimum front setback behind building line** | 1m | 1m | 15m | 15m |
| **Minimum Side and Rear Setback** | 0.9m | 3m | 5m | 10m |
| **Minimum Secondary Setback** | 3m | 5m | 15m | 15m |
| **Minimum setback from other ancillary structures** | N/A | | | 5m |

**Note:** Except for RU1 Primary Production, RU2 Rural Landscape, and C3 Environmental Management zoned land, proposed development for the purposes of a shed may instead satisfy the criteria of PC.1 and PC.2 of this section should they exceed one of the provisions detailed above. All other ancillary structures are to satisfy the provisions within this table.

| PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS | |
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| **PC.1**<br>• O.80<br>• O.81<br>• O.82 | If a shed within R1 General Residential, R5 Large Lot Residential (<4,000m$^2$) or C4 Environmental Living (<4,000m$^2$) zoned land does not satisfy the requirements laid out in **Table 6.8**, the following criteria is to be satisfied:<br>a. the shed is not to be located within 1.8m of a dwelling on an adjacent lot,<br>b. the shed does not exceed 10% building site coverage or 120m$^2$ (including awnings, carports and the like), whichever is lower,<br>c. the shed height responds to changes in topography from adjacent lots,<br>d. the shed is sited in a manner that is clearly ancillary to the primary use of the land upon which it is proposed and must not dominate the primary structure,<br>e. the shed uses colours and materials that are consistent with the dwelling on the site and adjoining properties,<br>f. the shed is of a similar bulk and scale to nearby sheds,<br>g. the shed is not to be a shipping container,<br>h. landscaping is utilised to assist in screening the shed from visual intrusion on adjoining properties, and<br>i. minimum setbacks within **Table 6.8**must be met. |
| **PC.2**<br>• O.80<br>• O.81<br>• O.82 | If a shed within R5 Large Lot Residential (>4,000m$^2$) or C4 Environmental Living (>4,000m$^2$), does not satisfy the requirements laid out in **Table 6.8**, the following criteria is to be satisfied:<br>a. the shed does not unreasonably impact the amenity of an adjoining property through its bulk, scale, privacy, or overshadowing,<br>b. the shed is not located within 15m of a dwelling on an adjacent lot,<br>c. the shed does not exceed 250m$^2$ in total area (including awnings, carports, and the like),<br>d. the shed does not result in the combined impervious area of all ancillary structures on the land exceeding 10% impervious area,<br>e. the shed is sited in a manner that is clearly ancillary to the primary use of the land upon which it is proposed and must not dominate the primary structure,<br>f. the shed uses colours and materials that are consistent with the dwelling on the site and adjoining properties,<br>g. the shed is of a similar bulk and scale to nearby sheds,<br>h. the shed is not to be a shipping container,<br>i. landscaping is utilised to assist in screening the shed from visual intrusion on adjoining properties, and minimum setbacks within **Table 6.5** must be met. |
| **PC.3**<br>• O.80<br>• O.81<br>• O.82 | Within R1 General Residential, R5 Large Lot Residential, and C4 Environmental Living zoned land, minimum side setbacks are to increase with the height of the ancillary structure and must be within a building height plane projected at an angle of 45 degrees over the land, to be built upon from a distance of 3m above ground level. |

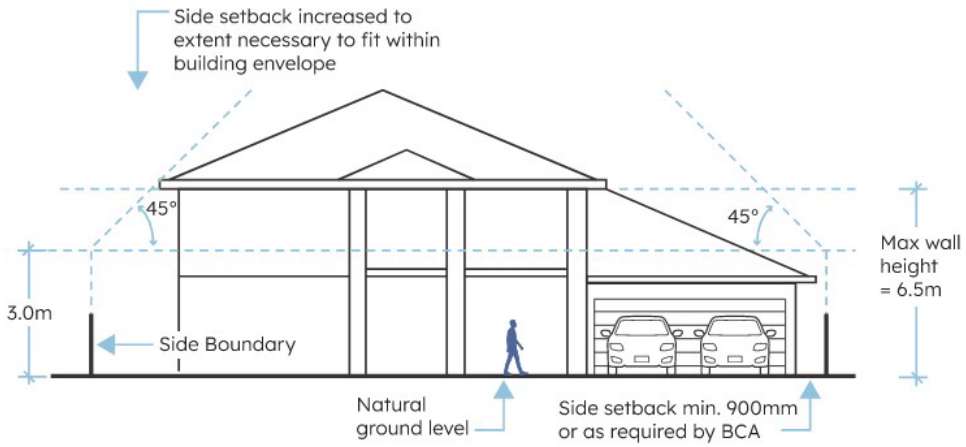


**Figure 6-7: Increase in side setbacks for two or more storeys (Ancillary Structures)**