

Guidance for development applications within Catherine Hill Bay South

1 Introduction

This document provides guidance to applicants seeking to prepare and submit development applications to Council for new residential houses within the 'Beaches' development by the Rose Property Group. The Beaches development is located south of the Catherine Hill Bay village as shown in the diagram below.



The guidance provided in this document is for information purposes only and may be updated as required.

Any additional queries should be discussed with Council's Development Assessment and Compliance staff prior to lodging a development application.

2 Which planning controls apply to the land?

The planning controls for the land are contained under:

- Part 11 of Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004);
- Catherine Hill Bay (South) Development Control Plan 2012 (CHBSDCP 2012); and
- the following parts of Lake Macquarie Development Control Plan No. 1 (LMDCP No. 1):
 - Section 1.9 – Development Notification Requirements;
 - Volume 1 – Tree Preservation Guidelines;
 - Volume 1 – Waste Management Guidelines;
 - Volume 1 – Landscaping Guidelines;
 - Volume 1 – Water Cycle Management Guidelines; and
 - Volume 2 – Engineering Guidelines.

Council will assess all development applications against these planning controls. The planning controls can currently be accessed on the City website by accessing [Planning for Catherine Hill Bay South](#).

Note: The planning controls for Catherine Hill Bay South are not contained within Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) or Lake Macquarie Development Control Plan 2014 (LMDCP 2014).

3 Are the Beaches Design Guidelines part of the planning controls?

No. The Beaches Catherine Hill Bay Design Guidelines (the ‘Design Guidelines’) were prepared by the Rose Property Group, however, the Rose Property Group have advised Council that they will no longer enforce the Design Guidelines. For further information, please contact the Rose Property Group.

4 What zoning applies to the land?

The land is zoned R2 Low Density Residential under Part 11 of Lake Macquarie Local Environmental Plan 2004. For a list of uses permitted within the R2 zone, refer to clause 138 in Part 11 of LMLEP 2004. For definitions of these uses, refer to the dictionary in the Standard Instrument-Principal Local Environmental Plan. Both documents can be accessed online at the [NSW Legislation website](#).

5 How do I connect to water, sewer and recycled water services?

Solo Water provides water services including water supply and sewer to the Beaches development. For more information on how to connect to water services, please visit www.solowater.com.au

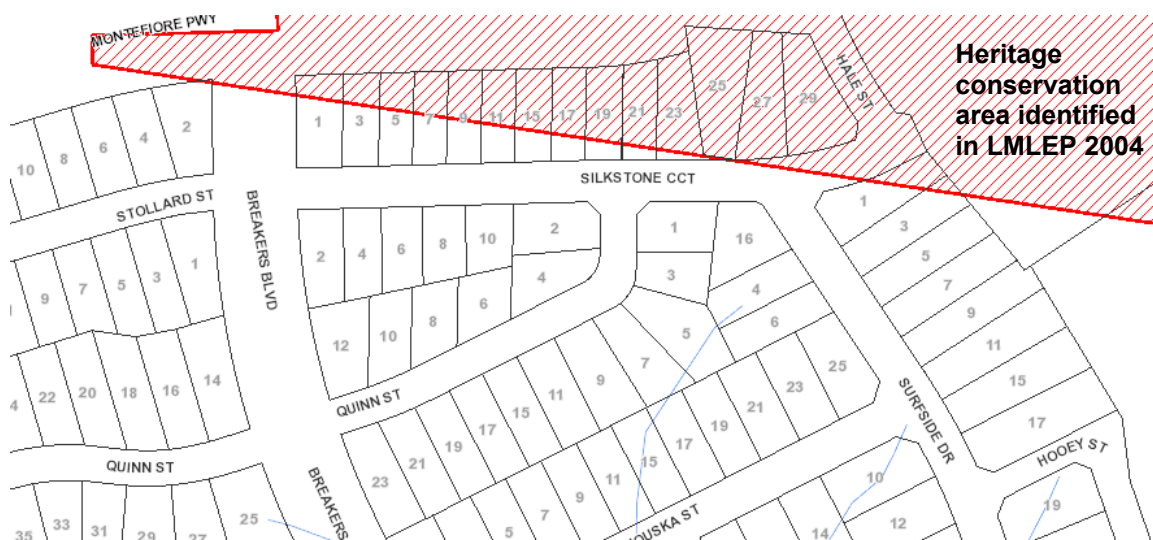
Note: An approved water services connection from Solo Water must be obtained prior to lodging a development application for a dwelling house with Council.

6 Are heritage impact statements required?

Under Clause 150 of LMLEP 2004 and Control 4.5 of CHBSDCP 2012, a heritage impact statement may be required for proposed development on land:

- (a) on which a heritage item is situated;
- (b) within a heritage conservation area; or
- (c) within the vicinity of land referred to in paragraph (a) or (b).

In practical terms, this means that all land within, or partially within, the heritage conservation area identified in LMLEP 2004, and shown in diagram below, will likely need a heritage impact statement.



7 Are dual occupancies able to be built?

No. A dual occupancy means two dwellings on one lot of land. The R2 zone under Part 11 of LMLEP 2004 prohibits dual occupancy development.

Semi-detached dwellings are permitted, however, a semi-detached dwelling means “a dwelling that is on its own lot of land that is attached to only one other dwelling”.

8 Are secondary dwellings able to be built?

Yes, but they must comply with the design provisions for secondary dwellings detailed within *State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009*.

Proposed departures from the secondary dwelling provisions of the *SEPP Affordable Rental Housing 2009* will not be supported.

Note: Secondary dwellings must be applied for via Development Application (DA) and Construction Certificate (CC). Complying Development (CDC) is not able to be carried out within Catherine Hill Bay South (see Clause 20 of this guidance sheet for further information). When a secondary dwelling is proposed, the development application must nominate the secondary dwelling to be assessed under the provisions of the SEPP Affordable Rental Housing 2009.

9 Are large, single-storey houses able to be built?

Yes, subject to development consent in certain locations. However, control 5.3.1 of CHBSDCP 2012 states that a maximum 40 per cent site coverage applies to all lots. Site coverage is defined in CHBSDCP 2012 as:

the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement;
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary;
- any eaves; or
- unenclosed balconies, decks, pergolas and the like.

In practice, this means that a 240-square-metre single storey house will require a lot at least 600 square metres in area in order to comply with the 40 per cent site coverage control. For lots less than 600 square metres, a 240-square-metre house would need to be two storeys, or alternatively, the floor space of the house would need to be reduced to comply with the control.

10 What type of building construction is required on a sloping site?

Cut and fill

Control 4.8.3 of CHBSDCP 2012 states that all cut and fill must not exceed one metre with the objective of this control being to minimise cut and filling on the site as much as possible.

Therefore, applications must demonstrate that this objective has been considered at design phase (i.e. plans must show that other methods, such as deepened edge beams, or combination pier and beam construction have been employed instead of just cutting and / or filling the site and placing retaining walls either side of the dwelling to obtain a level building platform.

When cut and fill is required:

When cut and fill is required, the below provisions must be complied with:

Land with slope less than 1m across the building platform

Single slab on-ground will only be supported on lots with slopes no greater than one metre.

***Building Platform** is defined as the part of land where the dwelling including its associated garaging and driveways is proposed to be sighted.*

Land with slope greater than 1m across the building platform

Control 5.2.4 of CHBSDCP 2012 states that a single slab on-ground building is not suitable on sloping sites and a split-level building (combination of stepped slab on-ground, pier and beam construction, deepened edge beams or similar), with the design broken into smaller pavilions following the topography of the land is required in these locations.

Retaining Walls

All lots are permitted to have retaining walls to a maximum height of 500mm only external to the building footprint. The building footprint is the area designated for the building design and includes the house, garage and attached decks. The building footprint is not the same as the property boundaries.

Retaining walls including their associated footings and drainage must be located and shown on plans to be a minimum 300mm off rear and side boundaries.

11 Should my design consider view sharing?

Yes. Control 5.2.1 of CHBSDCP 2012 states that the building design must maximise opportunities for view sharing. Your design needs to demonstrate that views from the site are optimised for both the development and neighbours. Considerations regarding view sharing is required to be addressed within the Statement of Environmental Effects.

12 How are solar access and ventilation requirements achieved?

Controls 5.3.7 and of CHBSDCP 2012 states that:

- 1. The location, planning and orientation of buildings are to maximise solar access, natural light and privacy to dwellings and assist with the achievement of BASIX requirements.*
- 2. Houses are to be designed to have good natural cross ventilation with well-considered placement of windows to draw breezes through the house.*

The control does not provide any quantitative measures for determining if solar access and ventilation outcomes have been achieved. Council staff consider that compliance with BASIX requirements is a potential way to demonstrate compliance with the control.

13 What is the maximum garage size?

Control 5.3.1 of CHBSDCP 2012 limits the garage floor area to 60 square metres.

14 Where should the garage be located on a corner lot?

Control 5.2.3 of CHBSDCP 2012 states that garages are to face the secondary road, and Figure 12 indicates that the secondary road is the longest frontage.

15 Are flat roofs allowed?

Control 5.3.3 of CHBSDCP 2012 states that flat roofs are not permitted. Flat roofs are interpreted to be a roof with a pitch less than 15 degrees.

16 Are building walls required to be stepped?

Yes, in certain circumstances. Control 5.3.2 of CHBSDCP 2012 states that:

For facades longer than 14 metres, the upper wall must be broken up by a stepped area. The roof line and eaves must follow the line of the step. The stepped area must remain within the building envelope as defined by minimum setbacks.

The term "facade" is interpreted as all the building facades. The term 'upper wall' is interpreted as the upper section of a single or a double storey wall. In practical terms, the lower wall should also follow the step of the upper wall to ensure that the building can be appropriately water proofed.

17 Can posts, balustrades and beams be large section elements?

No. Control 5.3.4 of CHBSDCP 2012 states that posts, balustrades and beams must be small section elements. Small section elements are interpreted to be less than 250 millimetres wide (or the closest standard timber profile).

18 Which colours can be used?

Control 5.3.4 of CHBSDCP 2012 states that paint and render colours should be generally in accordance with the indicative colour palette provided in Figure 15 of CHBSDCP 2012. The indicative colour palette uses standard Dulux paint colours. The control also states that other colours selected close to the colour palette will be considered based on merit.

To allow development applications to be assessed against this control, all paint and render colours must be presented using standard Dulux paint colours. A copy of the standard Dulux paint colour chart is accessible online from the [Dulux website](#).

Note: Referencing standard Dulux paint colours does not imply that Dulux paint must be used. Other paints can be used, as long as they are the equivalent of the standard Dulux colour.

19 Can parts of a house be white?

Control 5.3.4 of CHBSDCP 2012 states that large expanses of white are to be avoided. This is interpreted to mean that walls, roofs and garage doors should not be white. Subsequently, all other building elements such as doorframes, window frames, posts and balustrades may be white.

NOTE: When colorbond or similar is proposed to be used, the roof colour is permitted to be surfmist (a shade of white from the colorbond range). This is permitted due to limited availability of roofing colours in the colorbond ultra range (which is required to be used within the Beaches estate to comply with Building Code of Australia marine and corrosive environment protection requirements).

20 Is face brickwork allowed?

No. Control 5.3.4 of CHBSDCP 2012 states that face brickwork is not to be used.

For the purposes of this control, face brickwork includes any building material that gives a facebrick like appearance such as bagged / painted brickwork and 'Moroka' finish, for example.

21 Can I undertake complying development under the General Housing Code?

No. Clause 1.19(2) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* identifies that the General Housing Code does not apply to Catherine Hill Bay South.

Note: The time limit of 30 November 2018 identified in clause 1.19(3)(b) does not apply to Catherine Hill Bay South.

22 What sort of fencing can I build?

Sections 4.6.2 and 5.3.6 of CHBSDCP 2012 provide fencing controls. Fencing controls that need special consideration include:

- Control 5.3.6.5 of CHBSDCP 2012 states that: *"No sheet metal fencing or panels are permitted"*.
- Control 5.3.6.6: *"For allotments adjacent to conservation lands rear fences are to be open chain mesh with no access provided to conservation lands"*.
- Control 4.6.2.2 states that: *"Allotments adjacent to conservation lands are to be fenced (with 0.9m high open chain mesh) with no access provided to the conservation lands"*.

In regards, to controls 5.3.6.6 and 4.6.2.2, a minor inconsistency is present and the latter control is considered to have primacy.

23 Rendered Walls

Control 5.3.4 states:

6. Rendered walls should not be a dominant element and should not exceed 30% of the wall area. Face brick work is not to be used.

The 30% is interpreted as applying to each wall of the building (i.e. the wall of each elevation including windows and doors, but not including the roof). Calculations showing that render does not exceed 30% on each wall of the building must be submitted with the development application (as applicable).

24 What happens if I can't comply with one of the controls?

Justification is required to be provided within the Statement of Environmental Effects to demonstrate that despite not complying with a control, the development is still able to meet the applicable objectives and character statements for each precinct within the CHBSDCP 2012.

Objectives are contained at the start of each part / clause of the CHBSDCP 2012. Character statements for each precinct are detailed within *Part 3.4 – Development Precincts* of the CHBSDCP 2012