

5 DWELLING HOUSE IN RURAL AND CONSERVATION ZONES

This section of the DCP provides Council's specific requirements for dwelling house developments only in RU2, RU4, C2, C3 and C4 Zones. Other requirements are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

Provisions for dwelling houses in R2 and R3 zones are contained in Part 3 of this DCP.

5.1 LOT SIZE

1. Any development application seeking to vary the minimum lot size standard required for erection of a dwelling house needs to be supported by a written request prepared in accordance with Clause 4.6 of *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*.

The following matters must be addressed as relevant to the site in any written request made under Clause 4.6 of the *LMLEP 2014*. These matters should be read in conjunction with Part 2: Development in Rural Zones and Part 7: Development in Environment Protection Zones of this DCP and relevant Development Guidelines.

Matter	Considerations
a. Zone objectives	<ul style="list-style-type: none"> • Consistency with objectives of relevant zone under the <i>Lake Macquarie Local Environmental Plan 2014</i>
b. Vegetation	<ul style="list-style-type: none"> • Extent of any proposed clearing required to provide a Building Area and any associated Bushfire Asset Protection Zone along with ongoing vegetation management requirements • Location and significance of native vegetation, vegetation corridors and habitat for threatened species
c. Natural water systems	<ul style="list-style-type: none"> • Core Vegetated Zones and Vegetated Riparian Zones are maintained in accordance with Part 2.10 – Natural Water Systems
d. Flooding	<ul style="list-style-type: none"> • Flood planning levels and floor heights must be provided in accordance with Part 2 and Part 7 of this DCP.
e. Bushfire risk	<ul style="list-style-type: none"> • Compliance with <u>Planning for Bushfire Protection</u> • Asset Protection Zones can be provided where they are not located within Vegetated Riparian Zones
f. Heritage significance	<ul style="list-style-type: none"> • Location and significance of sensitive Aboriginal landscape areas, Aboriginal Objects or Places, European heritage items, and conservation areas
g. Access and infrastructure	<ul style="list-style-type: none"> • Legal vehicular access must be provided for safe evacuation in the event of an emergency including but not limited to bushfire and flooding • Existing infrastructure including water, sewer, and stormwater should be utilised where available or provide suitable on-site infrastructure
h. Land use conflict	<ul style="list-style-type: none"> • Avoids Strategic Agricultural Land – Biophysical and fragmentation of productive agricultural lands and rural industries • Land use conflicts are minimised with buffers and/or screening of non-residential land uses, including but not limited to agriculture, National Parks, Nature Reserves,

- i. Slope, soil, contamination, and mine subsidence
- conservation lands, mineral resource areas and forestry areas
 - Areas of cut and fill only permitted within the Building Area for the dwelling and car parking
 - Nature and extent of any potential contamination or mine subsidence

Note: Matters listed above may require preparation of expert reports.

5.2 SITING OF BUILDINGS

Objectives

- a. To ensure that development responds to the existing character of the locality.
- b. To conserve and enhance native vegetation, vegetation corridors, topographical features, and fauna habitat.
- c. To facilitate water management, including on-site detention and infiltration of stormwater.
- d. To maintain residential amenity in terms of privacy, views, solar access and separation.

Controls

1. Development must retain significant natural features on the site including mature trees, rocky outcrops, and other major vegetation through the sensitive placement of buildings.

5.3 SETBACKS FOR COMMUNITY TITLE DEVELOPMENT

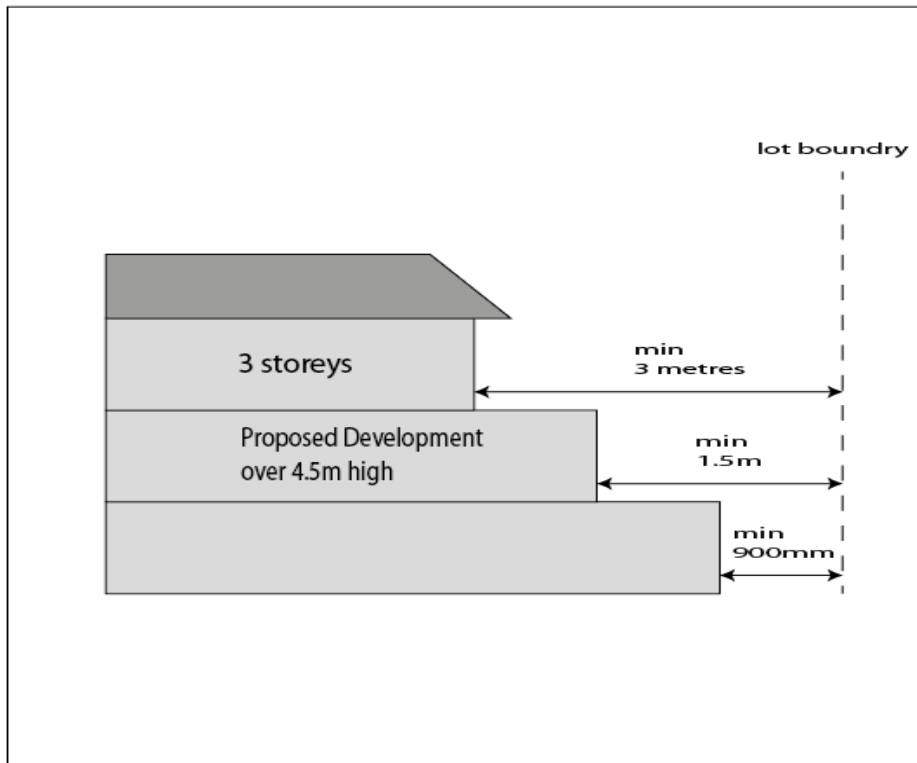
Objectives

- a. To permit the efficient use of land where dwellings are clustered in a community title subdivision.

Controls

1. In the RU2 and C3 zones a dwelling located within a subdivision under the Community Land Development Act 1989, must be setback a minimum of:
 - i. four metres from the front boundary; and
 - ii. three metres from a side boundary; and
 - iii. Ten metres from the rear boundary
2. In the RU4 zone a dwelling located within a subdivision under the Community Land Development Act 1989, must be setback a minimum of:
 - i. four metres from the front boundary; and
 - ii. three metres from a side boundary; and
 - iii. five metres from the rear boundary
3. In the C4 zone a dwelling located within a subdivision under the Community Land Development Act 1989, must have a:
 - i. side setback must be a minimum of 900mm for building height up to 4.5 metres.
 - ii. side setback must be a minimum of 1.5 metres for building height over 4.5 metres.
 - iii. side setback must be a minimum of 3 metres for building height over 2 storeys.
 - iv. rear setback must be a minimum of 3 metres for building height up to 4.5 metres.
 - v. rear setback must be a minimum of 6 metres for building height over 4.5 metres.

Note: The minimum setback of a point on a building is based on the building height at that point.



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Figure 1 Side Setback for community title subdivision dwellings in C4 zone

5.4 BUILDING BULK

Objectives

- a. To minimise the visual impact of development when viewed from adjoining properties, the street or road, waterways, and land zoned for public recreation purposes.
- b. To minimise bulk and scale impacts which contribute to loss of privacy, views and overshadowing.

Controls

1. Building height, scale, and roof form must relate to the topography and the existing site conditions.
2. Verandas, recesses, surface treatments, and/or variations in material selection and colour must be utilised to reduce building bulk.
3. Unbroken walls in excess of 15 metres in length or 4 metres in height must be avoided by varying wall alignments, incorporating door and window openings, balconies, awnings, architectural detail or changes in materials to provide visual relief.
4. The scale and massing of landscape planting must be adequate to reduce the visual bulk of development.

5.5 GARAGES, CARPORTS AND SHEDS

Objectives

- a. To ensure garages and carports do not dominate the streetscape or landscape setting.

Controls

1. Garages and carports must be integrated into the design of the dwelling or integrated into the design of an ancillary building.
2. Garages and carports that address the street or road, must not exceed 6 metres or 50 per cent of the dwelling width, whichever is the lesser.
3. Where additional vehicular storage is required, garages and carports that address the street may be extended lengthwise, as opposed to increasing the width at the street.
4. Garages and carports must not be located in the front setback area.

5.6 ROOFS

Objectives

- a. To ensure roof forms are designed to complement the local character and topography.
- b. To ensure roofs are designed to conceal plant and other associated equipment.

Controls

1. On sloping sites roof planes must step with the topography.
2. Air conditioning units, lift motor rooms, and other plant must be fully integrated within the building volume, within the roof volume, or within an architectural roof feature.
3. Other roof elements such as photovoltaic panels, communication devices, antennae, satellite dishes, chimneys, and flues must not interfere with the outlook of viewers in neighbouring properties or in the public domain.

5.7 ENERGY EFFICIENCY AND GENERATION

Objectives

- a. To ensure building orientation maximises solar access and natural cross ventilation.
- b. To ensure energy efficiency is achieved in all developments.
- c. To allow opportunities for future installation of renewable energy generation and low carbon technology.
- d. To minimise the economic impacts of increasing electricity costs and any requirements to disclose energy efficiency when selling or leasing a property.

Controls

1. Buildings must be oriented to provide efficient use of solar energy and natural ventilation wherever possible.
2. Dwelling design must consider future potential for renewable energy generation and low carbon technology.
3. Development design should achieve a higher than compliant SEPP BASIX rating to reduce future energy costs.

5.8 VISUAL PRIVACY

Objectives

- a. To ensure the design of buildings provides an acceptable level of visual privacy for new and existing dwellings.

Controls

1. The layout of buildings must be designed to optimise privacy for occupants of both the new dwelling and existing dwellings.
2. The windows of dwellings must be located so they do not provide direct or close views (less than 9m away) into the windows of other dwellings.
3. Dwellings must be designed and orientated so that windows, balconies, and decks are not situated with a direct line of sight to the habitable rooms or private open space of any adjoining dwelling.

5.9 ACOUSTIC PRIVACY

Objectives

- a. To ensure that noise emissions do not result in noise intrusion which would be unreasonable for occupants of the development or neighbouring dwellings.

Controls

1. Developments near existing noise generating activities, such as roads and industry, must be designed to mitigate the effect of noise on the occupants.
2. Where practical noise sources such as air conditioning units and pumps must be located away from bedrooms and private open space of dwellings in the development and in neighbouring dwellings.
3. Building structures must be designed to minimise the transmission of sound, particularly to sleeping and living areas.

5.10 FRONT FENCES

Objectives

- a. To ensure that fencing and retaining walls are compatible with the existing landscape character.

Controls

1. Front fences and front fence returns, must not exceed 1.2 metres in height and must not be more than 50 per cent solid.
2. Front and side return fences must not be lapped or capped timber, or powder coated metal (Colorbond®) fencing.

5.11 SIDE AND REAR FENCES

Objectives

- a. To provide privacy and security for residents.
- b. To ensure that fencing and retaining walls are compatible with the existing landscape character.
- c. To avoid risks to native fauna.

Controls

1. Side and rear boundary fences must not exceed 1.8 metres above the existing ground level.
2. The fence design and materials must be sympathetic to local landscape character.
3. The fence design must not cause any adverse risk to native fauna.

5.12 CUT AND FILL**Objectives**

- a. To minimise the visual impact of ground shaping in sensitive landscapes.
- b. To ensure that the building design and retaining structures are appropriate for the site conditions with consideration to the slope, stability of the land, visual amenity, and the privacy of adjoining properties.
- c. To ensure that cut and fill does not significantly alter the flow of water or exacerbate flooding.

Controls

1. Cut and fill must only occur within the dwelling and car parking perimeter.
2. Cut must not exceed 1m and fill must not exceed 1m.
3. Cut or fill must not occur within three metres of the allotment boundary.
4. Batter slopes must not exceed a gradient of 1:4.
5. All proposed retaining structures in excess of 1m in height must be certified by an engineer, and certification details lodged with the development application.
6. Fill is not permitted in core riparian zones, foreshore areas, or flood storage areas.
7. Where development uses fill, that fill must not contribute to flooding, or pooling of water on other properties.
8. Any fill used must be Virgin Excavated Natural Materials (VENM).

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