

## 19 HOUSING ON SMALL AND NARROW LOTS

This section of the DCP applies where development for the purpose of a dwelling house, attached dwellings, or semi-detached dwellings is or are proposed in the R2 Low Density Residential and R3 Medium Density Residential zones, that have an area less than the minimum lot size shown on the Lot Size Map of Lake Macquarie Local Environmental Plan 2014, as well as lots with a primary road frontage of 12.5m or less. This section of the DCP also applies to applications for new dwellings for housing on small and narrow lots on lots that have a Building Envelope Plan registered on the deposited plan.

This section of the DCP also applies to joint subdivision and dwelling applications for housing on small and narrow lots under clause 4.1A of the LMLEP 2014. Note, a subdivision application for housing under Clause 4.1A of the LMLEP 2014 does not need to include the application for the dwellings where it can be demonstrated that the dwellings can be accommodated on the lot though the preparation of subdivision design plans and building envelope plans in accordance with Part 8 – Subdivision of the DCP.

Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 8) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development parts of the DCP, this section prevails.

### 19.1 GENERAL CONTROLS FOR DEVELOPMENT

#### 19.1.1 STREETScape

##### *Objectives*

- a. To promote diverse and varied streetscapes.
- b. To ensure that built form reflects the intended outcomes of permitting small and narrow lots.

##### *Controls*

Articulation of front facades must be varied rather than uniform.

Development subject to this section of the DCP (Housing on Small and Narrow Lots) must comply with the Building Envelope Plans and Subdivision Design Plans approved in conjunction with the creation of the subject lot.

#### 19.1.2 SIDE SETBACKS

##### *Objectives*

- a. To ensure that reduced side and rear boundary setbacks maximise private open space, visual and acoustic privacy, views, natural ventilation, and solar access for the subject site and adjoining properties.
- b. To ensure greater separation between upper floors of adjacent dwellings.
- c. To provide opportunities for the planting of vegetation.

##### *Controls*

1. Applications to build to the boundary must demonstrate consideration of the following matters with regard to the subject lot and neighbouring development:
  - i. The topography of the lot, allotment orientation and the ability to comply with the solar access, privacy and private open space provisions of this DCP; and
  - ii. The location of utilities infrastructure, driveways, and street trees.

If the lot has a width, measured at the front building line, of at least 6m, but not more than 8m, the building may be built to both side boundaries.

If the lot has a width, measured at the front building line, of at least 8m, but not more than 12.5m, the building may be built to only one side boundary.

The length of side boundary walls must be determined as follows:

- iii. Where an existing boundary wall on a neighbouring lot adjoins the subject site, the length of the new boundary wall must match the length of the existing boundary wall, or
- iv. Where no adjoining boundary wall exists, the boundary wall must not exceed a maximum of 50 per cent of the length of the lot, or a maximum length of 12 metres, whichever is the lesser.

Walls built to the side or rear boundary must not exceed a maximum height of 3.5 metres above existing ground level unless the wall:

- v. Abuts another higher existing or simultaneously constructed wall, in which case the wall must not be higher than the boundary wall on the adjoining lot, or
- vi. Abuts a side or rear lane, in which case the maximum height is 5.5 metres.

Footings of buildings on a boundary must be designed to permit the maximum cut and fill on the neighbouring allotment.

Building to the boundary is not permitted if it would lead to non-conformance with the fire separation requirements of the Building Code of Australia including:

- vii. the wall of the building on the adjoining lot is not of masonry (or similar) construction and is within 900mm of the boundary, or
- viii. the wall of the building on the adjoining lot has a window facing the boundary and is within 900mm of the boundary.

Roof structures and drainage systems must be designed to drain away from the property boundary affected by reduced setbacks.

Structures built to the boundary must be designed and constructed to be easily maintained.

**Note:** Proposals for buildings with reduced setbacks should be discussed with neighbouring landowners before lodging a Development Application with Council. Construction, maintenance, finish and colour of side boundary walls are some of the issues that should be discussed.

### 19.1.3 REAR SETBACK

#### **Objectives**

- a. To maintain the visual continuity and pattern of buildings and landscape elements.
- b. To provide sufficient space for outdoor living areas.

#### **Controls**

1. Garages and any associated garage-top apartment (secondary dwelling) adjacent to a rear lane may be built to the rear boundary.

**Note:** Refer to Section 3.5 of Part 3 – Development within Residential Zones of LMDCP 2014 for provisions relating to building to the boundary.

### 19.1.4 GARAGES, CARPORTS AND SHEDS

#### **Objectives**

- a. To reduce the visual impact of garages, carports and sheds on the streetscape and improve dwelling presentation.
- b. To ensure garages do not dominate the streetscape.

#### **Controls**

1. Garage doors must be visually recessive through use of materials, colours, overhangs and the like.

Where the lot width is greater than 12m, dwellings may have a double garage on the primary street frontage if they do not dominate the streetscape and are visually recessive.

Where the lot width is less than 12m, single width garages only are permitted on the primary street frontage.

**Note:** The width of a lot is measured at the front building line.

### 19.1.5 DESIGN OF DRIVEWAYS – STREET TREES AND ON STREET CAR PARKING

#### **Objectives**

- a. To minimise the visual impact of driveways on the streetscape.
- b. To provide practical and safe access and egress to dwellings.
- c. To minimise the impact of driveways on on-street car parking.

#### **Controls**

1. The location of driveways must be determined with regard to the location of utilities infrastructure, safe and unobstructed kerbside space to place waste bins out for collection, street tree planting and to maximise the availability of on-street parking.

### 19.1.6 UTILITIES

#### **Objectives**

- a. To identify utility requirements and new infrastructure at an early stage of development.
- b. To ensure utilities structures are integrated in the site planning and design of development.

#### **Controls**

1. The location of utilities, including gully pits, water meters, power pillars, communications pits, underground services and manholes must not interfere with driveways or driveway crossovers of narrow frontage lots.
2. The location of above ground utilities, including power poles and lines, must not interfere with waste collection space and waste collection vehicle bin lift clearances.

### 19.1.7 SITE COVERAGE

#### **Objectives**

- a. To ensure density of development is in keeping with the existing or desired future street character.
- b. To provide sufficient area around a dwelling for access ways, private open space and landscape planting.
- c. To maximise the potential for on-site stormwater retention.

#### **Controls**

1. Site coverage must allow sufficient soft landscaped area to absorb water on site, reducing the load on stormwater drains and local waterways.

The maximum site coverage, including ancillary development, must not exceed 65%.

**Note:** Site coverage means 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,
- any unenclosed balconies, decks, pergolas and the like.

**Note:** Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

**Note:** Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

### 19.1.8 PRINCIPAL PRIVATE OPEN SPACE

#### **Objectives**

- a. To ensure that dwellings are provided with functional, well located areas of private open space.
- b. To ensure that private open space is integrated with, and is directly accessible from the living areas of a dwelling.
- c. To ensure that private open space receives sufficient solar access and privacy.
- d. To minimise adverse impacts on the private outdoor space of adjoining dwellings.

#### **Controls**

1. A lot with a width, measured at the front building line, of at least 6m but less than 10m, must have at least 16m<sup>2</sup> of principal private open space. The principal private open space must have a minimum dimension of 3m and a grade less than 1:50.

A lot with a width, measured at the front building line, of 10m or more, must have at least 24m<sup>2</sup> of principal private open space. The principal private open space must have a minimum dimension of 4m and a grade less than 1:50.

The principle open space must not include the space allocated to waste storage.

### 19.1.9 LANDSCAPE AREA

#### **Objectives**

- a. To provide areas of landscape planting that improve visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development
- b. To enable landscape planting in front setback areas that enhances the streetscape.
- c. To enable landscape planting in rear setback areas that enhances residential amenity.
- d. To ensure landscape areas are integrated into the design of the development.
- e. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.
- f. To conserve significant vegetation, topographical features and fauna habitat.

#### **Controls**

1. The development must have a landscaped area of at least the following:
  - i. If the lot has an area of at least 200m<sup>2</sup> but not more than 300m<sup>2</sup> - 10% of the area of the lot,
  - ii. If the lot has an area of at least 300m<sup>2</sup> but not more than 450m<sup>2</sup> - 15% of the area of the lot,

The landscaped area must have a minimum width of 1.5m to be included in the landscaped area calculations.

Landscaping must be used to define the entrances to individual dwellings, as follows:

- iii. If the lot has a width, measured at the building line, of more than 18 metres, at least 50% of the area forward of the building to the primary road must be landscaped,
- iv. If the lot has a width, measured at the building line, of not more than 18m, at least 25% of the area forward of the building line to the primary road must be landscaped.

On corner lots, landscaping in the front setback must continue around the corner into the secondary setback.

**Note:** The landscaped area may be within the front, side or rear setbacks. The landscaped area is in addition to the principle private open space requirement.

### 19.1.10 OPERATIONAL WASTE MANAGEMENT

#### **Objectives**

- a. To ensure dwellings have equitable access to waste collection services; and
- b. To ensure that the practical requirements for waste management are met in such a way as to minimise negative impacts on the occupants and neighbours.

### **Controls**

1. Waste management for Housing on Small and Narrow Lots must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
  - i. Waste storage area(s)
 

Waste bin storage is to be appropriately located to:

    - a. be separately accounted from that space allocated for principle private open space and landscaping;
    - b. have a waste storage space per dwelling of minimum internal dimensions of either 1905mm x 1560mm or 1410mm x 2340mm to store one set of 240 litre recycling, food and garden waste and residual garbage bins;
    - c. not compromise visual amenity for an occupant of the principle private open space;
    - d. have the bins in a shaded area, at least from afternoon sun, to minimise bin odour;
    - e. not compromise visual amenity of views from windows or doors of the property or neighbours;
    - f. be set back behind the front building line, or suitably integrated visually to form part of the building line or landscaping;
    - g. locate bins where odours are least likely to enter airflow for doors and windows for this or adjacent properties; and
    - h. have unobstructed access (without steps and on a gradient less than 1:14) to move the bins to the location where bins are placed out for collection, which may be through a side gate, through a garage, courtyard, or by other unobstructed path that does not require passing through the dwelling's interior.
  - ii. Waste collection point(s)
 

Sufficient unobstructed space must be ensured to allow for two waste bins per dwelling to be placed kerbside for collection on any waste collection day, or alternative shared waste service solutions planned with suitable shared storage locations.
  - iii. Sufficient unobstructed space must be ensured to allow for 1 cubic metre per dwelling of bulk waste (including furniture and whitegoods) to be placed kerbside for collection, or a suitable alternative bulk waste collection management option must be provided and described in the Operational Waste Management Plan.