

6 DUAL OCCUPANCY

This section of the DCP only provides Council's specific requirements for Dual Occupancy developments. Other requirements are contained in Part 3 Development within Residential Zones as well as other relevant general development parts (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. Where conflict arises between this Part and an Area Plan, the Area Plan prevails.

There are two types of dual occupancies, dual occupancy (attached) and dual occupancy (detached). LMLEP 2014 defines each as follows:

dual occupancy (attached) means two dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means two detached dwellings on one lot of land, but does not include a secondary dwelling.

The two dwellings may be arranged as shown in Figures 1-4 below:

- on a corner lot with a dwelling facing each street frontage,
- on a single frontage lot and arranged side by side
- on a single frontage lot and arranged front to back (also known as a battle axe development)
- arranged front to back with vehicle access from a rear lane

6.1 SITE REQUIREMENTS

Objectives

- a. To ensure that Dual Occupancy developments are located on sites with sufficient size to accommodate the required building envelope, car parking, landscape area, and private open space.
- b. To minimise the risk of sea level rise impacts on dual-occupancies.

Controls

A minimum site area of 500m² is required for Dual Occupancy developments

A minimum lot width of 12m measured at the building line is required for Dual Occupancy development.

Each proposed dwelling must have a minimum building envelope of 200m² located above 2m AHD without the need for filling, and must have adequate flood-free access.

Note: for minimum lot sizes associated with dual occupancy development and two lot subdivision refer to the minimum lot size provisions in LEP 2014.

Note: Rural Zones and areas subject to an Area Plan may require greater site areas.

Note: Refer to Part 3 of this DCP for provisions related to catchment flood management and lake flooding and tidal inundation (incorporating sea level rise).

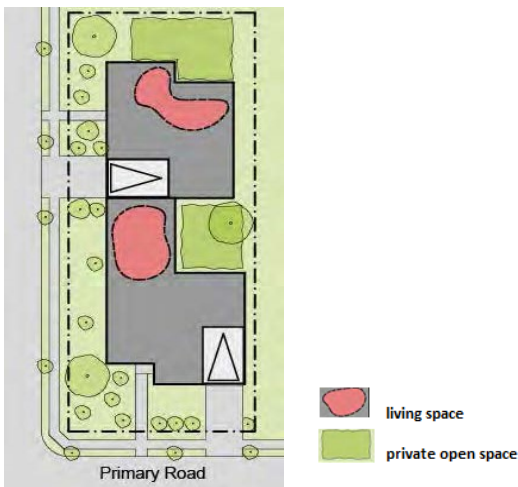


Figure 1 - Two dwellings on a corner lot

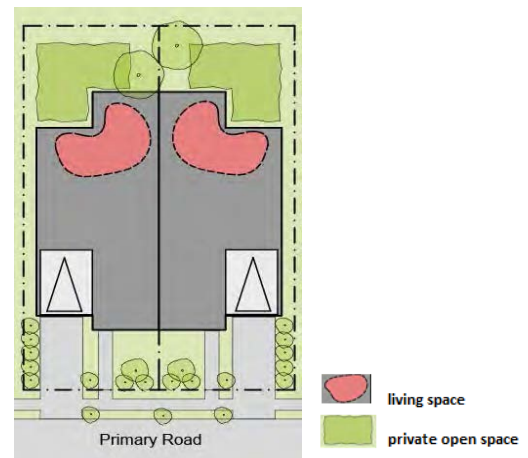


Figure 2 - Two dwellings side by side

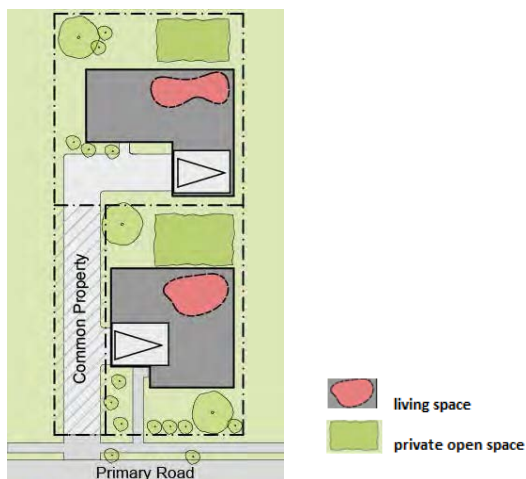


Figure 3 - Two dwellings front to back (battle axe development)

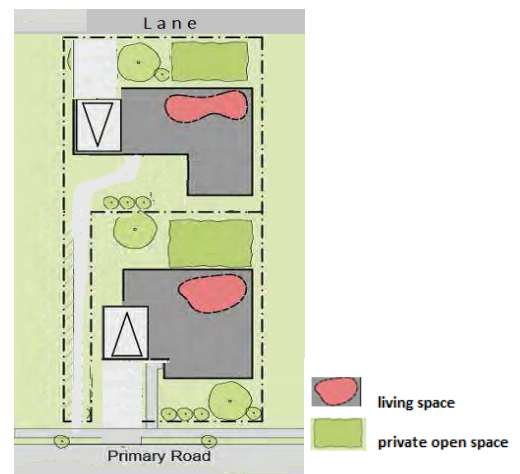


Figure 4 - Two dwellings front to back with rear lane access

6.2 SITE COVERAGE

Objectives

- To ensure adequate unbuilt area is available for private open space
- To ensure adequate unbuilt area is available for on-site stormwater infiltration and harvesting for re-use, and to reduce stormwater discharge from the site.
- To incorporate suitable measures to minimise run-off directly accessing the Lake or its waterways.
- To maximise the area available for landscape planting and screening.

Controls

- The maximum site coverage for Dual Occupancy developments, including ancillary development, must not exceed 55%

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.

6.3 STREETScape

Objectives

- a. To ensure Dual Occupancies on corner blocks address both street frontages.
- b. To ensure developments are articulated and designed to provide interest to the streetscape, and individual identity for each dwelling.
- c. To ensure that a dwelling at the rear of a lot relates to the primary street.

Controls

1. Dual occupancies on a corner lot must have a maximum of one front entry and one garage fronting each street as shown in Figure 1.

Dual Occupancies that incorporate an existing dwelling must ensure that the existing dwelling is renovated to a standard that complements the new dwelling.

Dual Occupancy design should provide individual identity for each dwelling within an overall design character as indicated in Figure 5.

The entry for a dwelling at the rear of a lot must be visible from the street as shown in Figure 4.

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 as shown in Figure 4.

Note: Access from a laneway may not be supported where Council does not provide a full service including road surface and drainage.

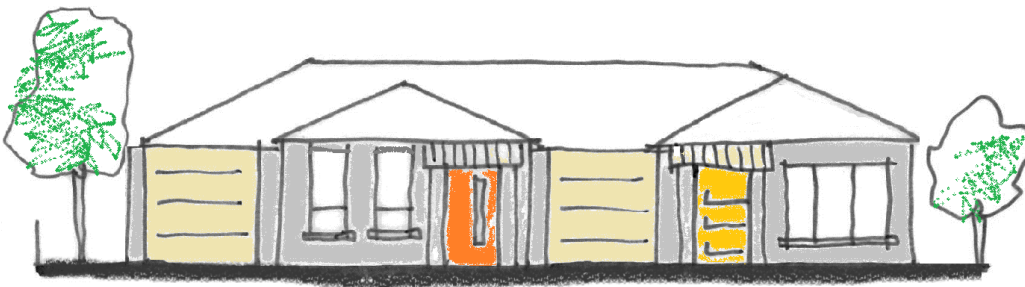


Figure 5 - Indicative design for attached side by side dual occupancy dwellings showing individual identity of each dwelling within an overall character



Figure 6 - Design for dual occupancy development with two new detached dwellings.



Figure 7 - Design for dual occupancy development incorporating an existing dwelling and a new dwelling at the rear.

6.4 SETBACKS

Objectives

- a. To ensure that the development complements the existing setback pattern in the locality.
- b. To define the street edge and provide definition between public and private space.
- c. To encourage entries, windows, balconies and living areas that overlook the street
- d. **To ensure that dual occupancy development minimises overshadowing, considers amenity and privacy of adjoining dwellings.**

Controls

1. Where there are existing adjoining residential buildings within 40 metres,
 - i. the front setback must be consistent with the established setbacks or,
 - ii. where adjoining building setbacks vary by more than three metres, the front setback must be the same distance as one or other of the adjoining buildings, or:
 - iii. where adjoining buildings vary in setback, development must locate between their setbacks.

Where there are no existing (or approved) dwellings within 40 metres of the lot, the front setback must be a minimum of four metres from the front boundary.

The secondary street setback for the corner dwelling on a corner allotment must be a minimum of two metres as shown in Figure 9.

Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to 1.5 metres into the front setback area. This encroachment must not cover more than 50 percent of the building width.

Detached Dual Occupancy developments should have a minimum of two metres separation between the dwellings.

Note: Additional separation may be required between Detached Dual Occupancy developments on sites with a cross fall in order to fulfil the requirements of Part 3, Section 3.26 Cut and Fill of the LM DCP 2014. In particular, note that the face of a retaining wall must be a minimum of 1m from a common boundary and fences on common boundaries must be built at existing ground level.

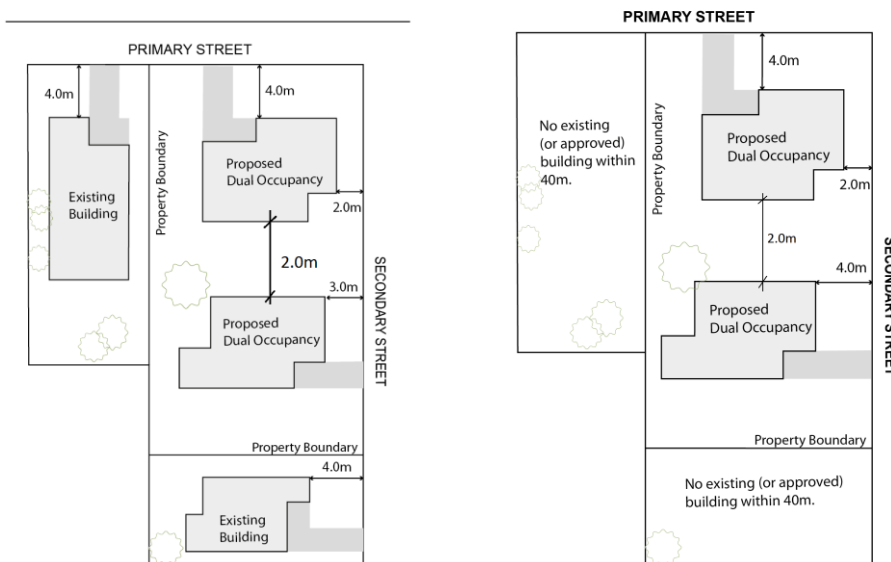


Figure 8 - Setbacks for dual occupancies on a corner block

6.5 LANDSCAPED AREA

Objectives

- a. To enable landscape planting and tree retention within the front setback areas streetscape outcomes and that enhance the streetscape.
- b. To enable landscape planting in side and rear setback areas that enhances residential amenity and provides contiguous planting areas with neighbours.
- c. To promote on-site stormwater infiltration by optimising pervious surfaces and landscaped areas.

Controls

1. For Dual Occupancy developments, the minimum landscaped area must be 50% of the total lot area minus 100m². The landscaped area must have a minimum width of 1.5 metres to be included in the landscaped area calculations.

25% of the area forward of the building line must be landscaped.

A street tree is to be provided along each street frontage.

Note: The landscaped area should be spread across the front, side and rear setbacks. The landscaped area is in addition to the principal private open space requirement.

6.6 PRINCIPAL PRIVATE OPEN SPACE

Objectives

- a. To ensure appropriately sized private open space for outdoor recreation on a smaller lot.

Controls

1. Dual occupancy development must include private open space for each dwelling that:
 - i. has a minimum area of 16m² that is free of any storage areas, retaining walls, fencing, supports, tanks, structures or landscape planting, and
 - ii. has a minimum dimension of three metres, and
 - iii. has a grade less than 1:50

6.7 DRIVEWAY DESIGN

Objectives

- a. To ensure vehicular access has minimal impacts on the streetscape.
- b. To maintain on-street parking places outside a dual occupancy development.
- c. To maximise the use of landscape planting adjacent to driveways.
- d. To ensure safe clearance between a battle-axe driveway and the front dwelling.

Controls

1. Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one space remains.

A minimum of 1m wide landscape 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.

A driveway along the side of a dwelling must be offset a minimum of 900mm from the side wall of the dwelling.

Vehicles accessing a rear dwelling or development on an arterial road must be able to enter and exit in a forward motion.

6.8 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure suitable bin storage is accessible to both dwellings.
- b. To ensure sufficient bin and shared bulk waste (such as furniture and whitegoods) collection space is available to both dwellings.

Controls

1. Waste management for Dual Occupancy 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)
 - a. Dual properties may share a set of 240 litre bins (with maybe an upsized 360 litre recycling bin), so suitable shared storage space must be available; but the owner may pay for an additional set of bins, so space option must also be available for each property to store their own set of 240 litre bins, with an optional 360 litre recycling bin each;

- b. A minimum space for waste bin storage must be allocated per dwelling (in addition to minimum space allocations for other purposes) with minimum internal dimensions of each storage area as follows:
 - Where each dwelling's set of 240 litre bins are to be stored on in each individual dwelling's yard, either 1905mm x 1560mm or 1410mm x 2340mm at each dwelling; or
 - Where two dwellings' individual bins (two sets of 240 litre bins) are to be stored in a shared area accessible to both dwellings, for 240 litre bins, 1905mm x 2340mm; or
 - Where two dwellings' shared 240 litre bins (one set of bins) are to be stored in a shared area accessible to both dwellings, either 1905mm x 1560mm or 1410mm x 2340mm.
- ii. Waste collection point(s)
 - a. At least 3.5 metres length per dwelling of unobstructed position on safe kerbside must be available for bin collection; and for bulk waste collection space up to 2 square metres needs to be designated on the kerbside.

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