

# CONTENTS

<b>2</b>	<b>RESIDENTIAL ZONES .....</b>	<b>2-1</b>
2.1	DEVELOPMENT IN RESIDENTIAL ZONES.....	2-1
2.1.1	Access and Car Parking .....	2-2
2.1.2	Building Setbacks .....	2-3
2.1.3	Site Coverage .....	2-3
2.1.4	Landscaping .....	2-4
2.1.5	Private Open Space.....	2-4
2.1.6	Building Design .....	2-5
2.1.7	Protecting Solar Access.....	2-5
2.1.8	Building Sustainability Index.....	2-6
2.1.9	Privacy.....	2-6
2.1.10	Crime Prevention and Security .....	2-7
2.1.11	Impacts on Surrounding Land .....	2-8
2.1.12	Services and Site Facilities .....	2-9
2.1.13	Fencing.....	2-10
2.2	RESIDENTIAL SUBDIVISION.....	2-11
2.2.1	Minimum Lot Sizes.....	2-11
2.2.2	New Roads .....	2-12
2.2.3	Infrastructure & Utilities .....	2-13
2.2.4	Public Open Space .....	2-14

## FIGURES

Figure 2-1	Example of Private Open Space for Outdoor Recreation. ....	2-5
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## 2 RESIDENTIAL ZONES

This Chapter applies to development that is proposed in a residential zone, including the R1 General Residential and R5 Large Lot Residential zones.

Where consent is required for development on land within a residential zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE:** It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.

**NOTE:** Housing for disabled or aged persons is to comply with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

### 2.1 DEVELOPMENT IN RESIDENTIAL ZONES

Other than dwelling houses, there are a number of different types of development that are allowed within the R1 and R5 residential zones. These are listed as “permitted with consent” for each zone in the LEP 2013.

Examples of developments that are permitted with the consent of Council in the R1 General Residential zone include boarding houses, childcare centres, food and drink premises, funeral homes, neighbourhood shops, places of public worship, plant nurseries and seniors housing, to name a few.

The R5 Large Lot Residential zone is a little more restrictive than the R1 zone, however still allows a variety of activities. Examples of developments permitted with the consent of Council within this zone include bed and breakfast accommodation, food and drink premises, garden centres, group homes, plant nurseries and roadside stalls.

### **2.1.1 Access and Car Parking**

#### **Objectives**

- a. To ensure safe and convenient access for residential development.
- b. To ensure that car parking facilities do not detract from the amenity of the streetscape.

#### **Controls**

1. The number of off-street car parking spaces is to be provided on the development site in accordance with Chapter 12 - Car Parking.
2. Off street car parking spaces must be located in a safe and convenient location for the residents.
3. Stacked car parking will only be permitted for dwelling houses and dual occupancies. The area on a driveway must be at least 5.5m between the front boundary and a garage or carport to be included as a stacked car parking space.
4. Off street car parking spaces must be clearly indicated on a site plan submitted with a development application.
5. Legal vehicular access from a public road is required for all development.
6. Driveways must be constructed in accordance with the Development Manual.
7. Driveways must have a minimum width of:
  - 3.0m for driveways up to 20.0m long.
  - 5.0m for driveways more than 20.0m long (for multi-dwelling developments)
  - 3.0m for driveways more than 20.0m long where passing bays are provided (passing bays to measure 10m long with additional 2.5m in width). At least 1 passing bay is to be provided for every 20.0m of driveway length.
8. For multi-dwelling developments and residential flat buildings, vehicles must be able to enter and leave the site in a forward direction.

### **2.1.2 Building Setbacks**

#### **Objectives**

- a. To maintain and enhance the amenity of the streetscape by ensuring a consistent building alignment.

#### **Controls**

1. Setback from the street shall be a minimum of 5m from the front boundary or the average of the setback of the adjoining allotments (whichever is the lesser).
2. For corner allotments, minimum setbacks shall be 5m from the primary road frontage boundary and 2m from the secondary road frontage boundary. Outbuildings, with a maximum height of 3m and a maximum width of 6m, may be constructed with a zero setback to the secondary road frontage boundary of a corner allotment provided they are behind the primary road frontage building line and safe access to the road reserve can be demonstrated.
3. Side and rear setbacks shall comply with the requirements of the Building Code of Australia.

### **2.1.3 Site Coverage**

Site coverage is the percentage of the site that is covered by the footprint of buildings such as dwellings, garages, sheds and carports. When calculating site coverage, eaves and gutters less than 600mm in width are not included. Additionally unroofed structures such as terraces, patios, decks, pergolas and swimming pools are not included.

#### **Objectives**

- a. Allow adequate area for access, landscaping, site facilities, outdoor recreation and parking.

#### **Controls**

1. Site coverage, as defined above, must not exceed 60%.
2. At least 20% of the site area must have a permeable surface.

#### **2.1.4 Landscaping**

##### **Objectives**

- a. To beautify and provide shade and privacy in residential zones.
- b. To conserve water and create viable gardens by utilising drought tolerant species.
- c. To retain mature trees where possible.

##### **Controls**

1. A minimum of 20% of the area of the development site is to be soft landscaped, i.e. water must be able to penetrate the surface and be absorbed into the soil.
2. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised.
3. A landscaping plan must be submitted to Council with development applications for residential development other than single dwellings and dual occupancies.

#### **2.1.5 Private Open Space**

Private open space areas provide outdoor living areas for private recreation. These spaces must be provided for all dwellings including single dwellings, residential flat buildings and multi-residential developments.

##### **Objectives**

- a. To ensure that dwellings are provided with adequate private open space for outdoor living.
- b. To ensure private open space is easily accessible for residents of the dwelling.

##### **Controls**

1. Ground floor dwellings must provide 16 square metres private open space with a minimum dimension of 3m.
2. Dwellings without direct access to ground level must provide a balcony with a minimum area of 8m<sup>2</sup> and a minimum dimension of 2m.
3. Private open space areas must have direct access from a living area of the dwelling.
4. The required private open space area must not include utility areas such as waste storage.

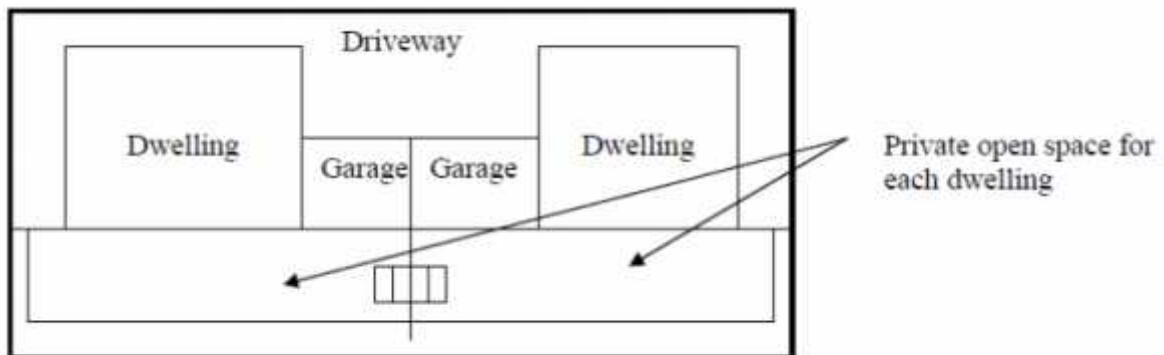


Figure 2-1 Example of Private Open Space for Outdoor Recreation.

### 2.1.6 Building Design

#### Objectives

- a. To maintain and enhance the quality of the streetscapes within residential zones.

#### Controls

1. Residential buildings must present to the street with a living room window or front door facing the roadway.
2. The bulk and scale of new buildings or additions must be compatible with the bulk and scale of the existing or likely future development within the area.

### 2.1.7 Protecting Solar Access

#### Objectives

- a. Ensure reasonable sunlight access to adjoining properties is maintained.

#### Controls

1. Buildings should be designed and positioned on the block to avoid overshadowing of adjacent private open spaces.
2. Buildings must maintain sunlight access to the windows of north facing living areas of adjacent dwellings. These windows must have at least 3 hours of sunlight access between 9am and 3pm in mid-winter (June 21).

### 2.1.8 Building Sustainability Index

The Building and Sustainability Index (BASIX) applies to all residential dwelling types and is part of the NSW development application process implemented through the *Environmental Planning and Assessment Act 1979*. For more information and to obtain your BASIX certificate please visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

#### Objectives

- a. Deliver equitable, effective water and greenhouse gas reductions across the state.

#### Controls

1. A BASIX certificate must be lodged with all applicable residential development applications and the commitments noted in the BASIX Certificate must be shown on the plans submitted to Council.

### 2.1.9 Privacy

To maintain good residential amenity, careful consideration must be given to the visual and acoustic privacy of neighbouring dwellings. This includes suitable location of items such as windows, balconies, bedrooms, swimming pools and mechanical air-conditioning systems.

#### Objectives

- a. To ensure that visual and acoustic amenity is maintained for the residents of new and existing development.

#### Visual Privacy Controls

These visual privacy controls do **not** apply to single story construction where the finished floor level is no more than 450mm above the finished floor level of an adjoining dwelling.

1. Where a new dwelling will be within 9.0m of the house or private open space of an adjoining property, the visual privacy of the existing dwelling and/or private open space must be protected. This can be achieved by offsetting windows and balconies by sufficient distance to limit direct views into the windows, balconies and/or private open space of adjacent dwellings.

Where this is not possible or reasonable, the following solutions may be acceptable to Council:

- Windowsill heights of 1.7m above floor level, or
- Fixed obscure glazing to a height of 1.7m above floor level, or
- As a last resort, install permanent screening.

2. Where a multi-residential development or residential flat building will be within 12.0m of the house or private open space of an adjoining property, the visual privacy of the existing dwelling and/or private open space must be protected. This can be achieved by offsetting windows and balconies by sufficient distance to limit direct views into the windows, balconies and/or private open space of adjacent dwellings.

Where this is not possible or reasonable, the following solutions may be acceptable to Council:

- Windowsill heights of 1.7m above floor level, or
- Fixed obscure glazing to a height of 1.7m above floor level, or
- As a last resort, install permanent screening.

### **Acoustic Privacy Controls**

1. Where possible, filter pumps, air conditioners, swimming pools and other recreational areas must not be located near bedrooms of adjoining dwellings. If it is not possible to locate these structures to minimise the potential for noise nuisance to neighbours, acoustic housing or acoustic screening shall be provided. Details of the acoustic housing or screening shall be shown on the plans for the development.
2. Where possible, for multi-dwelling developments, bedrooms should be more than 3m from shared driveways and shared car parking areas.
3. Common walls between attached dwellings must maintain acoustic privacy by complying with the National Construction Code (Building Code of Australia) requirements for noise transmission.

### **2.1.10 Crime Prevention and Security**

In a built environment, the design of a neighbourhood, place or single development can significantly influence criminal behaviour. The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.

*Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.

*Access control* utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.

*Territorial reinforcement* involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.

*Space management* involves maintaining attractive public spaces so that they are more likely to be well used.



### **Objectives**

- a. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- b. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

### **Controls**

1. Residential building entrances must be clearly visible from the street.
2. The design of dwellings must enable residents to survey streets, public areas and dwelling entries.
3. Multi-dwelling and larger developments must provide adequate lighting to all paths, access ways, parking areas and building entrances.
4. The design of multi-dwelling and larger developments must not provide 'blind corners' or areas of potential concealment.
5. Offices, showrooms or the like for non-residential developments must be located at the front of the building.
6. For non-residential developments, public toilets and rest areas must be located in a position that is highly visible.

**NOTE: Multi-dwelling developments may be referred to the NSW Police Safer By Design Unit for comment.**

## **2.1.11 Impacts on Surrounding Land**

### **Objectives**

- a. To ensure that development in residential zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of residential areas.
- c. To ensure that the hours of operation for commercial activities do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not unduly impact the amenity of residential properties.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

### **2.1.12 Services and Site Facilities**

**NOTE: Developer contributions for connection of new residential lots and units to Council's sewer and treated water reticulation systems will be collected at the time of development.**

### **Objectives**

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. To ensure public utilities and services are available to all development.
- d. To ensure developments are well designed to provide adequate and convenient site facilities.

### **Controls**

1. A waste storage area must be provided on-site for all development and must be appropriate for the nature and scale of the development
2. The waste storage area must be in a location that is convenient for users and garbage collection contractors.

3. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
4. For residential development one 240 litre bin is to be provided for every dwelling.
5. All development is to be connected to Council's stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with the Development Manual.
6. All development in the R1 General Residential zone is to be connected to reticulated town water supply and town sewerage system.
7. Allowance is to be made for the installation of telecommunications and electricity subject to the requirements of the authorities responsible for these services. Relevant providers of electricity and telephone services should be contacted for their servicing requirements.
8. Services are to be located underground where required by the supplier.
9. An external drying area in a location that receives good solar access must be provided for each dwelling within a residential development. The drying area is to be adequately screened if it will be visible from a public road or place.
10. Each property must be clearly identified with a street number.

### **2.1.13 Fencing**

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* details types of fencing that are exempt from obtaining development consent. The individual site related requirements of the SEPP should be checked for every application. However, as a guide, boundary fences on or behind the building setback line that are constructed of non-reflective materials are generally exempt to a height of 1.8m.

Where proposed fencing is not specified as exempt development by the SEPP, a development application must be submitted to Council. The following controls apply to fences that require development consent.

#### **Objectives**

- a. Encourage a consistent and attractive streetscape.
- b. Protect the safety of drivers, pedestrians and cyclists by ensuring adequate lines of sight.

#### **Controls**

1. Fencing on corner allotments shall be splayed a minimum of 3m back from the corner of the allotment at each frontage.

2. Design and materials for a new fence will be considered on its own merits considering the following matters:
  - The amenity of the neighbourhood in the vicinity of the development site.
  - The material, style and height of existing fencing in the vicinity of the development site.
  - The width of the road reserve(s) adjacent to the development site.
  - Line of sight for drivers on adjacent roadways.

## 2.2 RESIDENTIAL SUBDIVISION

This section applies to development that involves the subdivision of land within a residential zone. In addition to the controls below, developers should also refer to Council's Development Manual for more detail.

Strata subdivisions of existing or future buildings must comply with the relevant fire safety provisions in accordance with the National Construction Code (includes the Building Code of Australia).

**NOTE: A "greenfield" subdivision generally involves the subdivision of land with a total area of 10,000m<sup>2</sup> or more.**

### 2.2.1 Minimum Lot Sizes

#### **Objectives**

- a. To ensure that each residential allotment has adequate space to provide for services, access and parking, landscaping and outdoor recreation.
- b. To provide a variety of lot sizes to cater for a variety of housing options and lifestyles.

#### **Controls**

1. Lot sizes must comply with the Deniliquin Local Environmental Plan 2013.
2. Minimum lot width in the R1 zone is 10.0m.
3. Minimum lot width in the R5 zone is 25.0m.
4. Minimum lot width of a lot at the head of a cul-de-sac is to be 12.5m at the 5m front setback.
5. Battleaxe shaped lots may only be permitted where it can be demonstrated that full street frontage for all lots is not achievable due to site constraints.

6. No more than two battleaxe shaped lots can share the same access handle.
7. The access handle of battleaxe shaped lots must be no longer than 30m.
8. The minimum width for access handles of single use battleaxe shaped lots are:
  - o 4.5m for handles up to 20.0m in length.
  - o 6.0m for handles between 20.0m and 30.0m in length.

**Note: The width of battleaxe handles must be wide enough to accommodate driveways plus services.**

9. The minimum width for access handles of shared use battleaxe shaped lots are:
  - o 5.0m for handles up to 20.0m in length.
  - o 6.5m for handles between 20.0m and 30.0m in length.

**Note: The width of battleaxe handles must be wide enough to accommodate driveways plus services.**

### **2.2.2 New Roads**

#### **Objectives**

- a. To encourage a road layout that allows safe and efficient flow of traffic.
- b. To ensure proposed roadways offer a choice of travel routes for vehicles, cyclists and pedestrians.
- c. To integrate with the existing road hierarchy.

#### **Controls**

1. The width of a proposed new road reserve and the construction standard of a new road must be in accordance with Council's Development Manual. Council will give consideration to:
  - o Established and preferred future road hierarchy.
  - o Vehicular, pedestrian and cyclist safety.
  - o The expected traffic volume of the new roadway(s).
  - o The nature of the subdivision and surrounding neighbourhood.
2. The developer is to provide street tree planting, at a rate of one tree per lot, in accordance with Council's Development Manual.
3. Subdivisions that will create allotments with rear yards "fronting" an existing or future public road are not encouraged. Where this cannot be avoided the developer must provide suitable street tree plantings along the nature strip to minimise the visual impact of the rear fences from the public road.

### 2.2.3 Infrastructure & Utilities

#### Objectives

- a. To plan for public utility services and infrastructure at subdivision stage.
- b. To ensure efficient and cost-effective provision of services and infrastructure.
- c. To ensure that the proposed density of a subdivision will be within the capacities of existing or planned infrastructure.
- d. Reduce stormwater flow rates and improve the quality of runoff from urban areas.
- e. To minimise the impacts of stormwater drainage on the Edward River.

#### Controls

1. A Drainage Management Plan must be provided by the developer for the subdivision of greenfield sites. The Plan is to detail any methods incorporated into the subdivision design to reduce the stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater.
2. Evidence that the proposed subdivision will not exceed the capacities of the service networks must be provided to Council. Relevant providers of electricity and telephone services should be contacted for their servicing requirements.
3. A development application for the subdivision of land may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.

**Note: In accordance with the LEP, allotments in the R5 zone with at least 1 hectare in area do not need connection to a reticulated sewage system. Allotments in the R5 zone with at least 5,000 m<sup>2</sup> but less than 1 hectare in area require connection to a reticulated sewage system.**

## **2.2.4 Public Open Space**

### **Objectives**

- a. To provide quality public open space to promote active lifestyles and meet the social and recreational needs of the community.

### **Controls**

1. Subdivisions of greenfield sites may require the provision of public open space. In determining whether or not public open space is required and the size of open space to be provided, Council will give consideration to:
  - o The total area of land to be subdivided.
  - o The availability of existing public open space in the surrounding neighbourhood.
  - o The suitability of the land for residential development.
  - o Existing mature vegetation on the land.