CHAPTER 2.1 DWELLING HOUSES, SECONDARY DWELLINGS AND ANCILLARY DEVELOPMENT

2.1.1 INTRODUCTION

The purpose of this Chapter is to provide specific requirements for design and construction for dwelling houses, rural worker's dwellings, secondary dwellings and development that is ancillary to these dwelling types. Dwellings may also include relocated dwellings or manufactured homes.

2.1.1.1 Objectives

The Chapter aims to protect and enhance the amenity, scenic quality, character and environmental sensitivity of new and existing residential, rural and environmental land areas by:

- Encouraging development which is compatible with the existing or desired future character of the area
- Promoting standards of design which are functional and achieve a high level of amenity and aesthetic quality
- Encouraging residential development appropriate to the context of the local area
- Promoting sustainable development

2.1.1.2 Using this Chapter

This DCP Chapter has been written to generally align with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). As the Codes SEPP does not address all land zones, site and environmental constraints or alternative development design through the use of objectives and merit assessment Council recognised the need to provide scope for this through additional provisions and supportive information.

In general all interpretation/definitions contained within the Codes SEPP are used in this chapter for consistency of application for both design and assessment; however additional interpretations are contained in *Central Coast Local Environmental Plan* (LEP) *2022*.

In any instance where a variation to the **REQUIREMENT(S)** of this chapter is sought the application must address the related **OBJECTIVE(S)**.

2.1.2 BUILDING SCALE

2.1.2.1 Building Height

The construction of a dwelling house, secondary dwelling or ancillary structure is restricted to a maximum building height. This height is measured from the existing ground level, which is the ground level of a site at any point, before any earthworks (excavation or fill) has taken place.

OBJECTIVES

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

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- To ensure that building height is compatible with the scenic qualities of hillside and ridgetop locations and respects the sites natural topography

REQUIREMENTS

a Central Coast LEP 2022 contains a Height of Building Map for certain areas within the *Local Government Area* (LGA). In accordance with Clause 4.3 (2) of Central Coast LEP 2022, the height of a building in these areas is not to exceed the maximum height indicated on this map except as provided for by Central Coast LEP 2022 Clause 5.6-Architectural Roof Features.

Note: any proposed variation to the requirements of Central Coast LEP Clause 4.3 must be justified with a written request for variation addressing the provisions of Central Coast LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

b The maximum building height for dwellings in areas not specifically mapped by the Central Coast LEP 2022 is 10m.

c Building Height shall generally not exceed two storeys. Three storey dwellings will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.

d The maximum building height for outbuildings and detached ancillary development is:

i 4.8m on land zoned R1, R2, R3 or RU5

ii 7m on land zoned RU1, RU2, RU6, R5, C3, C4 or C2 (where permissible)

Note: Proposals for development within land use zones not listed above where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

*Definition: **storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

Note: For the purposes of calculating the number of storeys in a dwelling under this chapter, any basement (including a garage) is to be counted as a storey.

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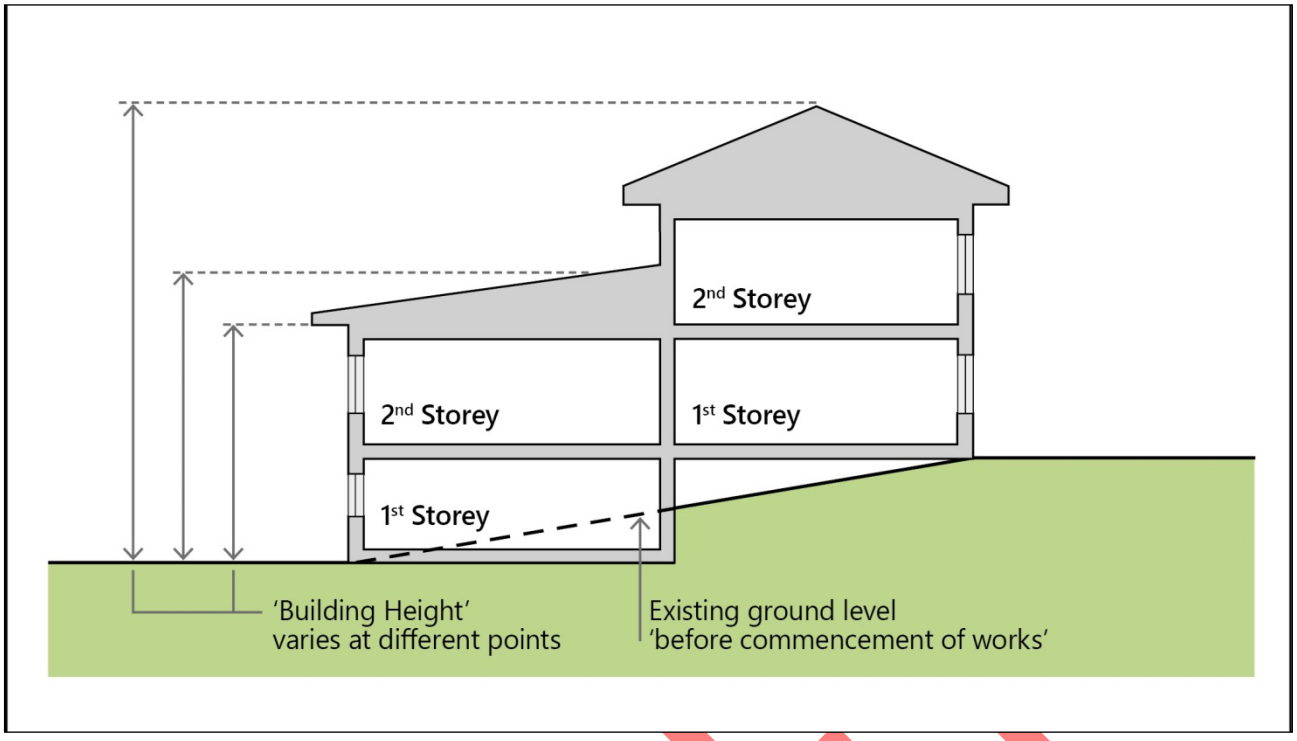

Figure 1- Building Height

2.1.2.2 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot.

The following definitions are relevant for the calculation of site coverage:

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:

(a) any basement,

(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

(c) any eaves,

(d) unenclosed balconies, decks, pergolas and the like

For the purpose of this Chapter, swimming pools are excluded from any site coverage calculation.

Site area is defined under Central Coast LEP 2022. Generally if the proposed development is to be carried out on only one lot, then the site area is the area of that lot.

Basement means the space of a building where the floor level of that space is predominantly below the existing ground level and where the floor level of the storey immediately above is less than 1 metre (at any point) above existing ground level.

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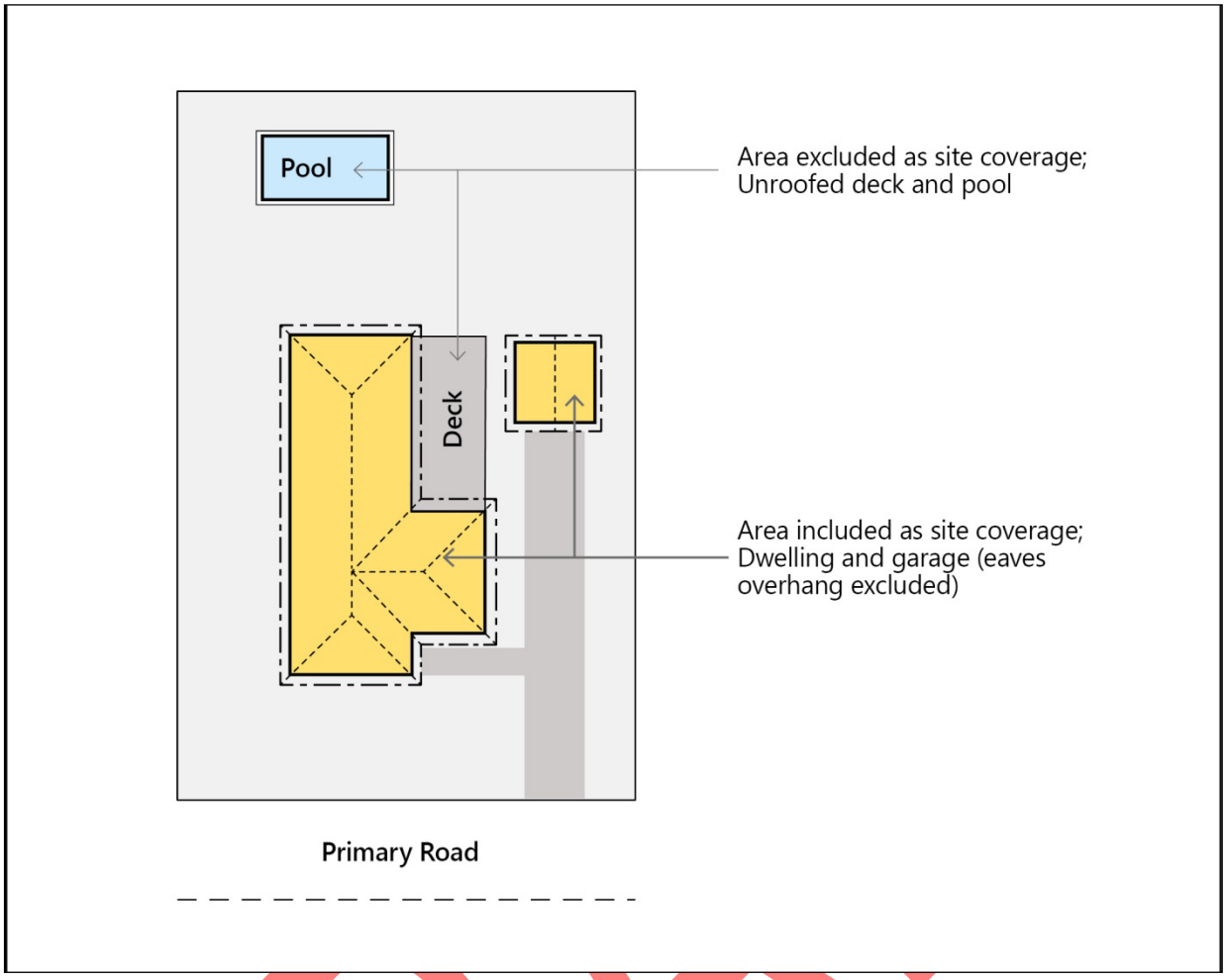

Figure 2 - Site Coverage

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located
- To provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

REQUIREMENTS

a The site coverage shall be a maximum of:

i if the lot has an area of less than 450m^2—60% of the site area

ii if the lot has an area of at least 450m^2 but less than 900m^2—50% of the site area

iii if the lot has an area of at least 900m^2 but less than 1,500m^2—40% of the site area

iv if the lot has an area of 1,500m^2 or more —30% of the site area

Note: site cover on lots having an area of greater than 1500m^2 in a rural, environmental or conservation zone must ensure that buildings and structure do not visually dominate the landscape. This may mean that a site cover of less than 30% is appropriate in certain instances.

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2.1.2.3 Floor Space Ratio

Central Coast LEP 2022 contains a Floor Space Ratio (FSR) Map that applies to certain areas within the LGA. In accordance with Clause 4.4 (2) of Central Coast LEP 2022, the FSR of a development in these areas is not to exceed the FSR indicated on this map.

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located

REQUIREMENT

a In accordance with Clause 4.4 (2) of Central Coast LEP 2022, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Note: any proposed variation to the requirements of Central Coast LEP Clause 4.4 must be justified with a written request for variation addressing the provisions of Central Coast LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

2.1.3 SETBACKS

A building line or setback is the shortest horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a building wall, or
- the outside face of any balcony, deck or the like, or
- the supporting posts of an open roofed structure such as a carport, verandah or the like

The following definitions are relevant for the calculation of setbacks:

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

parallel road means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road (the rear boundary) and must be 7m or more in width.

lane (laneway) for the purposes of this Chapter means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises

foreshore area means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

foreshore building line A line fixed by Council on the water side of which a building may not be erected except as may be provided by this plan.

The following diagram provides the most common examples of typical residential sites and identifies the location and requirements for type of road frontage, setbacks and articulation and how they are applied to those sites.

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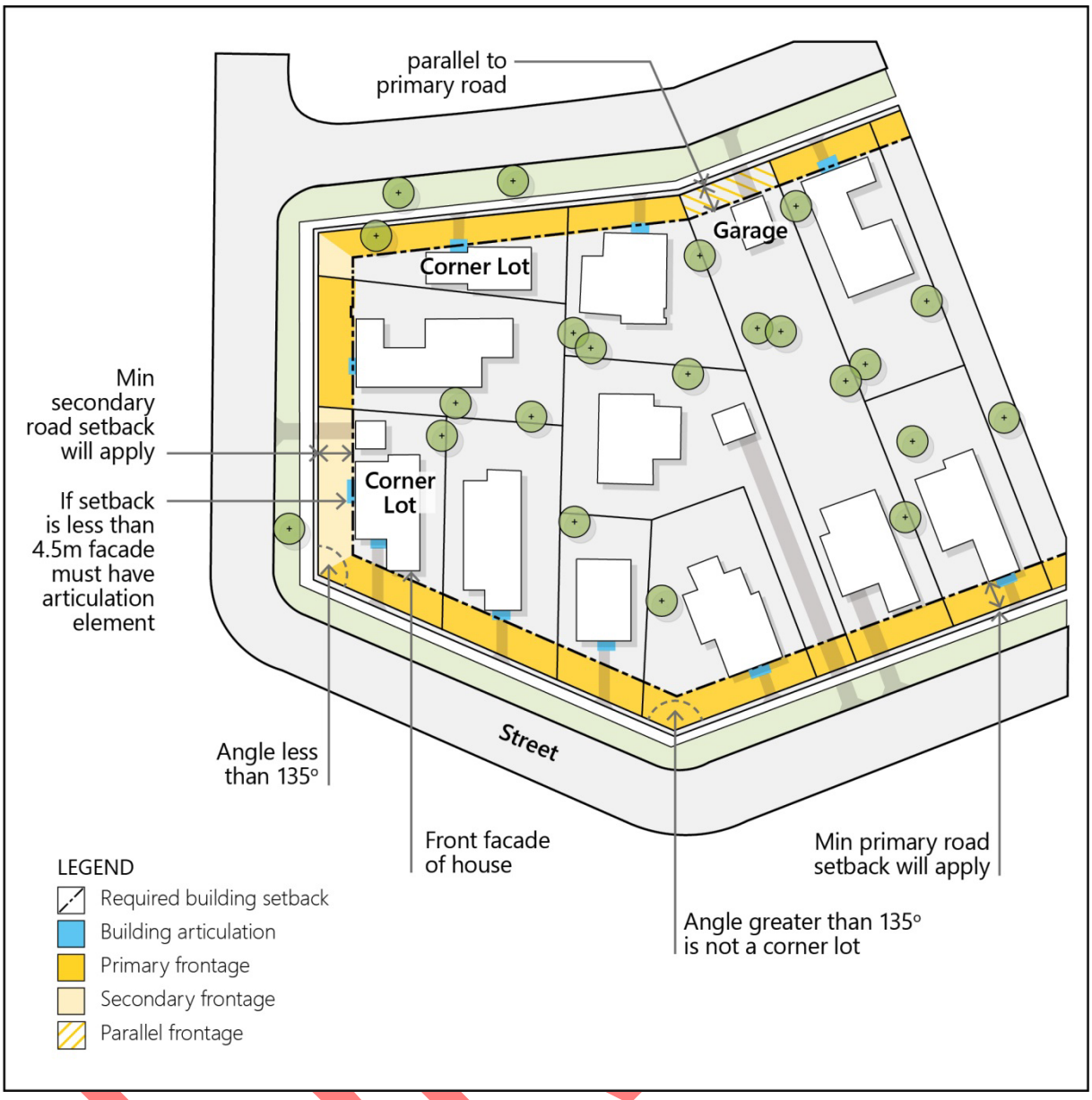

Figure 3 – Site Layout explanation for types of Road Frontages, Setbacks & Articulation Zones

Source- Department of Planning and Environment

OBJECTIVES

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore
- To ensure the visual focus of a development is the dwelling, not the garage
- To protect the views, privacy and solar access of adjacent properties
- To maintain view corridors to coastal foreshores and other desirable outlooks
- To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography
- To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping

- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

2.1.3.1 Setbacks – Residential Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5**:**

REQUIREMENTS

Aspect		Minimum Setback
a Front boundary (from the primary frontage) for primary and secondary dwellings and ancillary development (including outbuildings) *Note: front setback provisions above exclude permissible articulation – refer to Section 3.2 below.*	(i) To a local roadway on lots with a site area greater than 300m^2	The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or If 2 dwelling houses are not located within 40m of the lot - 4.5m *Note: For the purpose of calculating the setbacks of the nearest 2 dwelling houses* • *any ancillary development is to be disregarded, and* • *building elements that are permitted in the articulation zone are not included*
	(ii) To a Classified Road.	7.5m
	(iii) To a local roadway on lots with a site area up to 300m^2	3.0m
	(iv) The minimum required setback for garage and carport structures and the like	A minimum of 1m behind the front boundary setback
b Rear boundary setbacks for primary and secondary dwellings and ancillary development (excluding outbuildings)	(i) To a private allotment	• For single storey development - 0.9 m for a maximum width 50% of the length of the rear boundary and • For any part of the building with a height of up to 4.5m - 3m For any part of the building with a height greater than 4.5m – 6m
	(ii) To a parallel road or public reserve *Note: Setbacks to Public Reserves adjoining a Natural Waterbody are specified below*	3.0m
	(iii) Where a property is within the Coastal Hazard Planning Area	As per Chapter 3.2 Coastal Management

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Aspect		Minimum Setback
c Side Boundary setback for primary and secondary dwellings and ancillary development (excluding outbuildings)	(i) all lots greater than 12.5m wide at the building line	• for any part of the building with a height of up to 4.5m—0.9m, and • for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m *(Refer to figure 4)*
	(ii) for lots up to 12.5m wide at the building line	• 0 (Zero) to one side only for a maximum length of 10m and • as per point c(i) above for the remainder
	(iii) for lots less than 8m wide at the building line	• 0 (Zero) for 20m or 50% of the depth of the lot whichever is the lesser and • as per point c(i) above for the remainder
	(iv) carports that comply with the BCA exemption provisions	• for any part of the building with a height of up to 3.3m— 0 (zero) and • for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(iv) Where a property is within the Coastal Hazard Planning Area	As per Chapter 3.2 Coastal Management
d Secondary boundary setback (on corner lots)	*Note: a corner lot must have an interior angle at the corner less than 135o, otherwise it's a continuation of an irregular front boundary (see figure 3)*	2m
e Waterfront setback ~~(absolute water frontage)~~		In accordance with the Foreshore Building Line Map and the provisions of Clause 7.3 of Central Coast LEP 2022. Where a setback is not specified as outlined above, development is to be setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway as follows: a 6m for the ground storey b 10m for any storey above the ground storey c 30m from the Hawkesbury River or any of its tributaries
f Boatsheds		2m from mean high watermark A deck, whether roofed or unroofed, is not permitted on any boatshed

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Aspect		Minimum Setback
		constructed within 6m of any creek, bay, lake, lagoon, river or any other waterway or unzoned land, or land zoned open space, land zoned recreation or reserved for waterfront public reserve
g Outbuildings rear and side boundary setbacks	(i) on lots with an area up to 300m^2	• for any part of the building with a height of up to 3.3m— 0 (Zero) and • for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(ii) lots with an area greater than 300m^2	• for any part of the building with a height of up to 3.8m— 0.5m and • for any part of the building with a height of more than 3.8m—0.5m plus one-quarter of the height of the building above 3.8m
	(iii) to a laneway	• 0 (Zero) for 50% of the length of that boundary and • as and as per point g (i) and g(ii) above for the remainder
	(iv) To a parallel road or public reserve	• 3.0m
	(v) Where a property is within the Coastal Hazard Planning Area	As per Chapter 3.2 Coastal Management

Table 1- Setbacks – Residential Lots

Note: reference to any point of a building with regard to side and rear setbacks excludes an eave up to 450mm wide and other permissible associated structures in accordance with the BCA.

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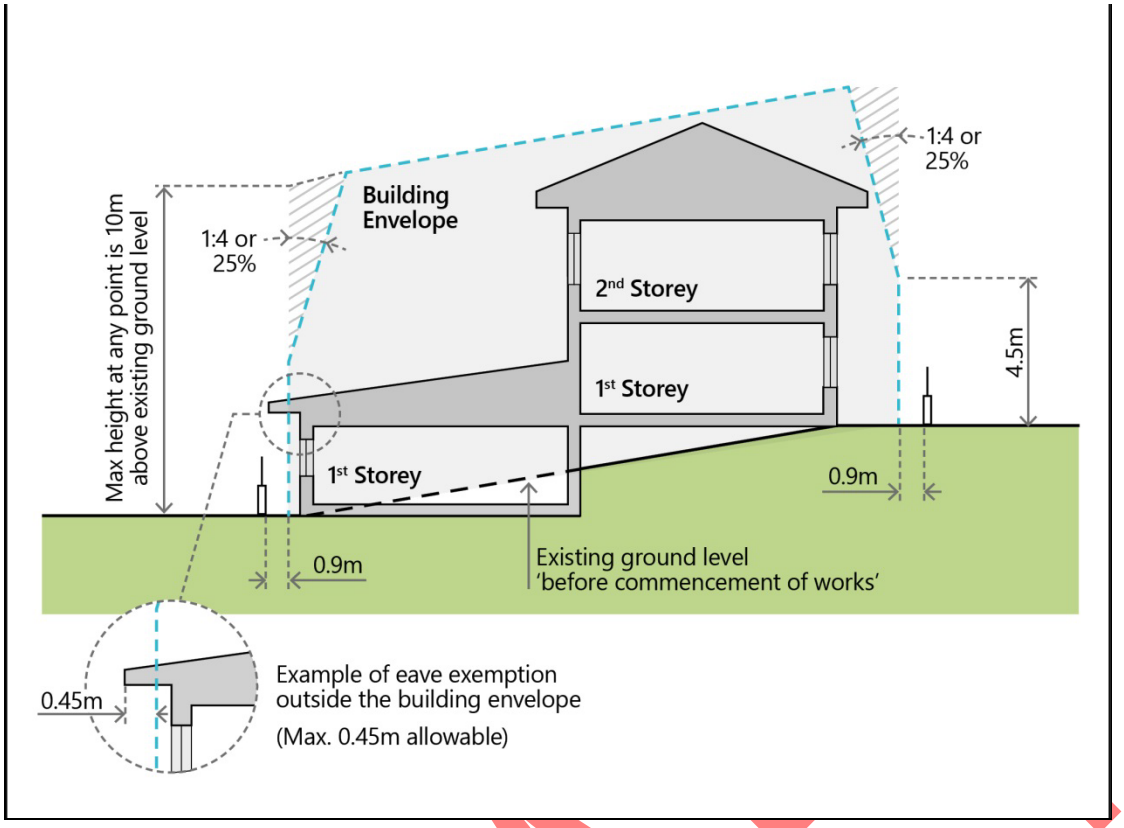

Figure 4 – Side Setback and Building Envelope Explanation (residential sized allotments)

2.1.3.2 Setbacks - Large Lots

REQUIREMENTS

The following setback requirements apply to dwellings and all ancillary development on a lot zoned RU1, RU2, RU6, C3, C4 or R5 or C2 (where permissible)**:**

Aspect		Minimum Setback
a Front boundary (primary frontage) for dwellings and all ancillary development (including outbuildings)	(i) lots with a site area up to 4000m^2	10m
	(ii) lots with a site area greater than 4000m^2	20m
b Rear boundary setbacks *Note: for irregular shaped lots with 3 or less boundaries they do not have a rear boundary*	(i) for dwellings and ancillary development (excluding outbuildings)	10m
	(ii) outbuildings – exclusively used for agricultural purposes	10m
	(iii) outbuildings – other	5m
c Side Boundary setback	(i) for dwellings and ancillary development (excluding outbuildings) on lots with a site area up to 4000m^2	2.5m
	(ii) for dwellings and ancillary development (excluding outbuildings) on lots with a site area greater than 4000m^2	10m
	(iii) outbuildings – exclusively used for agricultural purposes	10 m
	(iv) outbuildings – other	5m
d Secondary boundary setback (on corner lots)	(i) lots with a site area up to 4000m^2	5m

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Aspect		Minimum Setback
Note: a corner lot must have an interior angle at the corner less than 135º, otherwise it's a continuation of an irregular front boundary (see figure 3)	(ii) lots with a site area greater than 4000m^2	10m
e Waterfront setback (absolute water frontage)	*Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other structures such as boat sheds can be considered.*	40m or as mapped 30m from the Hawkesbury River or any of its tributaries
g Ridgelines	from crest, highest point or prominent brow	50m

Table 2- Setbacks – Large Lots

Note: Proposals for development within land use zones not listed under Sections 2.1.3.1 or2.1.3.2 above, where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

2.1.3.3 Articulation Zones

2.1.3.3.1 Primary Road Articulation for Dwelling Houses

Articulation zones can be provided to the front of a dwelling house which provides an allowance (bonus) for an entry and other design features to be positioned within the designated minimum setback area.

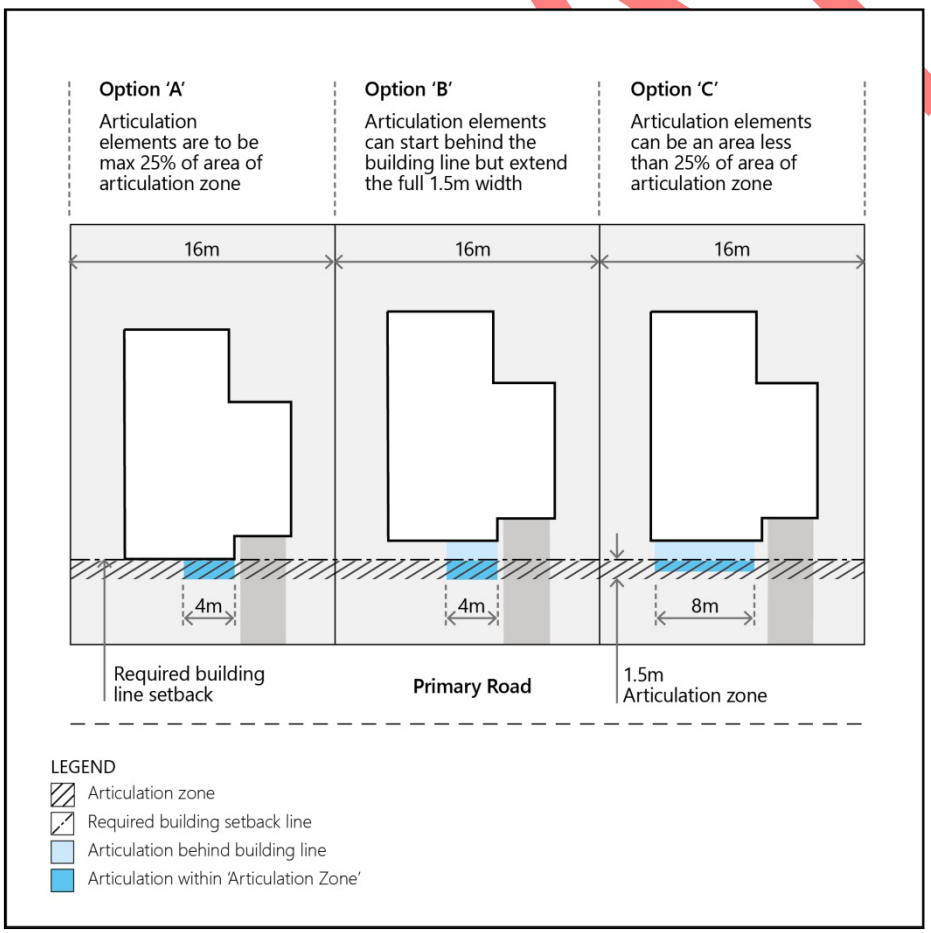

Figure 5 - Articulation Zones (site view)

Note: articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot.

Architectural elements which address the street frontage and permitted in the articulation zone include the following:

- entry feature or portico,
- a balcony, deck, patio, pergola, terrace or verandah,
- a window box treatment such as a bay window or similar feature,
- an awning or other sun shading feature over a window.

REQUIREMENTS

a An articulation zone within the designated setback area is only available to the primary road frontage and is measured 1.5m from the building to the minimum required setback from the subject road.

b The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone in accordance with Figure 5 above.

c Dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5 must have elevations facing road frontages articulated as follows:

i elevations when within 7.5m and facing a primary road frontage with unbroken lengths of walls that exceed 10m in length.

ii elevations facing and less than 4.5m from a secondary or parallel road frontage with unbroken lengths of walls that exceed 10m in length.

Note: unbroken lengths of walls that exceed 10m in length can either be articulated with architectural elements as permitted in primary road articulation zones or wall projections and or indentations (min. 0.45m x 1.5m in length) to ensures that a wall is not blank and has design elements that improve the streetscape.

Note: secondary and parallel road articulation is to occur behind the required minimum setback not within the designated setback as permitted with primary road articulation.

2.1.3.3.2 Garage Door Articulation

To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage door openings when within close proximity of a road frontage is required.

a The total width of all garage doors openings when within 7.5m and facing a primary road or parallel road on a lot zoned R1, R2, R3, or RU5 must not exceed:

i 6m if the lot has a width measured at the building line of 12m or less, or

ii 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

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2.1.4 RESIDENTIAL AMENITY

2.1.4.1 Views

OBJECTIVES

- To encourage view sharing as a means of ensuring equitable access to views from private property
- To facilitate reasonable view sharing whilst not restricting the reasonable development of the site

REQUIREMENTS

a Where relevant, applications must address the NSW Land and Environment Court Planning Principles relating to view sharing.

b Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from habitable rooms

c Development steps down the hillside on a sloping site

d The design of the roof form provides for view sharing. This may be achieved by consideration of the roof pitch and type (including flat roofs), increasing the setback on an upper level or by lowering the proposal in whole or in part.

2.1.4.2 Visual Privacy

OBJECTIVES

- To minimise direct overlooking between main living areas and areas of principal private open space within the site and adjoining sites

REQUIREMENTS

a. All development is to minimise visual impact on adjoining development through one or more of the following design solutions:
   - i Windows, in particular to main living areas and balconies, must not face directly onto windows, balconies or the principal private open space of adjoining dwellings
   - ii Staggering or splaying windows in relation to the windows of opposite adjoining dwellings
   - iii Designing elevated terraces or decks to minimise overlooking of adjoining properties
   - iv Use of landscaping and other screening devices of a height and design sufficient to screen direct views into main living areas and areas of principal private open space of adjoining dwellings
   - v Increasing sill heights from finished floor level to windows, including highlight or clerestory style windows to restrict overlooking

2.1.4.3 Private Open Space Areas

Open space areas are provided within the site to provide for outdoor living and landscaping areas.

OBJECTIVES

- To provide dwellings with individual private open space areas promoting a practical outdoor living area for residents
- To assist in the reduction of stormwater runoff from a site

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- To enable landscaping of the site and where possible retain existing significant vegetation

REQUIREMENTS

a For all dwellings the principal private open space areas shall be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:

i Lots with a width less than 10m wide at the building line 16m^2

ii Lots with a width greater than 10m wide at the building line 24m^2.

iii Minimum dimension of 3m.

Note: the principal private open space area should be sited behind the front building line and should be generally level and may be in the form of a deck, terrace or paved area. This area should be determined having regard to dwelling design, allotment orientation, and adjoining development and to minimise disturbance from any significant noise sources.

2.1.4.4 Sunlight Access

OBJECTIVES

- To facilitate solar access to the living areas and private open space areas of the dwelling and neighbouring dwellings

REQUIREMENTS

a On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.

b On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where:

c the proposed development complies with the building height and building envelope setbacks with this chapter

d the proposal adequately considers site constraints including slope and site orientation

e it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.

2.1.5 CAR PARKING AND ACCESS

A car parking space may be an open hard stand space, a carport or garage, whether attached to or detached from the dwelling house and is to provide safe entry and exit from a roadway.

OBJECTIVES

- Car parking is to be designed in sympathy with the development without becoming the dominant feature on the streetscape
- To provide adequate on-site parking relative to the occupancy of the dwelling
- To have car parking access that minimises the potential for pedestrian and vehicle conflict

REQUIREMENTS

Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:

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a 1 space if dwelling has 3 or less bedrooms.

b 2 spaces if dwelling has 4 or more bedrooms.

c Car parking should be located behind the primary road setback and/or secondary road setback.

d Car parking provision for a battle-axe lot, classified roadway or busy street should be designed to enable vehicles to enter and exit the site in a forward direction for safer vehicle entry and exit and pedestrian access.

e An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.

f Maximum driveway width is 4m at the street crossover

g Have driveway access to a public road.

h Driveways are to be designed in accordance with the relevant Australian Standard and provisions of Council's Civil Works Specification

Note: Driveway width should be minimised, however may splay greater than 4m close to the dwelling where providing access to a garage designed to house more than 2 cars

Note: Parking on site within a street setback may be used to satisfy the second (not primary) car parking provision.

2.1.6 EARTHWORKS, STRUCTURAL SUPPORT AND DRAINAGE

Sloping sites as opposed to relatively flat sites presents design consideration for development to manage fall in land which may take the form of benching or stepping the site and or development depending on the severity in the fall/slope of land.

OBJECTIVES

- To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries
- To ensure that building designs conform to natural land forms and site constraints
- To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land
- To ensure that the amenity of adjoining residents and the streetscape is not adversely affected
- To restrict the siltation of waterways and erosion of land disturbed by the development

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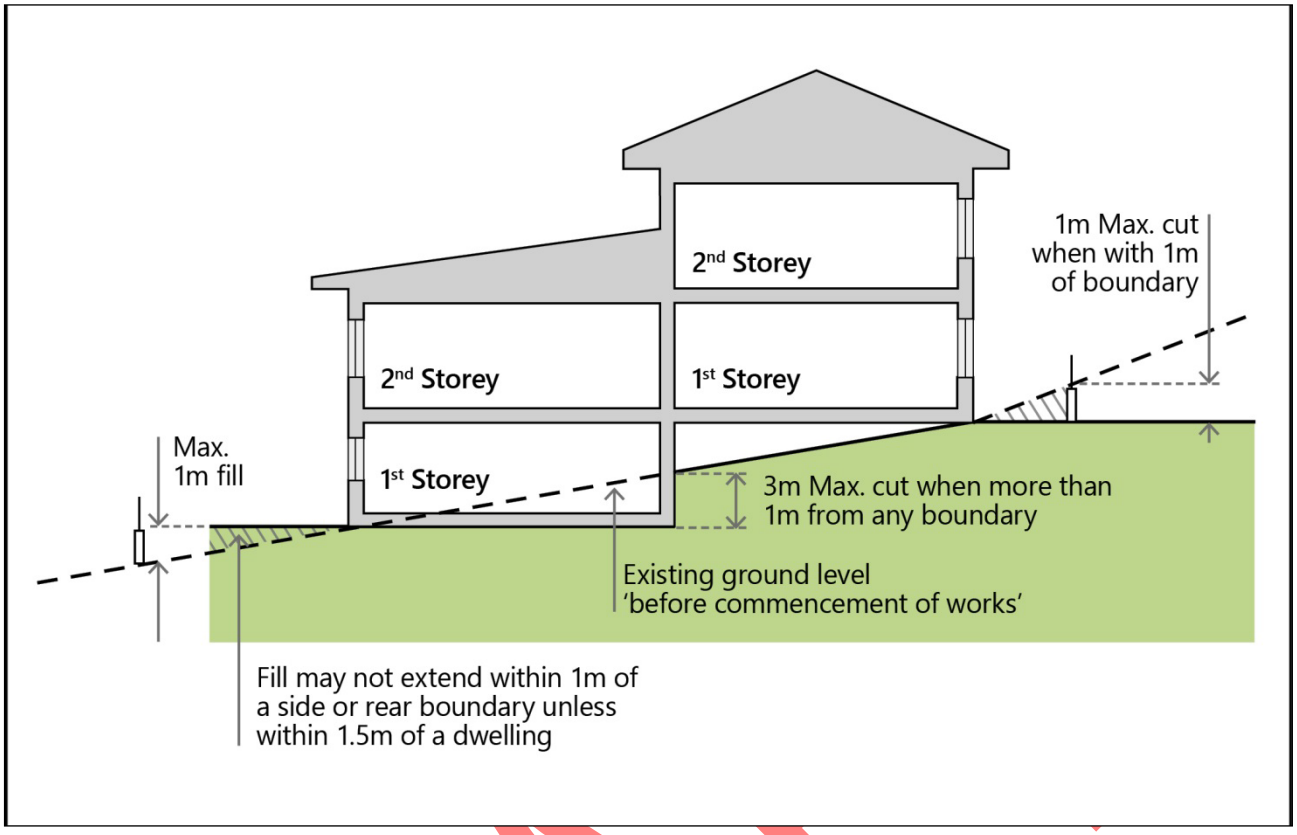

Figure 6 - Cut and Fill

REQUIREMENTS

2.1.6.1 Earthworks

a Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.

b Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.

c Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement

Note: Fill for development other than for a dwelling is to generally comply with the exempt provisions Codes SEPP.

Note: Fill to flood lots generally is not supported and would be subject to meeting the objectives and requirements of Chapter 3.1 Floodplain Management.

2.1.6.2 Retaining Walls and Structural Support

a Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.

Note: The height of a retaining wall is measured from the base of the retaining wall to its uppermost portion and may include a combination of height above and below ground level (existing).

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b Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:

i not have an embankment slope greater than that required by the BCA for its soil type

ii generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary.

Note: Retaining walls or earthworks not structurally supported shall be designed so as not to redirect the flow of any surface water onto adjoining land.

2.1.6.3 Drainage

All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling, outbuilding or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.

2.1.7 ANCILLARY DEVELOPMENT

OBJECTIVES

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape

For the purposes of this chapter the following definitions will be applied.

Definition: ancillary development means any of the following that are not considered exempt development under the exempt provisions of the Codes SEPP:

(a) access ramp, driveway, hard stand space, pathway or paving,

(b) awning, blind or canopy,

(c) balcony, deck, patio, pergola, terrace, verandah or carport or garage that is attached to a dwelling house,

(d) basement,

(e) detached studio or outbuilding

(f) fence, screen or retaining wall

(g) rainwater tank that is attached to a dwelling house,

(h) swimming pool or spa pool and child-resistant barrier.

Definition: detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

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Definition: attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

REQUIREMENTS

a Ancillary development shall not exceed the relevant provisions detailed within this chapter.

2.1.7.1 Outbuildings

Definition: outbuilding (as defined by the NSW Housing Code) means any of the following:

(a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,

(b) cabana, cubby house, fernery, garden shed, gazebo, greenhouse or farm building,

(c) carport, garage, shed, shade structure or rainwater tank (above ground) that is detached from a dwelling house,

REQUIREMENTS

a Outbuilding development shall not exceed the relevant provisions detailed within this chapter.

Note: there are specific height and setback requirements for outbuildings listed under Sections 2 and 3 above

b An outbuilding is not to be used as a habitable building.

c Maximum Floor Area of Ancillary Outbuildings on a lot zoned R1, R2, R3 or RU5:

i 45m^2 for lots with a site area up to 600m^2.

ii 60m^2 for lots with a site area from 600m^2 to.700m^2.

iii 75m^2 for lots with an area from 700 - 800m^2.

iv 85m^2 for lots with an area from 800 -900m^2.

v 100m^2 for lots with an area greater than-900m^2.

2.1.7.2 Detached Studios

A detached studio can be used for a range of purposes associated and used in conjunction with a dwelling house. It may be constructed as a habitable building but cannot be modified or used as a separate dwelling. This means that whilst a detached studio may include a bedroom, it cannot include other building elements that would enable use as a separate dwelling such as the inclusion of kitchen facilities for the preparation and cooking of food or laundry provisions.

REQUIREMENTS

a Ancillary development comprising a detached studio is to comply with the following:

i one detached studio per lot.

ii scale and setbacks requirements as detailed in this chapter for a dwelling house.

iii maximum floor area of 50m^2.

iv Any detached studio is to be located behind the main building line of the principal dwelling unless it is integrated with the design of the dwelling.

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Definition: detached studio means ancillary development that is habitable and is established in conjunction with a dwelling house, and on the same lot of land as the dwelling house, and separate from the dwelling house.

2.1.7.3 Swimming Pools

REQUIREMENTS

a Ancillary development comprising a swimming pool for private use should:

i be located on a lot behind the setback area from a primary road or in the rear yard unless it can be justified that site constraints exist.

ii comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.

iii have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and or be housed in an enclosure that is sound proofed.

2.1.7.4 Fencing

Variations to the standards for fencing specified in the Codes SEPP or additional exempt development provisions provided for in Central Coast LEP 2022 require a development application.

Note: Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.

REQUIREMENTS

a The construction or installation of a dividing fence or fence within the setbacks of a road frontage is to comply with the following:

i any fence located along the boundary to a primary road must be a maximum height of 1.2m above natural or approved ground level where the frontage is to a local road or 1.8m where the frontage is to a classified road.

ii side and rear fencing to a maximum height of 1.8m above natural or approved ground level.

iii any fence opening for provision of vehicle access to be in accordance with *AS/NZS 2890.1*, Parking facilities, Part 1: Off-street car parking to ensure pedestrian and vehicle sight distance safety is maintained.

iv any fence to be constructed or installed within the front setback of a lot from the intersection of the two road boundary lines (corner allotment) is to comply with the Safe Intersection & Sight distance requirements of the Austroads Guides.

v Any fence along a primary road frontage is to be constructed from high quality durable materials such as rendered concrete, stone or treated and painted timber. Unrelieved materials such as metal panelling and unpainted timber palings are not permitted.

vi any fence located along the boundary of, or within 1.5m to a primary road must be open for at least 25% of the area of the fence that is more than 0.9m above ground level (existing), excluding any post or piers to a maximum width of 350mm, or be setback 1.5m from the boundary to provide for a streetscape landscaping provision.

vii if it is constructed or installed on a flood control lot not redirect or interrupt the flow of surface water on that lot (a minimum opening under the fence bottom rail of 100mm is required).

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viii any masonry fencing requires an application/approval under the Water Management Act (S305) to ensure services are not impacted upon (if water and sewer is provided to that lot).

b Front fences should not be constructed in areas where front fencing if not part of the overall streetscape.

Note. If the fence is a dividing fence, the Dividing Fences Act 1991 also applies.

2.1.8 SECONDARY DWELLINGS

Secondary dwellings are permitted subject to approval on certain land under Central Coast LEP 2022 and *State Environmental Planning Policy (Housing) 2021*. Central Coast LEP 2022 defines secondary dwellings and associated provisions.

Note: These provisions form part of the LEP definition and cannot be varied.

OBJECTIVES

- To promote housing choice and affordability
- To ensure that the secondary dwelling compliments the design of the main dwelling house and provides a high quality living environment for residents,
- To ensure that the siting and design of secondary dwellings does not cause significant adverse amenity impacts on the main dwelling house or adjoining properties.
- To ensure that car parking does not adversely impact the dwelling house
- To ensure that separate pedestrian and service access is provided to a secondary dwelling without compromising the amenity of the main dwelling house or adjoining properties.
- To ensure private open space is provided on site for the secondary dwelling and is useable, functional and has a high level of amenity.

2.1.8.1 Setbacks

REQUIREMENTS

a Setbacks for secondary dwellings are to be in accordance with the requirements for the principal dwelling house section of this chapter.

b The secondary dwelling is to be located behind the main building line of the principal dwelling unless it is consistent with the design of the dwelling.

Note: Setbacks from all boundaries are in accordance with those required for dwelling houses.

2.1.8.2 Access

REQUIREMENTS

a Separate pedestrian access must be provided to a primary or secondary road frontage and be located to minimise the potential for adverse amenity impacts on the main house.

b Pedestrian accessibility must be provided to the secondary dwelling from the road for the purpose of garbage and mail collection.

c Where vehicular access is provided to the secondary dwelling, each dwelling is to be accessed from a common driveway. Additional separate access crossings will not be supported

Note: No reliance can be given to a laneway for the purposes of garbage and mail collection.

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2.1.8.3 Private Open Space

REQUIREMENTS

a Secondary dwellings be provided with an area of private open space in accordance with the following:

i Minimum area of 16m^2 which is separate to the required open space for the primary dwelling

ii Minimum dimension of 3m

iii Is directly accessible to a main living area (living or dining room)

iv Has adequate solar access and privacy as per the requirements for dwelling houses

v Is not steeper than a 1:50 gradient

b Development of the secondary dwelling must not result in the private open space of the principal dwelling being located within the front setback.

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