



Bellingen Shire Development Control Plan 2017

Chapter 2 **Multiple Dwelling Construction**

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Table of Amendments

Amendment	Date Adopted	Date Commenced
Minor review of DCP - DCP 2017 replaces DCP 2010	22 November 2017	6 December 2017

2.1 Aims

The aims of this chapter are to:

- a) To encourage a high standard of residential development that is respectful to the amenity of neighbours, the character of the locality and the natural and built environment within which it is located.
- b) To encourage development that will contribute towards increased levels of physical activity and healthy living patterns.
- c) To encourage the provision of a range of dwelling sizes to accommodate changing housing needs.
- d) To improve housing affordability in the Bellingen Shire.
- e) To encourage and support the provision of more affordable dwelling types.
- f) To ensure that increased densities of development only occur where the developers make an appropriate contribution to the progressive improvement of the social, physical and environmental infrastructure necessary to support those increased densities.

2.2 Where This Chapter Applies

This chapter applies to all land within Bellingen Shire upon which multiple dwelling construction is permitted under the provisions of Bellingen Local Environmental Plan 2010, unless any site specific development controls included in later chapters of this DCP nominate alternative requirements. In this case, the provisions of the site specific development controls shall prevail.

2.3 When This Chapter Applies

This chapter applies when any Development Application is received by Council that proposes the erection of more than one dwelling on a parcel of land.

It does not apply when the proposed development can be considered as “exempt” or “complying” development under the provisions of either State Environmental Planning Policy (Exempt and Complying Development Codes) or any other Environmental Planning Instrument applying to the land.

It does not apply when standards for multiple dwelling construction are inconsistent with those specified elsewhere in an Environmental Planning Instrument. In these circumstances, the provisions of the EPI shall prevail to the extent of the inconsistency.

2.4 Variations

Council may consider variations to the standards required of development in this chapter when the overall aims of this chapter and any specific aims that may be detailed for that particular standard can be achieved.

2.5 Definitions

Definitions of terms used within this chapter are the same as those contained within Bellingen Local Environmental Plan 2010. Additional terms not defined in BLEP 2010 are included below.

Building Height Plane Envelope is defined by a plane projected at an angle of 35 degrees over the land to be built upon, from a distance of 3m above the ground level at the boundary of the site to a maximum height of 10m above natural ground level.

Multiple Dwelling Construction means any Development Application that proposes, or would result in, the erection of more than one dwelling on a parcel of land.

Note: differs from definition of “multi-dwelling housing” in BLEP 2010.

2.6 Development Criteria

2.6.1 Rural Dual Occupancy

Aim

- a) To provide for effective visual integration of attached buildings.
- b) To ensure that the vehicular movements for each dwelling can function independently of each other.

Criteria

- 1) Compliance with all relevant provisions in Chapter 1.
- 2) Both dwellings shall be attached, as per the requirements of BLEP 2010. For the purpose of administering this provision, the two dwellings shall be considered as attached if they show a clear integration in terms of building elements such as external walls and rooflines and materials, thereby creating the impression of a single dwelling only. The two dwellings may be joined by a garage or carport.
- 3) One separate car parking space must be provided for each dwelling. These shall be located so that each parking space can function independently of the other. Shared garages are not considered acceptable for the purpose of compliance with this provision.

2.6.2 Rural Multiple Occupancy

Aim

To confirm the relationship between Council policy and Schedule 1 – Rural Landsharing Communities of SEPP (Integration and Appeals) 2016.

Criteria

House sites endorsed as part of any application made to Council pursuant to SEPP (Integration and Appeals) 2016 shall demonstrate compliance with the provisions of Chapter 1 of this DCP.

2.6.3 Permissible densities for development in residential zones

Aim

- a) To allow for increased residential density in unconstrained areas that are within easy walking distance of town centres, open space areas and services provided existing infrastructure has capacity for this increase in population.
- b) To encourage walking and healthy lifestyles and a reduction in private vehicle dependency.
- c) To improve the vibrancy of existing town centres.
- d) To increase community access to and use of both local and regional open space areas

Criteria

- 1) Land identified within localities identified in Appendix 2.1 – Density Localities may be developed in accordance with the densities prescribed for each locality in Table 2.1 below.

Table 2.1. Permissible densities by locality

	Site area required for each dwelling	Minimum landscaped area for each dwelling
Locality 1	600m ²	300m ²
Locality 2	450m ²	220m ²
Locality 3	300m ²	100m ²
Locality 4	150m ²	40m ²

- 2) The provisions of this chapter do not apply to any land zoned R1 that is unsewered.
- 3) In order to encourage the provision of a wider range of housing stock in Bellingen Shire, any development that proposes a new one or two bedroom dwelling in the overall development layout may utilise the next highest density locality requirement in determining the site and landscaped area required for that particular dwelling. For example, if land is within Density Locality 2 then for each one or two bedroom dwelling proposed, the site area required for the dwelling will be 300m² (as required by Density Locality 3).

In any case, any development that proposes the construction of 4 or more dwellings must include the construction of 1 x one or two bedroom dwelling within each 4 dwelling mix. For 8 dwellings, there must be 2 x one or two bedroom dwellings, for 12 dwellings there must be 3 x one or two bedroom dwellings and so on.

- 4) The required landscaped area may include those areas required for “private open space” by Section 2.6.9 of this DCP, where those areas meet the definition of landscaped area in the BLEP 2010.
- 5) The required landscaped area may be individually allocated to dwellings, incorporated into a common area accessible to all occupants, or be a combination of both.

- 6) Council will usually only consider variations to the abovementioned criteria where the design ensures;
- the impact of the development on the privacy of adjoining lots is minimised (demonstrated by compliance with Section 2.6.12);
 - compatibility with the existing character of the street;
 - the increased density will not have an undesirable impact of overshadowing of adjoining development (demonstrated by compliance with Section 2.6.6);
 - essential services in the locality are adequate for the additional density;
 - the increased density will not unduly decrease views from adjoining dwellings; and
 - where the proposal is located in the Bellingen Conservation Precinct, the proposal includes the retention of an existing dwelling which enhances the value of the Conservation Area.

2.6.4 Secondary dwellings

Aim

To confirm standards for secondary dwellings that cannot be approved as complying development pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

Criteria

In circumstances when a secondary dwelling is not able to be approved as “Complying Development”, Council may permit the erection of a secondary dwelling in accordance with the following criteria.

- 1) Compliance with all relevant criteria for single dwellings in Chapter 1 of this DCP.
- 2) If a separate garbage service is proposed to be provided for the secondary dwelling, details of the design and location of the proposed garbage storage area serving the secondary dwelling must be provided as part of the development application.
- 3) Where the property has dual frontage to a rear lane, and it is proposed to access the secondary dwelling from the lane, the secondary dwelling is designed to ensure that it is orientated towards the lane.
- 4) For the purpose of calculating Developer Contributions, the secondary dwelling shall be viewed as additional bedroom/s to the principal residence.

Note: A 60m² floor area restriction applies to secondary dwellings in the BLEP 2010.

Note: Council resolved to waive the requirement for payment of Section 94 contributions in relation to secondary dwelling applications for the 2016-2018 financial years on the 27th July 2016. This waiver may continue beyond this timeframe so it is recommended that you seek advice from Council as to whether or not developer contributions will be charged prior to the lodgement of your application.

2.6.5 *Setbacks from boundaries*

As per requirements of Section 1.6.1 of Chapter 1 – Single Dwellings.

2.6.6 *The Building Height Plane Envelope*

As per requirements of Section 1.6.3 of Chapter 1 – Single Dwellings.

2.6.7 *Vehicular access*

Aim

- a) To minimise adverse cumulative impacts (on occupants, neighbours and the public road network) associated with additional vehicle movements.
- b) To ensure that existing pedestrian safety is maintained or improved by new development.
- c) To ensure that the visual impact of new carparking areas and driveways on the amenity of residential areas is minimised.

Criteria

These criteria are specific to multiple dwelling construction and are additional to core criteria specified in Chapter 5 - Carparking and Vehicular Access.

- 1) Developments shall be designed so as to have a single point of access to the public road network on any frontage, except for laneways.
- 2) New driveways shall have a minimum pavement width of 3m, within a specified 4m reservation. Driveways adjoining property boundaries must:
 - Be setback a minimum of 1m from the boundary,
 - Be fully fenced at the developers cost with a 1.8m high solid fence up to the front building line of the new development. If fencing is proposed between the front property boundary and the front building line, this is to have a maximum height of 1.2m above existing ground level.
 - Provide landscaping within the 1m setback to the side property boundary (provided this does not interfere with underground services or traffic safety).
- 3) Provision must be made for all vehicles to enter and leave the site in a forward direction.
- 4) Any driveway servicing more than 3 dwellings shall be centrally located within the development site rather than abutting neighboring boundaries. Consideration may be given to variations having regard to the sensitivity of the adjoining land uses.
- 5) Driveways of excessive length shall incorporate:
 - landscaped blisters to avoid the visual impact of gun barrel style driveways and to provide for traffic calming, and
 - passing bays.

- 6) Any new vehicular access point onto a laneway will necessitate an upgrade of the rear lane where its characteristics do not meet Council's urban road standards, as follows:
 - i. Reconstruction of the laneway including provision of a minimum bitumen seal width of 4.5 metres with controlled drainage with rolled kerb and gutter for the full laneway frontage of the property.
 - ii. Where Council considers that the existing lane surface and profile beyond the laneway frontage of the property is unable to cater for the projected increase in traffic, the lane shall be upgraded to comply with Council standards.
 - iii. Any required lane upgrade works shall tie in with the existing profile to Council's satisfaction.
 - iv. Where the existing drainage infrastructure within the lane is unable to accommodate the projected additional storm water runoff that will be generated from the proposed development, the new drainage infrastructure is to be extended to a legal point of discharge including any required piped drainage system so as to prevent any adverse impacts on adjoining properties and Council infrastructure.
- 7) Vehicular access must be constructed having regard to the proposed form of subdivision (if any) proposed for the development. Note: Chapter 3 of this DCP provides standards for vehicular access for subdivisions.

2.6.8 Urban design

Aim

- a) To ensure that dwellings address the street frontage and thereby allow for casual surveillance of public areas,
- b) To ensure that new development respects, complements and positively contributes to the existing character of the streetscape,
- c) To promote ageing in place by extending the usability of dwellings to meet "whole of life" needs of the community.

Criteria

Multiple dwelling developments shall;

- 1) Incorporate articulated facades and rooflines into the building design. In general, any elevation of a building shall not exceed 10m in length without being broken by a change in external walls and rooflines.
- 2) Ensure that front elevations to primary street frontages include front doors, windows or balconies.
- 3) Incorporate genuine variations in design between different components of the development. Variability must be demonstrated in terms of the building configuration, colour schemes, materials and finishes.
- 4) Ensure that garages do not visually dominate the street frontage.
- 5) Be designed to comply with Chapter 13 – Universal Housing.

2.6.9 Private open space

Aim

- a) To ensure that the residents of each dwelling within the development have access to a suitably located private open space area to provide for their recreational needs.

Criteria

- 1) A minimum area of 24m² of private open space shall be provided for each dwelling with ground floor access to land.
- 2) The ground floor private open space area must have a minimum width and length of 4 metres and be sited on land with a maximum grade of 12.5%. It also must be located, orientated and landscaped so as to:
 - Maximise access to sunlight in winter and shade in summer,
 - Minimise overlooking from neighbouring buildings, and
 - Provide an adequate level of privacy for future residents.
- 3) Where site orientation or natural features of the site warrant placement of the private open space areas within the front setback of the property, these areas must be screened from the street using a combination of suitable fencing and landscaping. Note: Provision of private open space areas within front setback areas must not totally obscure the view of the street from within the dwelling or the front garden and generally will only be permitted for 2 storey developments that incorporate 1st floor balconies on the street frontage. Details of proposed fencing and a landscaping plan that demonstrate how the criteria will be complied with must be submitted with the development application.
- 4) Where dwellings have no ground floor component or where the site is steep and a suitable area with a grade less than 12.5% is not and cannot be made available for dedication as a private open space area for each dwelling, a balcony with an area of not less than 10m² and with a minimum dimension of 2.5 metres will be accepted as an alternative. Balcony areas shall be provided on northern elevations where practical.

2.6.10 Clothes drying areas

Aim

- a) To ensure that suitably located clothes drying areas are provided to meet the projected needs of residents.
- b) To minimise the visual impact of clothes drying areas on the streetscape and amenity of the area.
- c) To minimise the need for electric clothes dryers and improve energy efficiency of the development.

Criteria

- 1) Provision shall be made for outdoor clothes drying areas for each dwelling included in the application.

- 2) Clothes drying areas may be located in a common service area or in each private open space area, provided they are not located on balconies or within the front setback.
- 3) Where clothes drying areas are to be provided in a common service area, a minimum of 7.5 metres of clothes line shall be provided for each dwelling.
- 4) The clothes drying area shall be suitably screened from public view.
- 5) The clothes drying area shall be located so as to maximise solar access.

2.6.11 Landscaping

As per the requirements of Chapter 9 – Landscaping Requirements.

2.6.12 Privacy

Aim

To provide for the incorporation of permanent and structural design measures into dwellings that provide an appropriate level of privacy to surrounding landowners and residents within the development site.

Criteria

Privacy shall be provided between windows in adjoining occupancies and between private open space areas (including balconies and ground floor areas). Developments shall be designed in accordance with the following provisions:

- 1) In multi dwelling housing, semi-detached dwellings and attached dual-occupancy developments, living areas shall be located on the ground floor to minimise the occurrence of casual overlooking of private open space areas of surrounding dwellings.
- 2) 1st floor balconies must be located and designed so as to minimise the casual overlooking of private open space areas of existing dwellings on adjoining properties. It is Council's preference that permanent and structural building design measures (eg: solid walls, building orientation, recessed balconies) shall be utilised to direct views away from such areas. Where this is not feasible, the installation of privacy screens of at least 1.7 metres above the finished floor level of the balcony that direct views away from private open space areas and habitable rooms of existing dwellings may be accepted.
- 3) All habitable room windows that are within 3 metres of a side or rear property boundary must be offset from habitable windows in the adjacent dwelling/s unless those windows are on a ground floor that has a finished floor level less than 1 metre above ground level (existing) and a common boundary fence of 1.8 metres high already exists or is proposed to be constructed as part of the development.
- 4) If one or more of the habitable windows in the proposed dwelling does not meet criteria 3), the dwelling design must incorporate one of the following design measures to protect the privacy of existing residents:
 - i. The non-complying window has a minimum sill height of 1.5 metres, or
 - ii. Translucent glazing will be provided to any part of the non-complying window less than 1.5 metres above floor level, or

- iii. External privacy screens will be installed in front of the non-complying window to block the line of sight to habitable rooms in the adjacent dwelling.

2.6.13 Garbage storage areas

As per the requirements of Chapter 14 – Site Waste Minimisation and Management

2.6.14 Letterboxes

Aim

- a) To ensure that each dwelling is allocated a letterbox.
- b) To ensure that letterboxes are suitably designed and located.

Criteria

- 1) Letterboxes shall be provided for each dwelling of the development.
- 2) Letterboxes shall be located so they:
 - are wholly located within property boundaries,
 - are visible from at least one dwelling that is part of the development, and
 - facilitate ease of access by delivery vehicles and residents.
- 3) Letterbox banks shall be constructed so as to integrate with the design and materials of the overall development.

2.6.15 Infrastructure requirements

Aim

To ensure that adequate infrastructure exists to support the residential occupation of land.

Criteria

As per Section 1.6.11 of Chapter 1 – Single Dwellings, with the following exceptions:

Kerb and Guttering

It is Council's intention that development proceeds in an orderly and generally sequential manner with contemporary connections to public infrastructure.

Therefore, Council will require at a minimum, construction of kerb and guttering across the frontage of the development site. This work shall tie in with the existing kerb and gutter profile in the street to Council's satisfaction.

Water and Sewer

- 1) Multiple dwelling developments should be designed with a view towards future subdivision potential and required infrastructure installed at construction stage.

For example, if Torrens Title Subdivision is proposed the sewer main will be required to be extended to each individual allotment.

- 2) Council will require the installation or upgrading of essential services infrastructure (i.e.: water mains and hydrants for fire fighting purposes; sewer mains) where necessary. Council is unlikely to support incremental increases in demand upon already substandard systems (eg: where water mains are in rear lanes) and may require the development and installation of new servicing strategies should increased densities of development be proposed.

Note: Applicants should liaise with Council's Water and Wastewater Division regarding system capacities.

- 3) Construction over a sewer main is not permitted. Driveways may be permitted, provided segmented pavement is used to enable access to the main if necessary without impacting upon the remainder of the driveway.

2.6.16 Shop top housing

Aims

- a) To provide opportunities for residential accommodation in areas with superior access to facilities.
- b) To provide opportunities for passive surveillance of commercial areas in non-business hours.

Criteria

- 1) Shop top housing developments are designed to comply with criteria 2) to 5) of 1.6.7 in Chapter 1 – Single Dwellings and all relevant sections of this Chapter.
- 2) Car parking shall be provided on-site as per Chapter 5 – Carparking and Vehicular Access.

APPENDICES

APPENDIX 2.1 – DENSITY LOCALITIES



























