
COBAKI LAKES

DEVELOPMENT CODE

PART A - EXEMPT AND COMPLYING DEVELOPMENT

PART B - DEVELOPMENT CONTROLS

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Part A of this Development Code contains the controls for Exempt and Complying Development for Cobaki Lakes.

Approved:

**Sam Haddad
Director-General**

November 2009

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1.0 INTRODUCTION

This section of the Development Code provides an overview of the purpose and the structure of the Cobaki Lakes Development Code and provides information on how to apply the Code to various development types with Cobaki Lakes.

1.1 Name and Application of this Plan

This Code is known as the Cobaki Lakes Development Code. The Cobaki Lakes Development Code forms part of the Cobaki Lakes Concept Plan approval and is to accompany and provide design detail for development to be undertaken in accordance with the Concept Plan.

This Development Code applies to development within Cobaki Lakes. The boundary of the Cobaki Lakes site is shown at **Figure 1.1.1**.



Figure 1.1.1: Land to which this Development Code Applies

1.2 The Cobaki Lakes Concept Plan

The Director General of the Department of Planning, as the delegate of the Minister for Planning, formed the opinion that the proposed development was a Major Project that required the Minister's approval under Part 3A of the Environmental Planning and Assessment Act 1979. A Concept Plan has been approved for the project.

The Concept Plan provides the Minister's approval for the following aspects of the proposed development:

- ♦ Vision and design principles for Cobaki Lakes Estate;
- ♦ General layout and siting of development into precincts;
- ♦ Land uses in each precinct;
- ♦ A mix of lot sizes and products;
- ♦ Open space and landscape management concepts;
- ♦ Access network of roads, public transport routes, pedestrian/cycle paths;
- ♦ Water management concept;
- ♦ Utility services strategy; and
- ♦ Statement of commitments.

Design guidelines and planning controls that give effect to development in accordance with the Cobaki Lakes Concept Plan are contained in the Cobaki Lakes Development Code.

The Concept Plan at **Figure 1.2.1** illustrates the broad level development outcomes for Cobaki Lakes. It outlines the development footprint, land uses, open space and environmental protection areas, major transport linkages and general location of community facilities and schools.

Objectives

- (1) To ensure development of Cobaki Lakes is undertaken in a co-ordinated manner consistent with the Concept Plan.

Controls

- (1) All development is to be undertaken generally in accordance with the Cobaki Lakes Concept Plan at **Figure 1.2.1** subject to compliance with the objectives and development controls set out in this Code.
- (2) Land uses are to be as specified on the Precinct Development Matrix at **Figure 1.2.2**.
- (3) Where variation from the Concept Plan is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for Cobaki Lakes set out in Section 1.3 of this Development Code. The Development Code may require amendment where significant variation is envisaged.

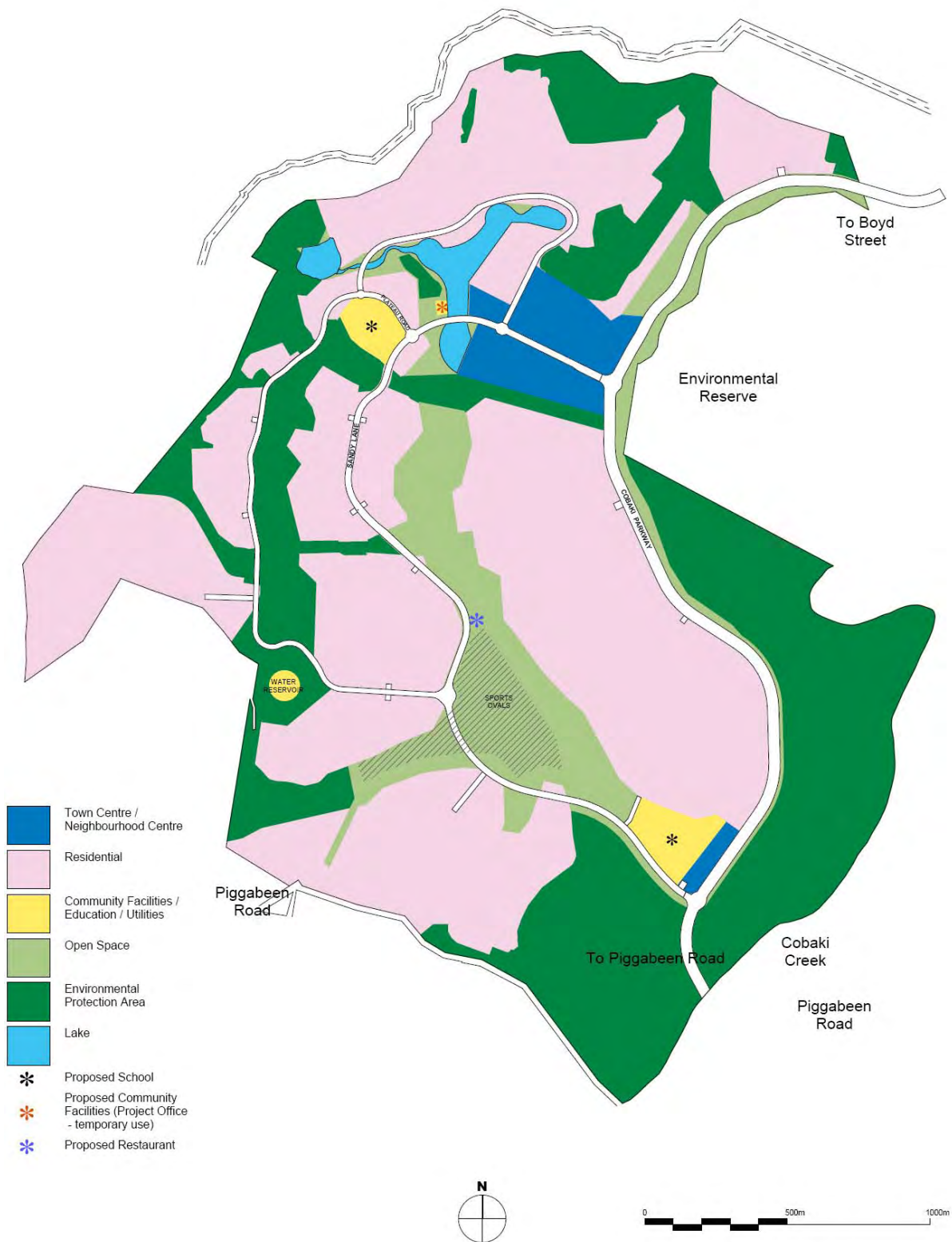


Figure 1.2.1: Cobaki Lakes Concept Plan

Concept Plan Domain	Development Uses	Total Area		Urban Design Principles
		Leda Owned Land	Proposed Road Closures	
Town Centre/ Neighbourhood Centre	<ul style="list-style-type: none"> • Business premises • Carpark • Child care centre • Community facility • Education establishment • Entertainment facility • Environmental facility • Food and drink premises • Funeral chapel • Health services facility • Home business • Hotel or motel accommodation • Information and education facility • Medical centre • Night Club • Office premises • Place of worship • Pub • Recreation area • Recreation facility (indoor) • Residential care facility • Residential types in Development Code • Restaurant • Retail premises • Roads • School • Seniors housing • Service station • Sewage reticulation system • Shop • Telecommunication facility 	18.7 ha	0.9 ha	<ul style="list-style-type: none"> • Urban form controlled by Plan of Development in Precinct approval • Building height controlled by Development Code • Mixed uses are encouraged • Provide legible off-street parking • All required parking located within site • Create town square focus • Buildings facing main streets are encouraged to have active frontages • Pedestrian friendly streetscape with awnings • Create interesting buildings with articulated facades • Screen or conceal passive facades and service areas • Soften visual impact of carpark with landscaping • Incorporate urban art and public streetscaping • Must demonstrate sensitive interface with surrounding development • Ground floor facing main roads must be non residential use • Landscape concept to maintain visibility of retail uses • Incorporate passive surveillance and public safety principles
Residential	<ul style="list-style-type: none"> • Carpark • Child care centre • Community facility • Environmental facility • Exhibition village • Home based child care • Home business • Recreation area • Recreation facility (outdoor) • Residential care facility • Residential types in Development Code • Roads • Seniors housing • Sewage reticulation system 	289.6 ha	3.9 ha	<ul style="list-style-type: none"> • Urban form controlled by Plan of Development in Precinct approval and the Development Code • Create diversity of housing choice • Designs must optimise residential amenity, privacy and solar access • Strong streetscape character with articulated setbacks • Incorporate on-site private recreation areas • Garage doors must not dominate streetscape • Incorporate passive surveillance and public safety principles • Incorporate public open space within walkable radius of each dwelling
Community Facilities/ Education/ Infrastructure	<ul style="list-style-type: none"> • Carpark • Child care centre • Community facility • Education establishment • Environmental facility • Health services facility • Information and education facility • Kiosk • Office premises (Project office – temp usage) • Place of worship • Recreation area • Recreation facility (indoor) • Recreation facility (outdoor) • Roads • School • Telecommunication facility • Water storage facility 	8.5 ha	-	<ul style="list-style-type: none"> • Locate school buildings with integrated parking and shared facilities • Provide adequate safe setdown areas • Sporting facilities may be shared between schools and community • Must demonstrate sensitive interface with surrounding development • Enhance community education on surrounding environment
Public Open Space	<ul style="list-style-type: none"> • Carpark • Community facility • Environmental facility • Food and drink premises • Kiosk • Recreation area • Recreation facility (indoor) • Recreation facility (outdoor) • Roads 	76.6 ha	1.4 ha	<ul style="list-style-type: none"> • Include range of active and passive uses • Incorporate community facilities appropriate to residents needs such as ovals, amenities and carparking • Sporting facilities may be shared between schools and community • Incorporate stormwater path and treatment
Environmental Protection Area	<ul style="list-style-type: none"> • Environmental facilities 	190.6 ha	5.9 ha	<ul style="list-style-type: none"> • Incorporate low-impact community trails for public and service access • Provide linkages in accordance with the Pedestrian and Cycle Network Plan
Lake	<ul style="list-style-type: none"> • Carpark • Environmental facility • Recreation area • Recreation facility (outdoor) • Water body (artificial) • Water recreation structure 	9.2 ha	0.1 ha	<ul style="list-style-type: none"> • Provide low-impact public access • Provide linkages in accordance with the Pedestrian and Cycle Network Plan
Total Area		593.2 ha	12.2 ha	

Figure 1.2.2: Precinct Development Matrix

1.3 Vision and Development Objectives

Vision

Cobaki Lakes will establish itself as a high quality urban environment founded on the principles of community pride, well-being and healthy living.

The Cobaki Lakes development will encompass a complete community incorporating live, work and play options. Housing densities will be higher than those traditionally delivered in the Tweed Shire with a broad range of dwelling types provided across the development with a particular focus on attractive residential streetscapes structured around well connected, walkable neighbourhoods.

The Cobaki Lakes Town Centre and the Neighbourhood Centre will become the focal points for community interaction, civic and community facilities and retailing. Local work options will be provided through the local centres and home based activities.

Key Development Objectives for Cobaki Lakes

- (1) To facilitate urban development that meets environmental sustainability objectives.
- (2) To ensure all development achieves a high standard of urban and architectural design quality.
- (3) To promote housing choice that provides a high standard of residential amenity.
- (4) To ensure housing density targets are met through the provision of a range of housing types that offer greater diversity and affordability – Density by Design.

- (5) To create connectivity through walkable neighbourhoods with good access to public transport, parks and amenities.
- (6) To create a sense of place, establish an identity, encourage diversity and provide liveability.
- (7) To create vibrant, successful town and neighbourhood centres.
- (8) To provide social infrastructure that is flexible and adaptable.
- (9) To maximise opportunities for future residents to access and enjoy the outdoors.
- (10) To protect and enhance significant trees and vegetation as identified in ecological assessments.
- (11) To ensure the timely delivery of critical infrastructure.

1.4 The Purpose of this Development Code

The purpose of this Development Code is to:

- (1) Streamline the approval process for common development types and enhance the affordability of housing.
- (2) Define development which is exempt, complying, or that which requires further development consent pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (as amended).
- (3) Communicate the planning, design and environmental objectives and controls against which future development within the site will be assessed.
- (4) Consolidate and simplify the key planning controls to ensure the orderly, efficient and environmentally sensitive development of Cobaki Lakes as envisaged by the Cobaki Lakes Concept Plan.
- (5) Promote high quality urban design outcomes within the context of environmental, social and economic sustainability.

1.5 Structure of this Plan

The Development Code contains general objectives and controls that apply to development within the Cobaki Lakes site.

The Development Code has been designed to provide nominated lots at the subdivision stage that have been designed to accommodate certain building types. The nominated lot approach will ensure that the approval process for simple development can be categorised as Exempt Development or processed quickly as Complying Development.

The normal development application process will apply for residential dwellings that do not meet the Complying Development Standards and for more complex development proposals.

The planning controls applying to Exempt or Complying Development are contained in Section 2 of the Development Code. The controls in the remainder of the Development Code only apply to development that is not Exempt or Complying Development.

Each section of the Development Code contains a series of objectives and development controls. The objectives state the outcomes to be achieved for future development. The development controls are intended to ensure that the stated objectives are met and that high quality outcomes are delivered throughout the life of the development.

The Cobaki Lakes Development Code is structured as follows:

Introduction	Section 1:	Administrative provisions of the Development Code.
Part A	Section 2:	Exempt and Complying Development.
	Section 3:	Residential Development that is not Exempt or Complying Development.
Part B	Section 4:	Cobaki Lakes Town Centre and the Neighbourhood Centres.
	Section 5:	Subdivision controls.
Glossary	Appendix A:	Glossary - contains the definitions for a number of specific terms used in this Development Code.

1.6 How to use this Code

Most development other than multi-dwelling housing (apart from complying Mews or Plex development), subdivision, or other non-residential development will be either Exempt or Complying Development.

Exempt development relates to minor development or structures that may be carried out without the need for further development consent or building approval.

Complying development is normal or anticipated development that may be addressed by specified predetermined development standards. Complying development requires a Complying Development Certificate (CDC) to be issued by either Council or an Accredited Building Certifier, as well as a Design Review Panel (DRP) Pre-Approval Certificate from the Design Review Panel or an architect, which will assess complying development in relation to issues of merit.

Where a development proposal does not meet the Exempt or Complying Standards as contained in Schedule 1 or 2 (Part A of the Code), a Development Application (DA) is to be made to Tweed Shire Council (Part B of the Code).

Step 1: Establish what the development is defined as under the Cobaki Lakes Development Code (refer to **Appendix A**), and whether it is permissible under Tweed Local Environmental Plan 2000 or is consistent with the preferred development for the precinct under the Cobaki Lakes Development Matrix (refer to **Figure 1.2.2**).

Step 2: Refer to **Part A** Section 2.1 of the Cobaki Lakes Development Code to establish whether your proposal is Exempt Development. If your proposal is Exempt Development no development consent or building approval is required and the project may proceed.

Step 3: Refer to **Part A** Section 2.2 of the Cobaki Lakes Development Code to establish whether your proposal is Complying Development. If your proposal is Complying Development your proposal requires a Complying Development Certificate (CDC) and a DRP Pre-Approval Certificate. A CDC may be assessed and approved by an Accredited Building Certifier and the DRP Pre-Approval Certificate is obtained from the Design Review Panel or a local registered architect.

Step 4: Development that is permissible or consistent with the Cobaki Lakes Development Matrix but does not meet the Exempt or Complying criteria will require the preparation and lodgement of a Development Application to Tweed Shire Council. Relevant controls for development that is not Exempt or Complying Development are provided in **Part B**. If in doubt please discuss your application with Council staff.

Note: *SEPP Major Developments (2005)*, *SEPP Infrastructure (2007)* and Tweed LEP land use zones continue to apply to Cobaki Lakes, however the Cobaki Lakes Concept Plan (and Development Code) override provisions of the Tweed LEP in the event of an inconsistency.

1.7 Statutory Context of the Cobaki Lakes Development Code and Relationship to other Plans

The Cobaki Lakes Development Code forms part of the Cobaki Lakes Concept Plan Approval and contains site specific development controls for land within Cobaki Lakes.

The Development Code provides site specific detail controls, where necessary, to achieve the objectives and allow effective implementation of the Cobaki Lakes Concept Plan.

This Development Code is to be read in conjunction with all relevant Environmental Planning Instruments (EPIs) and in conjunction with the following parts of Tweed Shire Council Development Control Plan 2007:

- ♦ Section A2 – *Site Access and Parking Code*;
- ♦ Section A3 – *Development of Flood Liable Land*;
- ♦ Section A4 – *Advertising Sign Code*; and
- ♦ Section A11 – *Public Notification of Development Proposals*.

The Code is also to be read in conjunction with the Tweed Shire Council Engineering Design and Landscape Specifications.

In the event of any inconsistency between this Development Code and any other DCP or Policy of Council, this Development Code shall prevail to the extent of the inconsistency.

1.8 Variations to Development Code Controls and the Cobaki Lakes Concept Plan

No variation to the Exempt or Complying Development standards is permitted. Where a proposal does not fully comply with the Exempt or Complying Development standards, the proposal can not be considered Exempt or Complying Development and a Development Application is required.

Where a proposal is the subject of a Development Application, Council may grant consent to a proposal that does not comply with the stated controls, providing the intent of the controls, as expressed by the objectives, is achieved.

As such, each Development Application will be assessed on its merits. Where a variation is sought it must be justified in writing and indicate how the development meets the intent or the objectives of the relevant control and/or is generally consistent with the Cobaki Lakes Concept Plan.

Where a proposal seeks to alter the Cobaki Lakes Concept Plan, (e.g. changing land uses from residential to commercial, changing building heights, ultimate target density, etc) a modification of the Concept Plan will be required by application to the New South Wales Department of Planning. To remove any doubt, “trading” or deferring of density between precincts, so long as the ultimate target density remains achievable in future stages, does not require a modification of the Concept Plan.

1.9 Developer Design Guidelines

In addition to the provisions of this Development Code, it is intended that at the subdivision stage the developer will implement and administer further building and landscape design guidelines to ensure a high quality built product by way of an instrument registered on the property title pursuant to Section 88B of the Conveyancing Act 1919.

Such guidelines are not to be inconsistent with this Development Code, but may provide additional detail to achieve a high standard of design. To assist residents and their designers, a developer may also implement a Design Review Panel (DRP) to review development proposals for compliance with the Complying Development Codes as well as the Design Guidelines prior to their formal submission to Council.

PART A – EXEMPT AND COMPLYING DEVELOPMENT

2.0 PART A - EXEMPT AND COMPLYING DEVELOPMENT

This section of the Development Code contains objectives and development controls relating to Exempt and Complying Development.

2.1 Exempt Development

Objectives

To specify types of minor development which will result in only minor environmental impacts that can be undertaken without any planning approval. Although Exempt Development is of a scale which does not warrant formal planning or construction approval, all structures must comply with all applicable legislative requirements.

Controls

- (1) Development specified in **Schedule 1** that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (2) To be exempt development, the development must:
 - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, must be structurally adequate, and
 - (b) be more than 1 metre from any easement or public sewer main,
 - (c) if it relates to an existing building, not cause the building to contravene the *Building Code of Australia*, and
 - (d) not be designated development, and
 - (e) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (f) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and
 - (g) not be in conflict with any existing services, and
 - (h) not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (3) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.

Note 1. A person may carry out development specified in this code without obtaining development consent from a consent authority if the person complies with the development standards that apply to the development (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*).

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Schedule 1

DIVISION 1 GENERAL AND RESIDENTIAL EXEMPT DEVELOPMENT CODE

Subdivision 1 Access ramps

2.1.1 Specified development

The construction or installation of an access ramp is development specified for this Code.

2.1.2 Development standards

The standards specified for that development are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be constructed in accordance with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (d) if it is located on bush fire prone land—be constructed of non-combustible material, and
- (e) if a development consent or a design guideline document applies to the land, be constructed of a finish material permitted for use as driveway or pathway paving by a condition of that development consent or design guideline document.

Subdivision 2 Aerials and antennae

2.1.3 Specified development

The construction or installation of an aerial or antenna, including a microwave antennae, is development specified for this Code.

Note. See separate entry for communication dishes.

2.1.4 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) be located at least 900mm from each lot boundary, and
 - (c) be roof mounted and not be higher than the highest point of the closest roof, and
 - (d) not be located on a roof facing a road or other public land frontage.
- (2) There must not be more than 1 development per lot, or, if there are multiple dwellings on a lot, no more than 1 development per 10 dwellings.

Subdivision 3 Air-conditioning units

2.1.5 Specified development

The construction or installation of an air-conditioning unit is development specified for this Code.

2.1.6 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) be located at least 450mm from each lot boundary, and
 - (c) subject to paragraph (d), be attached to the external wall of a building or ground mounted, and

- (d) be located no less than 900mm behind the building line of any road or public land frontage and be screened by a fence of 1.2m height minimum if ground mounted or 1.8m height if wall mounted where the fence must be located between the development and the public land frontage, and
 - (e) be not higher than 1.8m above ground level (existing), and
 - (f) not involve work that reduces the structural integrity of the building, and
 - (g) not reduce the existing fire resistance level of a wall.
- (2) The standards specified for that development, if for purposes other than domestic purposes only, are that the development must:
- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) not reduce the existing fire resistance level of a wall or roof, and
 - (e) if it is constructed or installed on or in, or in relation to, a heritage item or draft heritage item—not be wall or roof mounted, and
 - (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located behind the building line of any road or other public land frontage.
- (3) Any opening created by the construction or installation of the development must be adequately waterproofed, and
- (4) Any piping external to the existing wall of the building must be housed within ducting and all ducting external to the existing building must be of low-reflective factory pre-coloured metal in a colour matching the colour of the existing building wall to which it is fixed.

Subdivision 4 Aviaries

2.1.7 Specified development

The construction or installation of an aviary is development specified for this Code if it is not constructed or installed on a lot in the Town Centre or on a lot of less than 600m² in area.

2.1.8 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be on properties used for domestic purposes only, and
 - (b) not be used for the keeping of poultry, and
 - (c) not have a floor area of more than 10m², and
 - (d) be not higher than 2.4m above ground level (existing), and
 - (e) be located no less than 900mm behind the building line of any road or public land frontage, and
 - (f) be located not less than 900mm from each boundary, and
 - (g) be located no closer than 10 metres from a dwelling on any adjoining property, and
 - (h) have an impervious floor, and
 - (i) be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners, and

- (j) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (k) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.
- (2) There must not be more than 1 development per lot.

Subdivision 5 Awnings, blinds and canopies

2.1.9 Specified development

The construction or installation of an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this Code, if it is not constructed or installed on a lot in the Town Centre.

Note. See separate entry for shade structures.

2.1.10 Development standards

The standards specified for that development are that the development must:

- (a) not have an area more than 6m², and
- (b) not project beyond the external wall of the building by more than 3m, and
- (c) be located at least 900mm from each lot boundary when fully extended, and
- (d) be located a minimum of 900mm behind the building line of any road or public land frontage, and
- (e) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (f) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (g) if it is located on bush fire prone land—be constructed of non-combustible material.

Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs

2.1.11 Specified development

The construction or installation of a balcony, deck, patio, pergola, terrace or verandah (whether free standing or attached to the ground floor level of a building, or roofed or unroofed) is development specified for this Code if it is not constructed or installed on a lot in the Town Centre or on a lot of less than 200m² in area.

2.1.12 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) have an area of not more than 20m², and
- (c) not cause the total floor area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and
- (d) not have an enclosing wall higher than 1.4m, and
- (e) be located a minimum of 900mm behind the building line of any road or public land frontage, and
- (f) be located at least 900mm from each lot boundary, and

- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) have a floor height not more than 1m above the adjacent ground level (existing), and
- (i) if it is a roofed structure:
 - (i) that is attached to a dwelling—not extend above the roof gutter line of the dwelling, and
 - (ii) have a roof not higher than 3m, at its highest point, above ground level (existing), and
- (j) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (k) be constructed or installed so that any roof water is disposed of into an existing stormwater drainage system, and
- (l) not interfere with the functioning of existing drainage fixtures or flow paths, and
- (m) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.

Subdivision 7 Barbecues

2.1.13 Specified development

The construction or installation of a barbecue is development specified for this Code.

2.1.14 Development standards

The standards specified for that development are that the development must:

- (a) not have an area of more than 3m², and
- (b) be not higher than 1.8m above ground level (existing), and
- (c) be located no less than 900mm behind the building line of any road frontage, and
- (d) be located at least 450mm from each lot boundary, and

Subdivision 8 Bed and breakfast accommodation

2.1.15 Specified development

Bed and breakfast accommodation is development specified for this Code if it is carried out on land in the Town Centre or a Neighbourhood Centre and if it is not constructed or installed on a lot of 200m² or less in area.

2.1.16 Development standards

The standards specified for that development are that the development must:

- (a) be in an existing dwelling that has a floor area not more than 300m², and
- (b) provide off-street car parking for at least 3 cars, one of which must be covered, and
- (c) consist of not more than 3 guest bedrooms.

Subdivision 9 Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses

2.1.17 Specified development

The construction or installation of a cabana, cubby house, fernery, garden shed, gazebo or greenhouse is development specified for this Code if it is not constructed or installed on land in the Town Centre area.

2.1.18 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be located on lots used for domestic purposes only, and
 - (b) not have a floor area of more than 20m² for lots of 800m² or greater and 9m² otherwise, and
 - (c) be not higher than 2.4m above ground level (existing), and
 - (d) be located at least 900mm from each lot boundary, and
 - (e) be located no less than 900mm behind the building line of any road or public land frontage and be screened by a fence of 1.8m located between the development and the road or public land frontage, and
 - (f) not be a shipping container, and
 - (g) if constructed of metal, be a proprietary product constructed of low-reflective factory coloured metal in a colour matching the colour of the nearest wall of the associated dwelling or green where associated with a landscape area,
 - (h) be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
 - (i) except in the case of a gazebo or cabana used to shade outdoor recreation areas, not be constructed in a principle private open space, and
 - (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.
- (2) There must not be more than 1 development per dwelling.

Subdivision 10 Business Identification Sign (in areas beyond Town Centre or Neighbourhood Centre)

2.1.19 Specified development

The construction or installation of a business Identification sign is development specified for this Code.

Note. See for Advertising Signs and Business Identification Signs in the Town Centre and Neighbourhood Centre areas. Refer to **Division 2 Commercial Exempt Development Code**.

2.1.20 Development standards

- (1) The standards specified for that development are that the development must, when it is a business identification sign (including for a Soho Dwelling), not exceed an area of 1m.
- (2) There must not be more than 1 development per dwelling.

Subdivision 11 Clothes hoists and clothes lines

2.1.21 Specified development

The construction or installation of a clothes hoist or clothes line is development specified for this Code.

2.1.22 Development standards

The standards specified for that development are that the development must:

- (a) be located behind the building line of any road or public land frontage, and
- (b) be screened by a fence of 1.8m height located between the development and the road or any public land frontage or any other lot, and

- (c) be wall mounted onto an existing building wall, and
- (d) not be located in a designated private open space, and
- (e) be located at least 450mm from each lot boundary when fully extended, and
- (f) be at least partly covered by a roof eave, and
- (g) be constructed of low-reflective factory pre-coloured materials of a colour matching the existing building wall to which it is fixed.

Subdivision 12 Demolition

2.1.23 Specified development

Demolition of development that would be exempt development under this Code if it were being constructed or installed is development specified for this Code.

2.1.24 Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Subdivision 13 Driveways

2.1.25 Specified development

The construction or installation of a driveway associated with access to an open hard stand space, a carport or garage is development specified for this Code.

2.1.26 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) be located at least 450mm from each lot boundary except for the frontage boundary of the public road to which it is connected, and
- (e) not be wider than the open hard stand space, carport or garage with which it is associated, and
- (f) be constructed in accordance with Australian Standard AS 2890.1—1993, *Parking facilities—Off-street car parking*, and
- (g) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
- (h) have the consent of the relevant road authority under the *Roads Act 1993* for each opening of a public road required for the development, and
- (i) where a development consent or a design guideline document applies to the land, be constructed only of materials permitted by these documents.

Subdivision 14 Earthworks and retaining walls

2.1.27 Specified development

Earthworks and the construction or installation of a retaining wall is development specified for this Code.

Note. Activities carried out in connection with the erection or alteration or provision of ancillary facilities for an existing dwelling house or dual occupancy building, are exempt from Section 91E (1) of the Water Management Act 2000, but excluding any activity carried out in, on or over the bed of any river, lake or estuary by virtue of Clause 39A (2)(g) of the Water Management (General) Regulation 2004.

2.1.28 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be located at least 900mm from each lot boundary, and
- (c) if a retaining wall:
 - (i) be not higher than 600mm at any point as measured from ground level (existing) except as noted in (ii) below, and
 - (ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above ground level (existing) at each step, and
 - (iii) have adequate drainage lines behind it, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) not redirect the flow of surface water onto an adjoining property, and
- (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
- (g) where a development consent or a design guideline document applies to the land, be constructed only of materials permitted by these documents, and
- (h) be located at least 6m from a waterbody (existing).

Subdivision 15 Events on Council Administered Land

2.1.29 Specified development

The conduct of an event on Council Administered Land, including road reserves, for non-commercial activities (i.e., by a not-for-profit or community organisation) that require a temporary licence is development specified for this Code.

Note. Includes organised events such as surf carnivals, carols nights, outdoor movie nights, community awareness programs, markets, fund raising activities and the like.

2.1.30 Development standards

The standards specified for that development are that the development must comply with the requirements of the Procedure for issuing temporary licences for events on Council administered land, including Road Reserves.

Subdivision 16 Fences—behind the building line

2.1.31 Specified development

The construction or installation of a fence or gate behind the building line of a road or public land frontage when separating the land from a lot containing one or more dwellings is development specified for this Code.

Note: You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act. Council does not adjudicate in matters of dispute on boundary fencing.

2.1.32 Development standards

- (1) The standards specified for that development are that the development must:
- (a) if constructed of timber materials, be constructed of a hit and miss vertical paling configuration on both sides of the fence with a matching continuous timber cap (referred to as 'good neighbour' fencing), and
 - (b) if constructed of metal materials, be of low reflective, factory pre-coloured materials with a matching continuous metal cap, and
 - (c) if of masonry materials, be of solid masonry fencing composed of face masonry or stone or non-face masonry with a rendered or bagged and painted finish, with a matching continuous masonry cap, and
 - (d) where a development consent or a design guideline document applies to the land, be constructed only of materials permitted by these documents, and
 - (d) if it is on a sloping lot, have a raked top profile matching the profile of the land to maintain a consistent height above ground level (existing), and
 - (e) have a height of 1.8m as measured from the ground level (existing) with a tolerance of +/- 100mm in the case of a sloping lot, and
 - (f) leave a gap of 25mm to 75mm at the bottom between the fence materials (other than supporting posts) and the ground level (finished), except where a greater gap is required for fauna friendly purposes, and
 - (g) have footings that are located below the ground line (existing), and
 - (h) not be an electrical fence or use barbed wire, and
 - (i) not redirect the flow of surface water onto an adjoining property, and
 - (j) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood and comply with the requirements of AS3959 and Planning for Bushfire Protection 2001, and
 - (k) in addition to the satisfaction of all of the above requirements, comply with the Swimming Pools Act 1992 when required for swimming pool protection.

Subdivision 17 Film Shoots Production

2.1.33 Specified development

The conduction of film shoot production events on Council Administered Land, including Road Reserves, is development specified for this Code.

2.1.34 Development standards

The standards specified for that development are that the development must:

- (a) comply with the requirements of the Procedure for issuing temporary licenses for events on Council administered land, including Road Reserves.

Subdivision 18 Flagpoles

2.1.35 Specified development

The construction or installation of a free-standing flagpole is development specified for this Code.

2.1.36 Development standards

- (1) The standards specified for that development are that the development must:
- (a) be not higher than 6m above ground level (existing), and
 - (b) not have a diameter of more than 90mm, and
 - (c) be located at least 3m from each lot boundary, and
 - (d) be constructed of low-reflective factory pre-coloured metal or low-reflective stainless steel.
- (2) There must not be more than 1 development per lot.
- (3) Any flag flown from the development must not have an area of more than 2.5m² and must not be used for advertising.

Subdivision 19 Home businesses, home industries and home occupations

2.1.37 Specified development

A home business, a home industry or a home occupation is development specified for this Code.

2.1.38 Development standards

The standard specified for this development is that it must not involve a change of building use.

Note 1. The elements that must comprise this development are specified in the definition of home business, home industry or home occupation in the *Standard Instrument*.

Note 2. Under the *Building Code of Australia*, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

Subdivision 20 Home-based child care

2.1.39 Specified development

Home-based child care is development specified for this Code if it is not carried out on bush fire prone land.

2.1.40 Development standards

No standards are specified for this development.

Note. The elements that must comprise this type of development are specified in the definition for this development in the *Standard Instrument*. If all the elements are not present, the development is not development to which this Division applies.

Subdivision 21 Hot Water Systems (Not Including Solar Hot Water Systems)

2.1.41 Specified development

The construction or installation of a gas or heat exchange type hot water heater or a hot water storage tank is development specified for this Code.

2.1.42 Development standards

The standards specified for that development are that the development must:

- (a) if constructed or installed externally:
 - (i) not be located on a roof, and
 - (ii) be located a minimum of 900mm behind the building line of a road or public land frontage, and

- (ii) be screened with a fence of 1.8m high between the appliance and the road or public land frontage and/or any other lot.

Note. For solar systems refer to Subdivision 39, Solar Hot Water Systems and Photovoltaic Systems.

Subdivision 22 Landscaping structures

2.1.43 Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this Code.

2.1.44 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.1m above ground level (existing), and
- (b) not have a plan dimension of more than 1.5m in any direction, and
- (c) be located at least 900mm from each lot boundary, and
- (d) be located behind the building line of a road frontage, and
- (e) not comprise masonry construction higher than 1m from ground level (existing).

Subdivision 23 Letterboxes

2.1.45 Specified development

The construction or installation of a letterbox, whether free standing or in banks, is development specified for this Code.

2.1.46 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 1.2m above ground level (existing), and
 - (b) be visible from the road alignment, and
 - (c) have appropriate numbering that is visible from the road alignment, and
 - (d) be constructed of masonry of a colour and material matching a material used for a wall of the associated existing building and containing a proprietary corrosion resistant metal insert.
- (2) There must be only 1 development per dwelling plus 1 development where a body corporate letterbox is required.

Subdivision 24 Minor building alterations (internal)

2.1.47 Specified development

- (1) A minor internal building alteration, for the replacement or renovation of:
 - (a) a doorway, wall, ceiling or floor lining, or
 - (b) a deteriorated frame member, or
 - (c) a bathroom or kitchen, or
 - (d) a built-in fixture such as a vanity, a cupboard or a wardrobe, or
 - (e) an existing sanitary fixture, such as a grease trap or the like, or
 - (f) shelving or racking that is not higher than 2.7m, or

- (g) a work station or counter.
- (2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is also development specified for this Code.

2.1.48 Development standards

The standards specified for that development are that the development must:

- (a) not be an alteration to a food preparation area in food and drink premises, and
- (b) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
- (c) not include a change to the configuration of a room, whether by the addition or removal of an existing wall, partition or other means, and
- (d) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (e) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (f) not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, a building, and
- (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.

Subdivision 25 Minor building alterations (external)

2.1.49 Specified development

A minor external non-structural building alteration such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorations, or
- (b) the replacement of an external window, glazing areas or a door of the same colour and of equivalent or improved quality, or
- (c) the repair to or replacement of a non-structural wall or roof cladding,
is development specified for this Code.

2.1.50 Development standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a floor, wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a floor, wall, window, door, or roof, and
- (c) not reduce the existing sound transmission class of a floor, wall, window, door, or roof, and
- (d) not reduce the existing thermal insulation value of a floor, wall, window, door, or roof, and
- (e) if located on bush fire prone land:
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials.
- (f) not affect any existing fire resisting components of the building, and
- (g) not affect the means of egress from the building in an emergency (including the provision of any additional locking that may be a component of the development), and
- (h) if it is the installation of a security screen or grill to a door or window or a security door—be for domestic purposes only.

Note. See separate entry for skylights.

Subdivision 26 Noxious Weed Control

2.1.51 Specified development

The control of noxious weeds is development specified for this Code.

2.1.52 Development standards

The standards specified for that development are that the development must:

- (a) be authorised under the *Noxious Weeds Act 1993*, and
- (b) be carried out by methods that will not have a significant impact on nature flora and fauna or create problems with land degradation, including soil erosion, coastal erosion and siltation of water bodies.

Subdivision 27 Pathways and paving

2.1.53 Specified development

The construction or installation of a pathway or paving associated with a balcony, deck, patio, pergola, terrace or verandah is development specified for this Code.

2.1.54 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed within the boundaries of the land, and
- (c) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) be within 150mm of ground level (existing) where located within 900mm of any lot boundary, and
- (f) not have an area more than 15% of the ground floor area of the associated development, and
- (g) where a development consent or a guideline document applies to the lot, be constructed only of materials permitted by these documents, and
- (h) not cause the coverage of more than 90% of the lot with impervious materials.

Subdivision 28 Playground equipment

2.1.55 Specified development

The construction or installation of playground equipment is development specified for this Code, excluding lots of less than 200m² in area.

2.1.56 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be not higher than 2.5m above ground level (existing), and
- (c) be located not less than 900mm behind the building line of any road or public land frontage, and

Subdivision 29 Portable swimming pools and spas and child-resistant barriers

2.1.57 Specified development

The construction or installation of a portable swimming pool or spa or a child-resistant barrier that is required under the Swimming Pools Act 1992 is development specified for this Code.

2.1.58 Development standards

- (1) The standards specified for that development if it is the construction or installation of a portable swimming pool or spa are that the development must:
 - (a) be for domestic purposes only, and
 - (b) be located behind the building line of a road or public land frontage, and
 - (c) be located at least 1m from each lot boundary, and
 - (d) not include any element that extends higher than 2m above the ground level (existing), and
 - (e) not exceed 2,000 L in capacity, and
 - (f) in the case of a swimming pool, not be constructed on a lot of 200m² or less, and
 - (g) not require structural work for installation, and
 - (g) not impact on the structural stability of any building.
- (2) A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992 and any conditions of the development consent applying to the land.

Subdivision 30 Privacy screens

2.1.59 Specified development

The construction or installation of a privacy screen that is not attached to a boundary fence or retaining wall is development specified for this Code if it is not constructed or installed on a lot of 200m² or less in area.

2.1.60 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.5m above ground level (existing), unless fixed to the building in accordance with (f) below, and
- (b) be not longer than 4m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) be located no less than 900mm behind the building line of a road or public land frontage (unless it is fixed to a balcony or terrace in accordance with (f) below), and
- (e) be constructed of tube form metal in a low reflective factory coloured finish or dressed and stained timber in either a lattice, batten or louvre configuration, and
- (f) if fixed to an existing building wall, balcony or terrace, be fixed in a structurally sound manner and in a colour matching that of the existing building wall or column to which it is fixed.

Subdivision 31 Public Art

2.1.61 Specified development

The construction or installation of public art is development specified for this Code.

2.1.62 Development standards

The standards specified for that development are that the development must:

- (a) Must be consistent with a Plan of Management for the particular site.

Subdivision 32 Rainwater tanks (above ground)

2.1.63 Specified development

The construction or installation of a rainwater tank above ground is development specified for this Code.

2.1.64 Development standards

(1) The standards specified for that development are that the development must:

- (a) have a capacity of:
 - (i) if for an educational establishment—not more than 25,000 L, and
 - (ii) in any other case—not more than 10,000 L, and
 - (b) be located at least 450mm from each lot boundary if the tank has a height of more than 1.8m above ground level (existing), and
 - (c) be located no less than 900mm behind the building line of any road or public land frontage, and
 - (d) be screened with fencing of 1.8m height located between the development and the road or public land frontage and/or any other lot, and
 - (e) not rest on the footings of an existing building for support, and
 - (f) not require cut and fill of more than 1m below or above ground level (existing) or that is within 900mm of any lot boundary, and
 - (g) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank which is of a colour matching the colour of the tank, and
 - (h) have a sign affixed to it stating the water in it is rainwater, and
 - (i) be constructed or installed to prevent mosquitoes breeding in it, and
 - (j) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners, and
 - (k) be constructed in low-reflective factory coloured materials matching the colour of the existing wall located closest to the tank or otherwise a green or black or dark grey colour if located in a landscape area.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
- (4) In this clause:

educational establishment means a building or place used for education (including teaching) and includes a pre-school, a school, a tertiary institution that provides formal education (such as a university or TAFE establishment) and an art gallery or museum that is not used to sell the items displayed in it (whether or not the building or place is also used for accommodation for staff or students).

Subdivision 33 Rainwater tanks (below ground)

2.1.65 Specified development

The construction or installation of a rainwater tank below ground is development specified for this Code.

2.1.66 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (b) have a sign affixed to it stating the water in it is rainwater, and
 - (c) be constructed or installed to prevent mosquitoes breeding in it, and
 - (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (e) be located no less than 900mm behind the building line of a road or public land frontage unless completely submerged below ground with the exception of a cover that either is screened within a garden with planting or is exposed in a paved area and treated with the same paving finish as the surrounding area.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

Subdivision 34 Real Estate Signs

2.1.67 Specified development

The installation of real estate signs is development specified for this Code.

2.1.68 Development standards

The standards specified for that development are that the development must:

- a) be limited to one sign per premises, and
- b) have a maximum advertisement area of:
 - (i) if advertising one dwelling, 2.17m², and
 - (ii) if advertising a multi-dwelling development of less than 10 dwellings, 8.64m², and
 - (iii) if advertising a multi-dwelling development of 10 or more dwellings, 20.00m², and
 - (iv) a commercial building is 4.34m², and
 - (v) a commercial or industrial property is 25m², and
 - (vi) a subdivision of less than 2 hectares is 8.64m², and
 - (vii) a subdivision of between 2 and 10 hectares is 17.28m², and
 - (viii) a subdivision of more than 10 hectares is 35m².

Subdivision 35 Scaffolding, hoardings and temporary construction site fences

2.1.69 Specified development

The construction, installation and removal of a scaffold, hoarding or temporary construction site fence that is used in connection with development that is exempt development or complying development is development specified for this Code.

2.1.70 Development standards

The standards specified for that development are that the development must:

- (a) enclose the works area, and
- (b) if it is a temporary construction site fence adjoining, or on, a public place – be covered in chain wire mesh, and
- (c) be removed immediately after the purpose for which it was erected has finished and no safety issue will arise from its removal.

Note 1. A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2. The *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulation 2001* contain provisions relating to scaffolds, hoardings and other temporary structures.

Subdivision 36 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

2.1.71 Specified development

The construction or installation of a screen by attaching it to a balcony, deck, patio, pergola, terrace or verandah of a dwelling is development specified for this Code.

2.1.72 Development standards

The standards specified for that development are that the development must:

- (a) not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing, and
- (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling—not be higher than the adjacent roof eave line, and
- (c) if it encloses a structure attached to the ground level of a two storey dwelling—not be higher than 3m above the floor level of the structure it is enclosing and is not higher than the adjacent first floor roof eave line, and
- (d) if it encloses a freestanding structure—not be higher than 3m above the floor level or not be higher than the roof eave line of the structure it is enclosing, and
- (e) if it encloses a structure attached to the upper level of a two storey dwelling—not enclose an area of more than 9m², and
- (f) be located no less than 900mm behind the building line of any road or public land frontage, and
- (g) be located at least 900mm from each lot boundary, and
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (i) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (j) have at least two-thirds of its perimeter comprising open screen mesh material, and
- (k) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non combustible material.

Subdivision 37 Shade structures of canvas, fabric, mesh or the like

2.1.73 Specified development

The construction or installation of a shade structure of canvas, fabric, mesh or the like is development specified for this Code.

Note. See separate entry for awnings, blinds and canopies.

2.1.74 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) not have an area more than 15m² for single dwelling lots of 300m² or more or otherwise 9m², and
- (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and
- (d) not be higher than 3m from ground level (existing), and
- (e) be located at least 900mm from each lot boundary, and
- (f) be located no less than 900mm behind the building line of any road frontage, and
- (g) within the articulation zone or setback of any public land frontage, and
- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (i) not interfere with the functioning of existing drainage fixtures or flow paths, and
- (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.

Subdivision 38 Skylights, roof windows and ventilators

2.1.75 Specified development

The construction or installation of a skylight, roof window or ventilator is development specified for this Code.

2.1.76 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) not cause the total area of all such structures to be more than 2% of the total roof area of the building, and
- (c) be located at least 900mm from each lot boundary, and
- (d) be located at least 900mm from a wall separating attached dwellings, and
- (e) be constructed or installed so that any opening created is adequately weather proofed, and
- (f) not involve work that reduces the structural or fire resisting/separation integrity of the building, and
- (g) be of equivalent or improved quality materials and be of the same colour as adjacent windows on the same lot, or, where roof mounted, a colour matching the adjacent roof, and

- (h) if located on bush fire prone land—be adequately sealed or protected to prevent entry of embers.

Subdivision 39 Solar Hot Water Systems and Photovoltaic Systems

2.1.77 Specified development

The construction or installation of a photovoltaic system or solar hot water system is development specified for this Code.

2.1.78 Development standards

The standards specified for that development are that the development must:

- (a) be integrated into the building or be flush or parallel with the surface of its roof, and
- (b) not:
 - (i) reduce the structural or fire resisting/separation integrity of, or involve structural alterations to, the building, or
 - (ii) necessitate the removal of trees from near the building to ensure that solar energy is available for the system, and
- (c) on average, over any 5 year period, at least 75 per cent of the electricity generated by the system in a 12 month period is used in or for the building, and
- (d) the system is not located on a building that is a State or local heritage item or is in a heritage conservation area.

Subdivision 40 Temporary builders' structures

2.1.79 Specified development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this Code.

2.1.80 Development standards

The standards specified for that development are that the development must:

- (a) be located on the lot in relation to which a current development consent has been granted, and
- (b) if it contains plumbing fixtures, have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) not be used for residential purposes, and
- (d) be removed from the lot immediately after completion of the works for which the development consent was granted.

Subdivision 41 Underground Telecommunications Facilities

2.1.81 Specified development

The construction or installation of an underground conduit or cable deployed by narrow trench or direct burial is development specified for this Code if it is not on land that is within an environmental protection area defined on the Concept Plan.

2.1.82 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) not have a trench width exceeding 450mm, and

- (b) not leave open more than 100m length of excavation at any one time, and
- (c) be completed in accordance with a reinstatement plan agreed to, prior to construction, with the owner, or, if on public land, the public land manager and the reinstatement plan must include (as appropriate):
 - (i) management and protection measures, and
 - (ii) relaying of existing road or pavement, and
 - (iii) replanting of grass, trees or foliage, and
 - (iv) replacement or removal of material removed, and
 - (v) reinstatement of existing contours.
- (2) Notification must be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.

Subdivision 42 Water features and ponds

2.1.83 Specified development

The construction or installation of a water feature or pond is development specified for this Code.

2.1.84 Development standards

The standards specified for that development are that the development must:

- (a) not have a water depth of more than 300mm, and
- (b) not have a surface area of more than 10m², and
- (c) be located behind the building line of any road frontage.

DIVISION 2 COMMERCIAL EXEMPT DEVELOPMENT CODE

Subdivision 1 Advertising Signs and Business Identification Signs in Town Centre and Neighbourhood Centre

2.1.85 Specified development

The erection or installation of an advertising sign or building identification sign in the Town Centre or a Neighbourhood Centre is development specified for this Code.

2.1.86 Development standards

The standards specified for that development are that the development must:

- (a) when it is a suspended under awning sign,
 - (i) not exceed one per premises with ground level street frontage, and
 - (ii) be securely fixed by metal supports, and
 - (iii) not exceed 1.5m² in area, and
 - (iv) if over a public road, be suspended at a height not less than 2.6 metres above the ground/pavement level (finished) and be no less than 300mm in plan from any traffic lane, and
- (b) when a vertical or horizontal projecting wall sign
 - (i) not exceed one per premises or one per street frontage, whichever is the greater, and
 - (ii) not exceed 2.5m² in area, and
 - (iii) be securely fixed by metal supports, and

- (iv) if over a public road, erected at a height no less than 2.6 metres above the adjacent ground/pavement level (finished) and be no less than 300mm in plan from any traffic lane, and
- (c) when a flush wall sign:
 - (i) not exceed 2.5m² in area, and
 - (ii) be securely fixed, and
 - (iii) if over a public road, be erected at a height no less than 2.6 metres above ground/pavement level (finished) and be no less than 300mm in plan from any traffic lane, and
- (d) when a top hamper sign,
 - (i) be securely fixed, and
 - (ii) not exceed 2.5m² in area, and
- (e) when a fascia sign,
 - (i) not project above or below the fascia or return of the awning to which it is attached, and
 - (ii) not extend more than 300mm from the face of the fascia or return end of the awning, and
- (f) when a public notice, be a notice for public information displayed by a public authority giving information or direction about services provided.

Subdivision 2 Automatic teller machines

2.1.87 Specified development

The construction or installation of an automatic teller machine is development specified for this Code.

2.1.88 Development standards

The standards specified for that development are that the development must be located inside, and only be accessible from within, existing bulky goods premises or commercial premises.

Subdivision 3 Change of Use

2.1.89 Specified development

A change from a current use to a new use that is a change from:

- (a) a type of business premises to another type of business premises, or
- (b) business premises to office premises, or
- (c) a type of office premises to another type of office premises, or
- (d) office premises to business premises, or
- (e) a type of retail premises to another type of retail premises, or
- (f) a bulky goods premises to another bulky goods premises, or
- (g) a light industry another light industry, or
- (h) a warehouse or distribution centre to another warehouse or distribution centre, or
- (i) a light industry to a warehouse or distribution centre, or
- (j) a warehouse or distribution centre to a light industry

is development specified for this Code.

2.1.90 Development standards

The standards specified for that development are that:

- (a) the current use must be a lawful use, and
- (b) the current use must not be an existing use within the meaning of Section 106 of the *Act*, and
- (c) the new use must be a permissible use in the Land Use Table of the Cobaki Lakes Development Matrix (**Figure 1.2.2**), and
- (d) the new use must not result in a change of building use under the *Building Code of Australia*, and
- (e) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
- (f) the new use must not be any of the following:
 - (i) food and drink premises, or
 - (ii) a funeral chapel, or
 - (iii) a funeral home, or
 - (iv) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold, or
 - (v) landscape and garden supplies, or
 - (vi) a market, or
 - (vii) premises that are a beauty salon or hair dressing salon,
 - (viii) premises where a skin penetration procedure within the meaning of Section 51 of the *Public Health Act 1991* is carried out, or
 - restricted premises,
 - a roadside stall,
 - sex services premises,
 - vehicle sales or hire premises, and
- (g) the new use must not involve building alterations, other than alterations that are exempt development under this Code, and
- (h) the new use must not result in an increase in the gross floor area of any building within which it is carried out, and
- (i) the new use must not cause the contravention of any existing condition of a development consent or building guideline that applies to the premises relating to hours of operation, car parking, vehicular movement, traffic generation, landscaping or waste management.

2.2 Complying Development

Objectives

To specify types of development that are consistent with the Concept Plan and the Plan of Development applying to the land and which may therefore be approved quickly and efficiently without the need to lodge a Development Application with Council. Complying Development requires a Complying Development Certificate (CDC) to be issued by an Accredited Certifier, and, where noted, a DRP Pre-Approval Certificate issued by the Design Review Panel.

Controls

- (1) Development specified in **Schedule 2** that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is complying development.
- (2) To be complying development, the development specified in **Schedule 2** must:
 - (a) where building guidelines apply to the land, the development must have a DRP Pre-Approval Certificate confirming compliance with the building guidelines that apply to the land, and
 - (b) comply with the development standards specified in relation to that development, and
 - (c) be more than 1 metre from any easement or public sewer main, or comply with any requirements specified by the appropriate sewer authority for building over sewers, and
 - (d) comply with the requirements of this Part.
- (3) Development cannot be complying development if:
 - (a) the development is inconsistent with the Land Use Table of the Cobaki Lakes Development Matrix (**Figure 1.2.2**) as it relates to the land upon which it is to be carried out, or
 - (b) the development is designated development or an alteration or addition to designated development, or
 - (c) it is on land shown as Environmental Protection on the land use zoning maps, or
 - (d) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat identified under the *Threatened Species Conservation Act 1995*), or
 - (e) the development is not consistent with the approved Plan of Development as it applies to the land, or
 - (f) the development conflicts with the provisions of the *Building Code of Australia* or any other applicable legislation, or
 - (g) the development, except in the case of a driveway that extends to a road or a fence that is centred on a dividing lot line, extends beyond the boundaries of the land, or
 - (h) the development does not achieve compliance with Tweed DCP 2007, Section A3 *Development of Flood Liable Land* (or any subsequent flood model or flood study as adopted by Tweed Shire Council relating to the land), or
 - (i) the land is contaminated land that requires remediation in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land*.
- (4) A complying development certificate for development specified in **Schedule 2** is subject to the conditions set out in **Schedule 3**.

Note 1. Section 76A (6) of the Act provides that certain development, such as designated development, or development requiring the concurrence of another body, or development on land comprising, or on which there is, a heritage item, cannot be complying development.

Note 2. Under Section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

Note 3. Specifying a type of development as complying development does not authorise the contravention of any condition of development consent applying to the land on which the complying development is carried out, nor does it remove the need for any approval that may be required under other legislation.

Note 4. See also Clause 33AA (3) of SEPP 4 which provides that the conversion of fire alarms is complying development in certain circumstances.

Note 5. For the purpose of this Code, a Single Dwelling includes a Traditional Detached Dwelling, a Zero Lot Dwelling, a Terrace Dwelling, and a Soho Dwelling

Schedule 2

DIVISION 1 RESIDENTIAL COMPLYING DEVELOPMENT CODE

Subdivision 1(aa) Specified Complying Development Under This Code

2.2.1(aa) Specified complying development

The construction of a Traditional Detached Dwelling, Terrace Dwelling, Zero-lot Dwelling, Soho Dwelling, Plex Dwelling, Mews Dwelling and Ancillary Development is development specified for this Code.

2.2.1(ab) Basements and roof terraces excluded

- (1) The erection of a basement, either as part of a new Single dwelling, Plex dwelling or Mews dwelling or as an addition or alteration to an existing dwelling, is not included in development that is specified for this Code.
- (2) The erection of a roof terrace on the topmost roof of:
 - (a) an existing or a new Single dwelling, Plex dwelling or Mews dwelling, or
 - (b) an existing or a new outbuilding that is detached from a dwelling,
 is not included in development that is specified for this Code.

Subdivision 1 Site requirements

2.2.1 Lot requirements

- (1) Development specified for this Code may only be carried out on a lot that:
 - (a) is a Nominated Lot for the Development Type proposed, and
 - (b) has a direct connection to Council's reticulated water supply and sewer.
- (2) A lot on which new dwelling/s are erected must have lawful access to a public road.

2.2.2 Maximum floor area for dwellings

- (1) The floor area of a dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to the dwelling and enclosed by a higher than 1.4m above the floor level on a lot must not be more than the following:
 - (a) 1.2 times the area of the lot for a two storey dwelling, and
 - (b) 1.8 times the area of the lot for a three storey dwelling.
- (2) For the purpose of calculating the floor area in sub clause (1):

floor area means the sum of the areas of each storey of the dwelling and carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, where the area is taken to be the area within the outer face of:

- (a) the external walls of the dwelling, and
- (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah, but excluding any of the following:
- (c) any part of an awning, blind or canopy that is outside the outer wall of a building, or
- (d) an eave, or
- (e) a lift shaft, or
- (f) a stairway, or
- (g) a void above a lower storey.

2.2.3 Maximum floor area for outbuildings

- (1) The floor area of an outbuilding on a lot designated for a traditional detached dwelling of over 600m² in area must not be more than 40m².
- (2) The floor area of an outbuilding on a lot designated for any other dwelling type or a Traditional Detached Dwelling of less than 600m² in area must be less than 9m² or as otherwise determined by the DRP upon application.
- (3) For the purpose of calculating the floor area in sub clause (1):

floor area means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, where the area of each storey is taken to be the area within the outer face of:

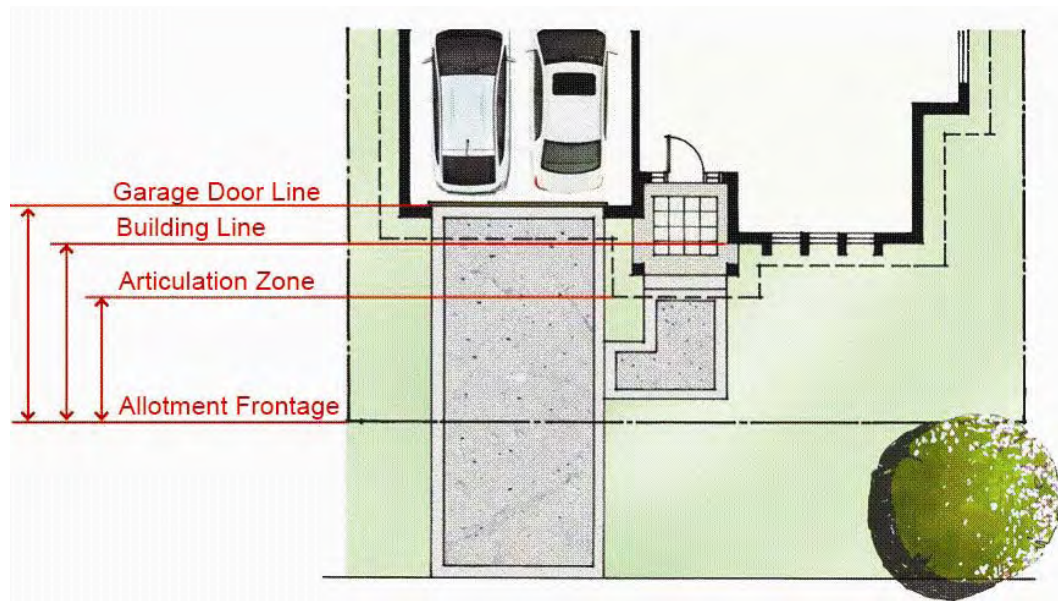
- (a) the external walls of the outbuilding if it is enclosed, and
- (b) the supporting columns or posts of the outbuilding if it is not enclosed, but excluding any of the following:
- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (d) an eave, or
- (e) a stairway.

2.2.4 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

- (1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling with a floor level of more than 3m above ground level (existing) is 12m², except where the balcony, deck, patio, pergola, terrace or verandah is used to satisfy PPOS requirements, in which case the maximum size may be increased to be equal to the area required for the PPOS, or otherwise may be determined by the DRP.
- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of:

- (a) the external walls, if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or
- (b) the supporting columns or posts if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.



Subdivision 2 Building heights and setbacks

2.2.5 Building heights of dwellings and outbuildings

- (1) The height to the eave of a dwelling (measured from the floor level of the ground floor) must not be more than 3.6m for a one storey dwelling, 7m for a two storey dwelling, and 10.5m for a three storey dwelling, except where varied by sub clause (2).
- (2) Where a mono pitch roof design is proposed, the lowest side of the roof must comply with the standard specified in subclause (1). The height to the eave of the highest side of a mono pitch roof must not be more than 4.5m for a one storey dwelling, 8m for a two storey dwelling, and 11.5m for a three storey dwelling.
- (3) The overall building height of a dwelling from ground level (existing) at any point must not be more than 5m for a one storey dwelling, 8.5m for a two storey dwelling and 12m for a three storey dwelling, where that height is measured as the sum of the height from the floor level of the ground floor and the height of the foundation area measured from ground level (existing average).
- (4) The building height of an outbuilding on a lot nominated for a dwelling/s must not be more than 3.6m above ground level (existing).
- (5) Dwellings are to be a maximum of two storeys in height, except as noted in **Section 6** below.
- (6) A third storey is permitted (with DRP Pre Approval Certificate) where it can be demonstrated that it is located:
 - (a) on a lot designated for three storey construction on the Plan of Development, or otherwise
 - (b) on a prominent street corner, or
 - (c) adjacent to a neighbourhood or local centre or public open space, or a golf course, or riparian corridor, or
 - (d) on land with a ground level (existing) slope equal to or more than 15%, in which case a partial third storey (not being a basement) is permitted below the balance of the dwelling, or
 - (e) where it is a requirement to provide flood refuge as required by *TDCP 2007*, Section A3, and
 - (f) is not likely to impact adversely on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and any unreasonable impact on privacy.

- (7) Wall lengths of a height of two storeys or more shall not exceed 30% of the length of the adjacent side boundary where the setback to that boundary is less than 4.0m.
- (8) For the purpose of this Code, the terminology used in relation to setbacks is defined by the following diagram:

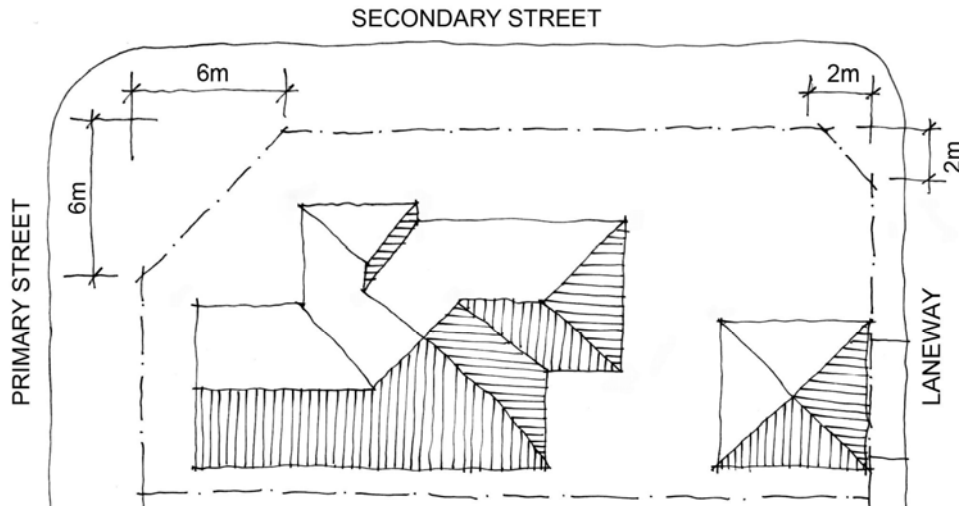
2.2.6 Setbacks of dwellings and ancillary development from roads, other than classified roads

- (1) A dwelling must have a setback from the boundary with a road that is not a classified road of at least the distances specified in the following table:

Lot width*	5m -10m	>10m – 15m (+ Plex /Mews lots)	>15m	Measured to
Primary Frontage Articulation Zone	1m	2m	3m	Outermost projection
Secondary Frontage Articulation Zone	0.5m	1.5m	2.5m	Outermost projection
Primary Frontage Building Line	2m	3m	5m	To wall
Secondary Frontage Building Line	1.5m	2.5m	4.5m	To wall
Garage Door Line measured to either road frontage	4.5m for a double garage and 5.5m for a single garage	4.5m for a double garage and 5.5m for a single garage	6m	To face of garage door
Garage Door Line measured to the rear laneway or parallel road frontage	1m	1m	2m	To face of garage door
Any structure measured to the rear laneway or parallel road frontage	0.5m	0.5m	1m	Outermost projection

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on wall or column of the dwelling that is located the furthest from the building line.

- (2) Corner lot setbacks are to be in accordance with the setback controls above and:
- (a) for Plex or Mews Dwellings, in the case of the transition between the primary and secondary frontage setbacks, the lesser setback applies, and
- (b) for Single Dwellings, in the case of the transition between the primary and secondary frontage setbacks, the greater setback applies, and
- (c) traffic visibility issues must conform to the provisions of the Standard Building Law, and
- (d) are as applied to the effective boundary truncations as illustrated below or the actual truncations, whichever are the greater:



2.2.7 Setbacks of dwelling houses from side and rear boundaries

- (1) A dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling on a lot nominated for a traditional detached Single Dwelling must have a setback from a side boundary at least the following:

Lot width*	>15m (+ Plex/Mews Lots)	Measured to
Ground Floor	0.9 m	Outermost projection (OMP)
First Floor (including any parts over 4.5m high)	1.5m	Outermost projection (OMP)
Second Floor	2m	Outermost projection (OMP)
Rear setback for Single Dwellings (excluding rear lane garages)	3m	Wall

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

- (2) A dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling on a lot designated for a Zero Lot Dwelling, Soho Dwelling or a Terrace Dwelling, must have a setback from a side boundary of at least the following:

Lot width*	5m -10m	>10m – 15m	>15m	Plex and Mews Dwellings
Location criteria for zero lot line lots	Building to both boundaries permitted up to 2 storeys	Building to 1 boundary**, permitted up to 1 storey	May be permitted for garages of 9m max. length on south or west boundaries with DRP approval	Not permitted to boundaries of parent lot

Length of zero lot line on boundary	20m of enclosed area where adjacent to a wall on the adjoining lot of a length not in variance to the proposed wall by more than 2m in the plan and 300mm in the elevation, otherwise 9m	18m of enclosed building + solid garden fences or walls	May be permitted for garages of 9m max. length on south or west boundaries with DRP approval	Not applicable
Ground Floor (on side that contains a zero lot line but is not built to the boundary)	2m to wall	1.5m to wall	Not applicable	Not applicable
Ground Floor on side that is not a zero lot line	900mm to OMP	1.2m to OMP	1.5m to OMP	900mm to OMP
First Floor (excluding built to boundary walls but including parts over 4.5m high)	2m to wall	1.5m to OMP	1.5m to OMP	1.5m to OMP
Second Floor (if permitted excluding built to boundary walls but including parts over 8.5m high)	2m to wall	2m to wall	2m to OMP	2m to OMP
Rear Building Line (excluding rear lane garages)	3m to wall	3m to wall	4m to wall	3m to wall
Rear Articulation Zone (excluding rear lane garages)	2m to column	2m to column	3m to column	1.5m to wall

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

2.2.8 Setbacks of outbuildings from side and rear boundaries

- (1) An outbuilding with a building height of up to 3.8m on a lot nominated for a lot with a Single dwelling or a lot with Plex or Mews Dwellings must have a setback from a side or rear boundary of at least the following:
 - (a) 900mm, if the lot is for Plex or Mews dwellings or has an area of less than 900m², and
 - (b) 1.5m, if the lot is for a Single dwelling and has an area of at least 900m² but less than 1500m², and
 - (c) 2.5m, if the lot is for a Single dwelling has an area of at least 1500m².
- (2) An outbuilding with a building height of more than 3.8m on a lot nominated for a Single, Plex or Mews Dwelling, Mews Dwelling have a setback from a side or rear boundary of at least the sum of:
 - (a) the amount of the setback specified for the relevant sized lot in sub clause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8m.

2.2.9 Exceptions to side and rear setbacks

Despite any other clause in this Subdivision:

- (a) a Single dwelling, Plex dwelling, Mews dwelling or an outbuilding must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia*.

Note. The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

2.2.10 Calculating setbacks

- (1) For the purpose of calculating the setback of an existing dwelling, the location of any existing building element of a dwelling that is located within the articulation zone is not to be included.
- (2) For the purpose of calculating the setbacks of a new dwelling, any building element that is permitted in the articulation zone is not included.
- (3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot, within 3m of the relevant boundary, is to be used.
- (4) A setback is to be calculated at the closest point to the boundary from the building line.
- (5) For the purpose of calculating the setback from a road, a reference to ancillary development does not include the following:
 - (a) a driveway, pathway or paving,
 - (b) a fence or screen,
 - (c) a retaining wall,
 - (d) a stair or ramp that is not more than 1m above the ground level (existing), and
 - (d) any ancillary development that is a building element that is permitted in the articulation zone.

2.2.11 Building elements within the articulation zone

- (1) The following building elements are permitted in an articulation zone:
 - (a) an entry feature or portico, or
 - (b) a balcony, deck, patio, pergola, terrace or verandah, or
 - (c) a window box treatment, or
 - (d) a bay window or similar feature, or
 - (e) an awning or other feature over a window, or
 - (f) a sun shading feature.
- (2) A building element in the articulation zone must not extend above the eave gutter line, other than a pitched roof or parapet wall forming an entry feature or portico.
- (3) The maximum area of all building elements within the articulation zone, other than a building element listed in sub clause (1) (e) or (f), must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.

Subdivision 3 Energy Efficiency

2.2.12 Compliance with current energy certification standards

Any new dwelling or alterations and additions to a dwelling with an estimated cost of \$50,000 or more are to comply with BASIX or the current legal certification standard.

Subdivision 4 Landscaping

2.2.13 Landscaped area

- (1) A lot on which development specified for this Code is carried out must have a landscaped area of at least the following:

Lot width*	5m -10m	>10m – 15m	>15m
Minimum Landscape Area For Single Dwellings	5%**	10%**	20%**
Minimum Landscape Area For Plex and Mews Dwellings	20% of overall lot area, including any required PPOS and including a minimum of 5% deep planting areas.		

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on wall or column of the dwelling that is located the furthest from the building line.

** These percentages may include other required areas such as Principle Private Open Space and setbacks.

- (2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary.
- (3) The landscaped area must have a minimum dimension of at least 750mm, and

Note. The **landscaped area** means any part of a lot, at ground level, that is permeable and consists of soft landscaping, pebbles, turf or planted areas and the like.

2.2.14 Principal Private Open Space (PPOS)

- (1) A lot on which a new Single Dwelling, Plex Dwelling Mews Dwelling is erected and which has its primary living areas on the ground floor must have a principal private open space (PPOS) of at least the following area:

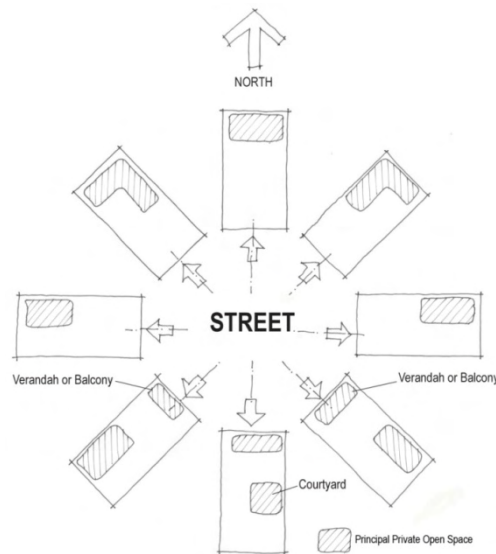
Lot width*	5m -10m	>10m – 15m	>15m	Plex or Mews Dwellings
Principal Private Open Space (PPOS) at ground level	Min. 15m ² with a min. dimension of 3m and provided with adequate privacy or	Min. 20m ² with a min. dimension of 3m and provided with adequate privacy or	25m ² with a min. dimension of 3m and provided with adequate privacy	25m ² per dwelling with a min. dimension of 3m and provided with adequate privacy
Principal Private Open Space (PPOS) at first floor level for first floor living solutions	Min. 6m ² if provided as a semi private balcony or rooftop with a min. dimension of 2.1m	Min. 12m ² if provided as a semi private balcony or rooftop with a min. dimension of 3m	Not applicable	9m ² per dwelling if provided as a semi private balcony or rooftop with a min. dimension of 3m

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on wall or column of the dwelling that is located the furthest from the building line.

** These percentages may include other required areas such as Principle Private Open Space and setbacks.

- (2) In this clause, **principal private open space** means:
- (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and

- (b) the area nominated on the Plan of Development that applies to the land, or, if no PPOS has been nominated on the Plan of Development, an area located in accordance with the image below:



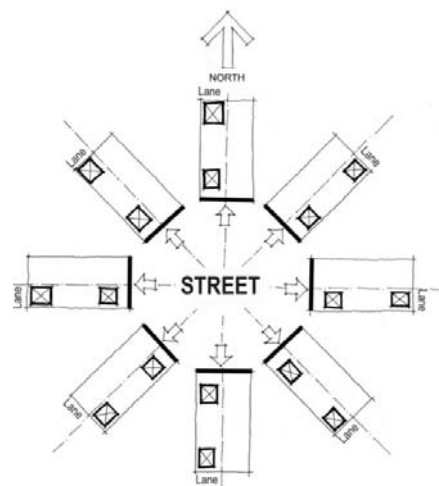
Subdivision 4 Car parking and access

2.2.15 Car parking requirements

- (1) At least one off-street car parking space, or the number of car parking spaces nominated on the Plan of Development, whichever is the greater, must be provided on the lot on which a new Single dwelling is erected.
- (2) At least 1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling, and 2 spaces per three bedroom dwelling or larger is provided for Plex and Mews dwellings, with provision for one on-site visitor parking space for lots containing more than two dwellings.
- (3) At least one off-street car parking space, or the number of car parking spaces nominated on the Plan of Development, whichever is the greater must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (4) A car parking space under this clause may be an open carport or a garage, whether attached to or detached from the dwelling.

2.2.16 Garages, carports and car parking spaces

- (1) A garage, carport or car parking space must:
 - (a) be located on the lot where nominated on the Plan of Development, or, if not so nominated, in accordance with the diagram right. and
 - (b) have a minimum internal dimension of 3m in width x 5.4m in length for a single garage or 5.6m in width x 5.5m in length for a double garage, and
 - (c) be at least 1m behind the building line, where the dwelling has a setback from a road boundary of 4.5m or more, and
 - (d) be at least 600mm behind the garage door line of the double garage where an additional single garage is provided (forming a triple garage), and
 - (e) be at least 5.5m from a road boundary for a single width garage and 4.5m for a double width garage, and



(f) be located as indicated below:

Lot width*	5m -7m	<7m -10m	>12m-<15m	>15m-<20m	>20
Option 1 (additional tandem bays are also permitted)					
Loading	Rear	Rear	Rear	Front	Front
Width	Single	Single or Double	Single or Double	Double	Double
Option 2 (additional tandem bays are also permitted)					
Loading	-	Front	Front	Rear	Front
Width	-	Single	Single or Double	Double or a single if in addition to a front loaded double	Triple in accordance with 2.2.16(d)

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

- (2) If the door or doors on a garage face a primary road or a secondary road, excluding a parallel road or laneway, the total width of all those door openings must:
 - (a) be not more than 6m, and
 - (b) be not more than 50 per cent of the width of the building, measured at the garage door line to the relevant property boundary.
- (3) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.
- (4) The minimum parking rates for residential dwellings are to be provided in accordance with the requirements of TDCP Section A2.

2.2.17 Vehicle access

- (1) A lot on which an off-street car parking space is provided or retained under **Subsection 2.2.16** must have a driveway to a public road.
- (2) A driveway on a lot must be constructed in accordance with Australian Standard AS 2890.1—1993, *Parking facilities—Off-street car parking*.
- (3) A driveway on a lot must be approved by an S138 application.

Note. **Subsection 2.1.26** applies to the construction or installation of a driveway as exempt development.

Subdivision 5 Earthworks, retaining walls and drainage

2.2.18 Excavation of sloping sites

- (1) Excavation associated with the erection of, or alterations or additions to, a Single dwelling, Plex dwelling, Mews dwelling or ancillary development (other than a swimming pool) must:
 - (a) be not more than 1.2m below ground level (existing), unless retained and backfilled to the wall of the dwelling, and
 - (b) Adequate provision must be made to intercept overland flow affected by site works to prevent damage and nuisance to adjoining properties and such provisions must be indicated on plans submitted for approval, and
 - (c) be located no less than 450mm from the lot boundary if the excavation is greater than 600mm below ground level (existing).
- (2) Excavation associated with the erection of, or alterations or additions to, a swimming pool must be not more than the depth required for the pool structure.

- (3) On any site being classed as being in an area affected by acid sulfate soils (as determined by the Acid Sulfate Soil Map) in which an excavation including pier holes, footings, a swimming pool and/or the like, that extends below the level of any approved fill and will disturb acid sulfate soils, an *Acid Sulfate Management Plan For Minor Works* must be obtained, signed by the owner and submitted with the application to the Principal Certifying Authority.

2.2.19 Fill of sloping sites

- (1) Fill associated with the erection of, or alteration or additions to, a Single dwelling, Plex dwelling, Mews dwelling or ancillary development must be contained wholly within the external walls of the dwelling or ancillary development, except as noted in (2) below.
- (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment or a retaining wall if:
- where less than 900mm from the boundary, the fill is not more than 600mm above ground level (existing), or
 - the fill is not more than 1.2m above ground level (existing), and
 - the toe of the unprotected embankment or retaining wall has a setback of at least 450mm from any side or rear boundary.
- (3) All fill on a lot that is not subject to **Subdivision 6** must be retained by a retaining wall or a batter of a gradient no more than 1 vertical to 1.5 horizontal.



2.2.20 Dimensions and construction of retaining walls

- (1) All retaining walls not permitted under **Schedule 1 Exempt Development** and not incorporated into the wall of a dwelling or outbuilding permissible by this Code must:
- not require cut or fill more than 1.2m below or above ground level (existing), and
 - if retaining more than 600mm of cut and fill from ground level (existing), be located at least 450mm from each lot boundary), and
 - if less than 450mm from any boundary, be less than 600mm in height, and
 - in all other situations, not be higher than 1m, and
 - be located at least 6m from a waterbody (existing).
- (2) A retaining wall must:
- have adequate drainage lines behind it, and
 - not redirect the flow of surface water onto an adjoining property, and
 - cause surface water to be disposed of without causing a nuisance to adjoining owners.
- (3) A retaining wall must be constructed of:
- timber sleepers of durability class 1, or
 - rendered and painted concrete block, or

- (c) proprietary terraced blocks with factory integrated colour, or
- (d) face masonry or stone, or
- (e) boulders, or
- (f) proprietary concrete planks with factory integrated colour, or
- (g) decorative faux rockwork.

Note. Activities carried out in connection with the erection or alteration or provision of ancillary facilities for an existing dwelling house or dual occupancy building are exempt from section 91E (1) of the *Water Management Act 2000*, but excluding any activity carried out in, on or over the bed of any river, lake or estuary by virtue of Clause 39A(2)(g) of the *Water Management (General) Regulation 2004*.

2.2.21 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared, disturbed or stockpiled areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

2.2.22 Drainage

- (1) All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a Single dwelling, Plex dwelling or Mews dwelling or ancillary development must be conveyed by a gravity fed or charged system to:
 - (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:
 - (a) if an approval is required under section 68 of the *Local Government Act 1993*, be approved under that Act, or
 - (b) if an approval is not required under section 68 of the *Local Government Act 1993*, comply with any requirements for the disposal of stormwater drainage contained in a Plan of Development that is applicable to the land.

Subdivision 6 Ancillary development

2.2.23 Demolition or removal of dwellings and ancillary development

- (1) An existing Single dwelling, Plex dwelling or Mews dwelling or ancillary development that is to be demolished or relocated must:
 - (a) be disconnected from any essential service in accordance with the requirements of the relevant authority, and
 - (b) not be relocated on the same lot or to a different lot, except in accordance with the development standards in this division.

2.2.24 Swimming pools

- (1) Ancillary development comprising a swimming pool or spa for private use must be located on a lot:
 - (a) behind the building line from a road frontage, or
 - (b) in the position nominated by the Plan of Development for the PPOS.
- (2) The swimming pool water line must have a setback from a side or rear boundary of not less than:
 - (a) 1.5m, if it extends above the ground level (existing) or is not adjacent to a solid fence of 1.8m height, or
 - (b) otherwise 300mm, if accompanied by an engineer's design that considers the circumstances of any existing structures within 2m of the swimming pool.
- (3) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (4) Coping around a swimming pool must not be more than:
 - (a) 1.2m above ground level (existing), or
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) A spa constitutes a pool of less than 6m² in plan area and must not be more than 1.2m above ground level (finished) with no attached decking.
- (6) The pool must not be used for commercial purposes.
- (7) For the purpose of noise control, the equipment or pumps must:

not to exceed 5dB (A) above background noise level measured at the property boundary during the hours 7.00 am to 10.00 pm.
- (8) For clarity, a swimming pool does not contribute to landscaped area requirements.
- (9) The areas surrounding the pool structure shall be graded to divert surface and splash water to a surface water collection point connected to a stormwater drainage system and clear of the proposed structures and adjoining premises.
- (10) A BASIX certificate, or its current legal equivalent, within the meaning of the Environmental Planning and Assessment Act Regulation 2000 shall be submitted with this application where applicable.
- (11) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.

Note 1. All aspects of the swimming pool isolation fencing must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992 and Regulations AS 1926-1986 Fences and Gates for Private Swimming Pools.

Note 2. The installation and construction of the pool complies, where relevant, with: AS/NZS 1838:1994 – Swimming Pools – remoulded fibre-reinforced plastics – Design and Fabrication, AS/NZS 1839:1994 – Swimming Pools – pre-moulded fibre-reinforced plastics – installation, or AS2783-1992 – Use of reinforced concrete for small swimming pools.

2.2.25 Fences and retaining walls in front of the building line

- (1) A fence and any associated retaining wall must:
 - (a) comply with the exempt requirements of this Code, or
 - (b) be existing approved fencing, or
 - (c) be required by the Tweed Shire Council, or
 - (d) be the subject of a separate development approval, or
 - (e) otherwise be confirmed by a DRP Pre-Approval Certificate, and

- (e) not be constructed so as to redirect the overland flow of surface water onto adjoining properties, and
 - (f) if erected in a bushfire prone area, comply with the requirements of AS3959 and *Planning for Bushfire Protection 2001*, and
 - (g) if not parallel to a road or public land frontage and located less than 450mm from a side or rear boundary, be constructed at ground level (existing), while also complying with the height requirements as set out by the table in **Subsection 2.2.25 (2)** below, and
 - (h) if parallel to a road or public land frontage, be constructed not more than 600mm above or below ground level (existing), and
 - (i) in relation to any brick or other solid portion of the fence above 600mm above ground level (finished), be not more than 350mm wide.
- (2) A fence and any associated retaining wall must, unless specified otherwise on the Plan of Development applying to the land, be constructed in accordance with the following table:

Fence Control	Setback from the road frontage boundary	Minimum and maximum heights above ground level (existing)*	Type/s of fence permitted	Extent permitted to frontage boundary	Other requirements or notes
Fencing to a primary road frontage <u>not</u> providing privacy for a PPOS	An average of 0.5m from the frontage boundary	0.6m to 1.2m for Solid or Translucent types, or 1.5m for Transparent types	Solid Masonry, or Translucent or Transparent	The fence may only extend to a maximum of 80% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence
Fencing to a primary or secondary road frontage providing privacy for a PPOS	An average of 0.5m from the frontage boundary	1.5m to 1.8m	Solid Masonry, or Translucent or Transparent	The fence may only extend to a maximum of 50% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence
Fencing to a secondary road frontage of a corner lot <u>not</u> providing privacy for a PPOS	An average of 0.5m from the frontage boundary	1.2m to 1.8m	Solid Masonry, or Translucent or Transparent	The fence may only extend to a maximum of 30% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence

*If the fencing is of a Solid type and incorporating the retaining of fill (maximum 600mm), the height above ground level (existing) may be increased by 300mm.

- (3) The fence and any associated retaining wall is constructed of on of the following types:
- (a) **Solid** fencing, which must be masonry (including precast concrete) with a bagged and painted, rendered and painted, or natural stone veneer finish or be of face masonry of natural stone, brick or block, or
 - (b) **Transparent** fencing, which must be of factory pre-coloured hollow metal tubes, pre-coloured external grade vinyl tubes, or high quality, low maintenance stained or painted timber in a decorative horizontal or otherwise angled batten or traditional vertical picket style in a dark colour to blend with the associated landscape or else in a stainless steel wire of a natural finish, or
 - (c) **Translucent** fencing, which may be constructed in accordance with the description of Transparent fencing above except it may be in light colours to match the dwelling, or else be of a high quality, low, low maintenance stained or painted timber, stainless steel mesh, perforated stainless steel factory pre-coloured sheets, all having a maximum ratio or solid to void of 50%, or otherwise be of obscure safety glass or otherwise be of a combination of

50% Solid fencing and 50% Transparent fencing (except that the colour of the Transparent fencing may be light to match the dwelling).

- (4) The fence or the fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step:
 - (a) does not cause the fence to be more than 300mm greater than the heights specified in the table above or 2.1m, whichever is the greater, and
 - (b) is not more than 300mm.
- (5) Any gate associated with or incorporated in the fencing must match the fencing in height, colour and material, except in the case of Solid fencing where the gate must be of low reflective factory coloured metal in a colour matching the solid fence, dressed and stained timber battens, safety glass, or stainless steel.
- (6) A fence must not incorporate barbed wire, broken glass or any other sharp element.
- (7) Where it is a solid fence type, a fence facing a road or other public land frontage must be:
 - (a) covered to no less than 50 per cent of its surface with planting, or
 - (b) treated with a permanent graffiti coating.

DIVISION 2 COMMERCIAL AND INDUSTRIAL CODE COMPLYING DEVELOPMENT CODE

Subdivision 1 Building alterations (internal)

2.2.26 Specified complying development

An internal alteration to a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this Code.

2.2.27 Development standards—general

The standards specified for that development are that:

- (a) the current use of the premises must be a lawful use, and
- (b) the current use of the premises must not be an existing use within the meaning of section 106 of the *Act*, and
- (c) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, and
- (d) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void), and
- (e) if the alteration involves a loading dock, the alteration must not:
 - (i) reduce the number or capacity of the trucks accommodated, or
 - (ii) reduce the area for goods handling, or
 - (iii) reduce the area for waste handling (including any recycling area), or
 - (iv) reduce the manoeuvring area of the loading dock or access driveway, and
- (f) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods, and
- (g) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674—2004, *Design, construction and fit out of food premises*, and

- (h) any demolition necessary must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Note 1. If the alteration involves premises that are a **food business** within the meaning of the *Food Act 2003*, the premises must comply with the requirements under that Act.

Note 2. If the alteration involves premises at which a **skin penetration procedure** is carried out within the meaning of the *Public Health Act 1991*, the premises must comply with the requirements under that Act, including the *Guidelines on Skin Penetration (April 2008)*, published by the Department of Health.

2.2.28 Development standards—Building Code of Australia matters

The following standards are also specified for that development:

- (a) if the building that is being altered is subject to an alternative solution relating to a fire safety requirement, the alteration must be consistent with that alternative solution.
- (b) if the alteration involves an area of more than 500m² of bulky goods premises or commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre, that area must:
- (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the *Building Code of Australia*, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the *Building Code of Australia*, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the *Building Code of Australia*,
- (c) if the building is a mixed use development that also contains a class 2, 3 or 4 portion, the altered area must be separated from the class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the *Building Code of Australia*.

Subdivision 2 Change of use of premises

2.2.29 Specified complying development

A change from a current use to a new use that is a change from:

- (a) a bulky goods premises to another bulky goods premises, or
- (b) a type of commercial premises to another type of commercial premises, or
- (c) a light industry to another light industry, or
- (d) a warehouse or distribution centre to another warehouse or distribution centre, or
- (e) a light industry to a warehouse or distribution centre, or
- (f) a warehouse or distribution centre to a light industry, or
- (g) a light industry to an ancillary office, or
- (h) a warehouse or distribution centre to an ancillary office, is development that is specified for this Code.

Note. See the entry for change of use of premises in the **General Exempt Development Code**.

2.2.30 Development standards—general

The standards specified for that development are that:

- (a) the current use must be a lawful use, and
- (b) the current use must not be an existing use within the meaning of section 106 of the *Act*, and

- (c) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
- (d) the new use must not be any of the following:
 - (i) a funeral chapel, or
 - (ii) a funeral home, or
 - (iii) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold, or
 - (iv) landscape and garden supplies, or
 - (v) a market, or
 - (vi) a pub, or
 - (vii) restricted premises, or
 - (viii) a roadside stall, or
 - (ix) sex services premises, or
 - (x) timber and building supplies, or
 - (xi) vehicle sales or hire premises, and
- (e) the new use must not result in a change of building use under the *Building Code of Australia* that is any of the following:
 - (i) from a class 5 or 6 building to a class 2, 3, 4, 7a, 7b, 8, 9a, 9b or 9c building,
 - (ii) from a class 7b or 8 building to a class 2, 3, 4, 6, 7a, 9a, 9b or 9c building, and
- (f) a new use that is an ancillary office within premises that are a warehouse or distribution centre or are used for light industry must not occupy more than:
 - (i) the maximum amount of gross floor area permitted for such an office in such a building under an environmental planning instrument applying to the land, or
 - (ii) 20% of the gross floor area of the building in any other case, and
- (g) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, car parking and landscaping, and
- (h) if there is no existing condition relating to hours of operation, the premises must not be operated outside the following hours:
 - (i) if the new use is as bulky goods premises or commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - (ii) in any other case—7.00 am to 7.00 pm Monday to Saturday and the new use is not to be carried out at any time on a Sunday or a public holiday, and
- (i) if there is no existing condition relating to car parking, the new use must comply with any relevant requirements contained in an environmental planning instrument or a development control plan applying to the land relating to car parking.

Note. The construction or installation of a driveway or hard stand space in relation to bulky goods premises, commercial premises, premises used for light industry or a warehouse or distribution centre is not exempt development or complying development under this Code.

2.2.31 Development standards—Building Code of Australia matters

The following standards are also specified for that development:

- (a) if the change of use involves an area of more than 500m² of bulky goods premises or commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre, that area must:
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the *Building Code of Australia*, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the *Building Code of Australia*, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the *Building Code of Australia*,
- (b) if the building is a mixed use development that also contains a class 2, 3 or 4 portion, the area involved in the change of use must be separated from the class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the *Building Code of Australia*.

Note. Pursuant to the requirement under the *Act* that a building must be suitable for occupation and use in accordance with its classification under the *Building Code of Australia*, a change of use may require building work to be carried out despite such work not being included in an application for a complying development certificate.

Subdivision 3 Mechanical ventilation systems

2.2.32 Specified complying development

The construction, installation or alteration of a mechanical ventilation system on a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this Code if it is not carried out on, or in relation to, a heritage item or a draft heritage item, or in a heritage conservation area or a draft heritage conservation area or at premises located on bush fire prone land.

2.2.33 Development standards

The standards specified for that development are that:

- (a) the development must be located at least 3.5m behind the building line from any lot boundary, and
- (b) the development must be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and
- (c) the development must be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and
- (d) the development must not relate to the cooking of food at the premises by barbecue or charcoal methods, and
- (e) any demolition necessary must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Note. If the mechanical ventilation system is a **regulated system** in **regulated premises** within the meaning of the *Public Health Act 1991*, the system must comply with the requirements of that Act, including AS/NZS 3666.1:2002, *Air-handling and water systems of buildings— Microbial control—Design, installation and commissioning*.

Subdivision 4 Shop front and awning alterations

2.2.34 Specified complying development

An external alteration to, or the repair or replacement of, an existing shop front or awning on a building that is used as bulky goods premises or commercial premises is development specified for this Code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

2.2.35 Development standards

The standards specified for that development are that:

- (a) the development must not result in an increase in the gross floor area of the building, and
- (b) the development must not reduce the area of the window or other clear glass of the shop front, and
- (c) the development must not reduce the level of transparency of the shop front, such as by using obscure glazing, and
- (d) the development must not reduce the existing level of access to the building for people with a disability, and
- (e) any demolition necessary must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Note. A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Subdivision 5 Skylights and roof windows

2.2.36 Specified complying development

The construction or installation of a skylight or roof window on a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this Code, other than at premises located on bush fire prone land.

2.2.37 Development standards

The standard specified for that development is that:

- (a) the development be constructed or installed so that any opening created is adequately weather proofed, and
- (b) any demolition necessary must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Schedule 3

DIVISION 1 CONDITIONS APPLYING TO COMPLYING DEVELOPMENT CERTIFICATE UNDER THE GENERAL AND RESIDENTIAL COMPLYING DEVELOPMENT CODE

Note. Complying development must comply with the requirements of the [Act](#), the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the [Act](#), impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Conditions applying before works commence

1 Protection of adjoining areas

- (1) A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.
- (2) A temporary fence must be covered in cyclone wire mesh if it adjoins or is on a public place.
- (3) A temporary hoarding, fence or awning must not be erected on public land or a road unless the relevant authority has approved of the works.

Note. Approval in relation to public land may be granted under the [Local Government Act 1993](#) and an approval in relation to a road may be granted under the [Roads Act 1993](#).

2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

3 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (3) The garbage receptacle must be replaced or emptied when any of its contents extend beyond the top of the receptacle enclosure walls.

4 Notification to neighbours

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

Conditions applying during the works

Note. The [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) contain provisions relating to noise.

5 Hours of construction or demolition

Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

6 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

7 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

8 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Construction requirements

9 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.
- (2) Any approval that is required for connection to the drainage system under the [Local Government Act 1993](#) must be held before the connection is carried out.
- (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained.

10 Easements

All parts of the building/structure are to be sited clear of any easement affecting the site. The development is consistent with any Section 88B Restriction under the [Conveyancing Act 1919/1964](#) that the Tweed Shire Council has an interest in and applies to the land the subject of the development.

11 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

DIVISION 2 CONDITIONS APPLYING TO A COMPLYING DEVELOPMENT CERTIFICATE UNDER THE COMMERCIAL AND INDUSTRIAL COMPLYING DEVELOPMENT CODE

Note 1. Complying development must comply with the requirements of the *Act*, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

Note 2. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the *Act*, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan. Contributions may be imposed in respect of development on certain land under Section 61 the *City of Sydney Act 1988*.

Conditions applying before works commence

1 Protection of adjoining areas

A hoarding or a temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note. See the entry in the *General Exempt Development Code* for scaffolding, hoardings and temporary construction site fences.

2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- (3) The garbage receptacle must be replaced or emptied when any of its contents extend beyond the top of the receptacle enclosure walls.

Conditions applying during the works

Note. The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

4 Hours for construction or demolition

Construction or demolition that is audible in any dwelling on an adjoining lot may only be carried out between 7.00 am and 8.00 pm on Monday to Saturday.

5 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

6 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Conditions applying to construction requirements

7 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

8 Mechanical ventilation systems

If the complying development is a mechanical ventilation system that is a **regulated system** in **regulated premises** within the meaning of the Public Health Act 1991, the system must be notified as required by the Public Health (Microbial Control) Regulation 2000, before an occupation certificate (whether interim or final) for the complying development is issued.

9 Food businesses

If the complying development is a **food business** within the meaning of the Food Act 2003, the food business must be notified as required by that Act or licensed as required by the Food Regulation 2004, before an occupation certificate (whether interim or final) for the complying development is issued.

10 Premises where skin penetration procedures are carried out

If the complying development involves premises at which a **skin penetration procedure** within the meaning of the Public Health Act 1991 will be carried out, the premises must be notified as required under the Public Health (Skin Penetration) Regulation 2000 before an occupation certificate (whether interim or final) for the complying development is issued.

PART B – DEVELOPMENT CONTROLS

3.0 RESIDENTIAL DEVELOPMENT CONTROLS

This Section of the Development Code provides development controls relating to development comprising residential development including single dwellings (Section 3.1) and multi-dwelling housing (Section 3.2). Note that these controls do not apply to development meeting the Complying Development controls Section 2.2 Schedule 2.

3.1 General Dwelling Controls (common to Single and Multiple dwellings)

This section of the Development Code provides controls relating to the development of all dwellings and includes controls relating to streetscape, architectural design, setbacks, height, open space, car parking, and fencing that are common among all dwelling types.

The Development Code provides criteria for assessment of dwellings as Complying Development on a Nominated Lot as outlined in **Section 2.2** of this Code. Where a proposed dwelling design does not meet the Complying Development standards, a development application must be lodged addressing the controls below. Any variations to these controls are to be justified by demonstration how the objectives for the control are achieved.

This section of the Development Code applies to all **Development Types** or housing product types. These housing products include the following:

Traditional Detached Dwelling in which only a garage wall may be built-to-boundary and which may also referred to as a Traditional Detached Home in this document.

Zero-lot Dwelling in which all or at least part of one side wall is built-to-boundary and which may also referred to as a Zero-Lot Home in this document.

Terrace Dwelling in which all or at least part of both side walls are built-to-boundary and which may also referred to a Terrace Home in this document.

Soho Dwelling in which limited commercial uses are combined with residential uses on the title.

Mews Dwellings in which a group of more than three and up to six dwellings are located on a single lot that share a common driveway and often have frontages to two streets or a street and a park. These dwellings may be strata-titled/re-subdivided upon completion, often providing freehold title lots with reciprocal easements for access to the lots not located on the access street frontage, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Plex Dwelling in which up to five attached or detached dwellings are located on one lot (duplex, triplex, etc.), but where there are no communal facilities provided. These dwellings may be strata-titled/re-subdivided upon completion, as outlined in Part 5.8 Strata Subdivision.

Shop-top Dwelling/s in which one or more dwelling/s is/are located on a single lot in association with a ground floor business use that fronts a street containing other commercial uses. If constructed appropriately, it is optional for the business use/s and the dwelling/s to be strata titled/ re-subdivided separately from the residential uses upon completion, and the individual dwellings may also be strata-titled/re-subdivided upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Townhouse Dwellings in which six or more dwellings in an attached format (maximum number of attached dwellings to be four) are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Villa Dwellings in which six or more dwellings in a detached format are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Apartments in which two or more dwellings are located vertically in storeys and share car parking and common property. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Retirement Communities in which numerous attached and/or detached dwellings, club and recreational communal facilities and an administration component are located on a single lot. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Tourist Accommodation (other than hotel or motel accommodation) in which self-contained short-term accommodation units are located on a single lot along with communal facilities and a building manager. These dwellings may be strata-titled upon completion, as outlined in Part Sections 5.8 and 5.9 regarding subdivision.

Development Lot in which a large parcel of land is identified for future development subject to separate planning approval either compliant with the Development Code or within criteria set in a Plan of Development.

3.1.1 Site Work

Objectives

- (1) To limit modification of site levels at boundaries to maintain amenity to adjoining properties.
- (2) To ensure that site modifications do not cause flooding of adjoining properties.
- (3) To ensure that site modifications do not cause site destabilisation.
- (4) To ensure that site engineering elements do not impact on the streetscape.
- (5) To ensure that fencing does not destabilise retaining walls.
- (6) To ensure best practice design for sloping sites.

Controls

- (1) Cut and fill must (outside of the building foot print) must be limited to 1.2m above or below finished ground level. (**Figure 3.1.1.1**)
- (2) Retaining walls on boundaries shall not exceed 600mm in height above or below ground level (existing). (**Figure 3.1.1.2**)



Figure 3.1.1.1: Maximum Cut-and-Fil

- (3) Retaining walls, where cut is proposed on the boundary of a lot, are to be constructed with side fence posts integrated with its construction (relevant construction details required with retaining wall approval). Otherwise the retaining wall must be located a minimum of 450mm from the side or rear boundary of the lot containing the cut.
- (4) Fences on top of retaining walls must not exceed combined with the height of the retaining wall, as measured from the finished ground level.
- (5) Adequate provision must be made to intercept overland flow affected by site works to prevent damage and nuisance to adjoining properties.



Figure 3.1.1.2: Retaining Walls on Boundary

- (6) Such provisions must be indicated on plans submitted for approval.
- (7) Drains must be provided at the foot of embankments or retaining walls and discharge all surface water to the street, gully or drain provided and not onto adjoining land.
- (8) Retaining walls over 1m in height must be designed and supervised by a structural engineer and a certificate of structural adequacy provided prior to occupation.
- (9) Retaining walls are generally not permitted on forward of the building line to a road frontage, but

may be permitted when incorporated with or screened by complying fencing.

- (10) Dwellings must not be on a contiguous slab on ground type if the building site has a slope of greater than 10%, unless a suspended slab and/or enclosed foundations are provided.
- (11) On land identified on **Figure 15.17.1** as potential acid sulfate soil, all development where excavation is proposed below ground level (existing) (not including any fill), involving less than 10 tonnes of soil, the Tweed Shire Council Acid Sulfate Soil Management Plan for Minor Work may be completed by the owner/applicant as an alternative to individual sampling/testing and Management Plan. Development that requires more than 10 tonnes of potential acid sulphate soil (not including any fill) requires the completion of individual sampling/testing and if necessary a Management Plan.

3.1.2 Front Setbacks and Façade Modulation

Objectives

- (1) To encourage visually interesting streetscapes through articulated setback criteria.
- (2) To reduce the visual dominance of garage doors and their impact on the streetscape.
- (3) To ensure that visitor parking in front of a garage door does not overhang the property boundary.
- (4) To encourage interesting facades through the use of eaves, verandas, balconies and feature elements.
- (5) To ensure that fencing does not dominate the streetscape.
- (6) To ensure high standards of public safety through passive surveillance.
- (7) To ensure sufficient space for landscaping adjacent to boundary.

Controls

- (1) Siting of dwellings shall be consistent with the front setback controls and terminology at **Table 3.1.2.1** and **Figure 3.1.2.1**.
- (2) The building line is the predominant front building line of a dwelling measured at ground level (finished) as noted in **Figure 3.1.2.1**.

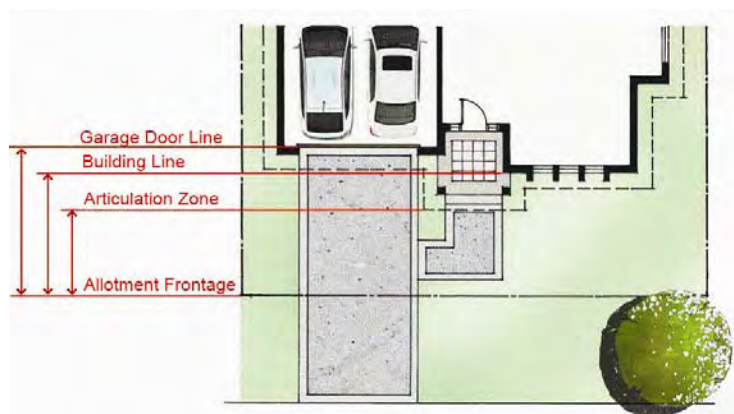


Figure 3.1.2.1: Frontage Setback Terminology

- (3) The articulation zone creates a zone for landscaping and permits and encourages translucent architectural elements such as:
 - (a) eaves and sun shading devices, or
 - (b) balcony or window box treatment, or
 - (c) projecting architectural elements such as fins and architraves, or

- (d) verandas unenclosed on three sides, or
 - (e) bay windows or similar features, or
 - (f) pergolas and low landscape elements.
- (4) The garage door line ensures that a car parked on a driveway can be fully contained within the property boundary and is measured to the garage door.

Table 3.1.2.1: Minimum Road Frontage Setbacks

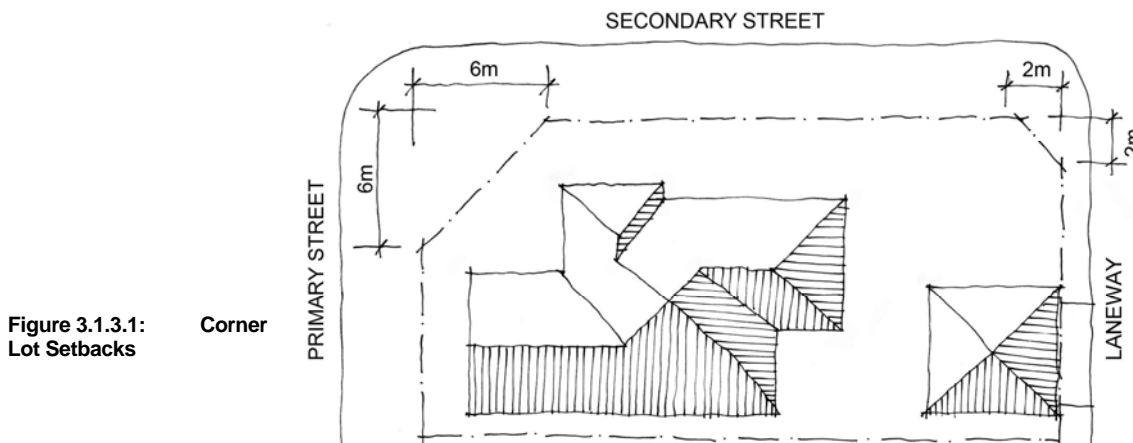
Lot width*	5m -10m	>10m – 15m	>15m	Measured to
Primary Frontage Articulation Zone	1m	2m	3m	Outermost projection
Secondary Frontage Articulation Zone	0.5m	1.5m	2.5m	Outermost projection
Primary Frontage Building Line	2m	3m	5m	To wall
Secondary Frontage Building Line	1.5m	2.5m	4.5m	To wall
Garage Door Line measured to either street boundary	4.5m for a double and 5.5m for a single garage	4.5m for a double and 5.5m for a single garage	6m	To face of garage door
Garage Door Line measured to rear laneway boundary	1m	1m	2m	To face of garage door
Any structure measured to the rear laneway boundary	0.5m	0.5m	1m	Outermost projection

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

3.1.3 Corner Lots

Objectives

- (1) To encourage building designs that will enhance the streetscape.
- (2) To ensure articulation of secondary street frontages.
- (3) To address vehicle visibility issues.
- (4) To maximise the use of the lot.



Controls

Corner lot setbacks are to be in accordance with the setback controls at **Tables 3.1.2.1** and:

- (a) for Plex or Mews dwellings, in the case of the transition between the primary and secondary frontage setbacks, the lesser setback applies, and
- (b) for Single dwellings, in the case of the transition between the primary and secondary frontage setbacks, the greater setback applies, and
- (c) traffic visibility issues must conform to the provisions of the *Standard Building Law*, and
- (d) are as applied to the effective boundary truncations as illustrated in **Figure 3.1.3.1** or the actual truncations, whichever are the greater.

3.1.4 Built Form

Objectives

- (1) To encourage building designs that will enhance the streetscape.
- (2) To ensure that garage doors do not dominate the facade.
- (3) To encourage a compatibility of form and scale without constraining the designer's capacity to create interesting and individual house designs.
- (4) To encourage climatically-responsible house designs.
- (5) To promote a range of colours and finishes sympathetic to the natural and adjacent built environment.
- (6) To encourage articulated buildings.
- (7) To encourage a varied skyline profile.

Controls

- (1) The primary street facade of a dwelling must incorporate at least two of the following design features:
 - (a) Entry porticoes, verandas, balconies, pergolas and screens,
 - (b) Plan profile stepped a minimum 500mm,
 - (c) Recessed or projecting architectural elements,
 - (d) A mixture of building materials, or
 - (e) Feature materials such as stained timber, stone or architectural grade steel.



Figure 3.1.4.1: Desirable front façade embellishments such as timber, stone, wide eaves, porches and verandas

- (2) Eaves or similar shading devices are to provide shading of walls and to protect window and

door openings.

- (3) Eaves must have a minimum of 450mm overhang (measured to the fascia board) and be provided to at least of 70% of the dwelling.

Note. An outdoor covered area is considered to be equivalent to an eave.

- (4) Alternative solutions to eaves are permitted so long as they still provide equal or better sun shading to all glass windows and doors and are compatible with the building in terms of design, scale, materials, and colour.

- (5) All expressed hip or gable roofs must have a pitch ranging from:

- (a) 20-35 degrees generally, or

- (b) not more than 10 degrees with eaves of not less than 900mm.

- (6) All single pitched roofs must have a pitch of 9 degrees minimum where expressed on a single storey dwelling, 6 degrees minimum where expressed on a multiple storey dwelling, or in accordance with manufacturer's minimum roof pitch recommendations where provided behind a parapet.

- (7) The use of parapet walls must be:

- (a) limited in extent, and

- (b) used in conjunction with traditional roof forms, and

- (c) articulated in the vertical and horizontal plane.

- (8) Garage doors must:

- (a) not exceed 40% of the length of the lot (measured at building line), unless perpendicular to the road frontage, and

- (b) and be set back from the building line by 1m minimum to reduce their visual prominence from the road, and

- (c) where the design incorporates a triple (or greater) garage, the third garage door must be set back a further 600mm from the main garage door.

- (9) Porticos and entry features are to be in proportion with the scale of the dwelling.

- (10) Proposed dwelling colours, materials and finishes are to be from a predominantly neutral palette of colours. Bright and highly reflective colours are to be avoided, except for architectural features that are limited in their extent. Colours and finishes must not be in strong contrast to existing surrounding development. Multi-coloured roof tiles are not permitted.

- (11) Any additions to a dwelling, which are visible from a road or public land frontage, shall have external finishes and a colour scheme that match or compliment those of the existing dwelling.

- (12) Additions comprising awnings, canopies and storm blinds attached to a dwelling to a maximum area of 6m².

3.1.5 Dwelling Height, Massing and Siting

Objectives

- (1) To ensure development is appropriately scaled to suit the dwelling's context.
- (2) To ensure building heights achieve built form outcomes that reinforce quality urban and building design.
- (3) To protect residential amenity.
- (4) To facilitate the provision of a variety of residential densities within the community.
- (4) To preserve privacy.

Controls

- (1) Single dwellings are to be generally a maximum of two storeys in height, except as stated in **3.1.5 (2)** below.
- (2) A third storey may be permitted:
 - (a) on land that is a prominent street corner, or
 - (b) adjacent to a neighbourhood or local centre or public open space, or a golf course, or riparian corridors, or
 - (c) on land with a ground level (existing) slope equal to or more than 15%, in which case a partial third storey is permitted below the balance of the dwelling, or
 - (d) where it is a requirement to provide flood refuge as required by TDCP 2007, Section A3 and is not likely to impact adversely on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and any impact on privacy, or
 - (e) over a part of a Plex, Mews, Townhouse, or Apartment, Shop Top or Retirement Village development where the 3 storey component would not exceed 70% of the building footprint.
- (3) The height to the eave of a dwelling (measured from the floor level of the ground floor) must not be more than 3.6m for a one storey dwelling, 7m for a two storey dwelling, and 10.5m for a three storey dwelling, except where varied by sub clause (4).
- (4) Where a mono pitch roof design is proposed, the lowest side of the roof must comply with the standard specified in subclause (3). The height to the eave of the highest side of a mono pitch roof must not be more than 4.5m for a one storey dwelling, 8m for a two storey dwelling, and 11.5m for a three storey dwelling.
- (5) The overall building height of a dwelling from ground level (existing) at any point must not be more than 5m for a one storey dwelling, 8.5m for a two storey dwelling and 12m for a three storey dwelling, where that height is measured as the sum of the height from the floor level of the ground floor and the height of the foundation area measured from ground level (existing average).
- (6) The building height of an outbuilding on a lot nominated for a dwelling/s must not be more than 3.6m above ground level (existing).
- (7) Wall lengths of a height of two storeys or more shall not exceed 30% of the length of the adjacent side boundary where the setback to that boundary is less than 4m.
- (8) Building height is not to exceed 3 storeys or the development controls in this section for the respective development categories.

3.1.6 Private Open Space

Objectives

- (1) To provide a high level of residential amenity with opportunities for outdoor recreation and relaxation within the property.
- (2) To enhance the spatial quality, outlook, and usability of private open space.
- (3) To facilitate solar access to the living areas and private open spaces of the dwelling.
- (4) To ensure that dwellings are designed to minimise overshadowing of, and to protect minimum standards of sunlight access to, private outdoor living space of adjacent dwellings.
- (5) To provide a principle private open space for the purpose of outdoor recreation.
- (6) To ensure minimum standards of sunlight access to adjacent dwellings.

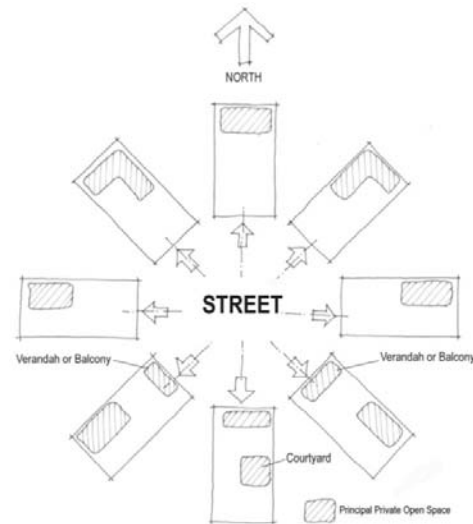


Figure 3.1.6.1: Principal Private Open Space Location Principles

Note: *principal private open space (PPOS)* means the portion of private land which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It may include an outdoor room / 'alfresco room'

Controls

- (1) Each dwelling is required to be provided with an area of Principle Private Open Space (PPOS) consistent with **Table 3.1.6.1** and being not steeper than 1:10 gradient. On steeper sites, PPOS is to be terraced or provided on a deck in order to ensure that it is a functional recreation space.
- (2) The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography and the preferred locations of PPOS illustrated at **Figure 3.1.6.1**.
- (3) The PPOS is to be contiguous with and accessible from the main living area of a dwelling.
- (4) "Alfresco rooms" or "Outdoor rooms" and the like may be included in the calculation of Principle Private Open Space.
- (5) Where the PPOS is a semi-private patio, balcony or roof top area, it must be provided with a fence or landscaped screen at least 1m in height, and be directly accessible from a living area.

Table 3.1.6.1: Principle Private Open Space

Lot width*	5m -10m + Category A	>10m – 15m + Category B	>15m + Category C
Principal Private Open Space (PPOS) at ground level	Min. 15m ² with a min. dimension of 3m and provided with adequate privacy or	Min. 20m ² with a min. dimension of 3m and provided with adequate privacy or	25m ² with a min. dimension of 3m and provided with adequate privacy
Principal Private Open Space (PPOS) at first floor level for first floor living solutions	Min. 6m ² if provided as a semi private balcony or rooftop with a min. dimension of 2.1m	Min. 12m ² if provided as a semi private balcony or rooftop with a min. dimension of 3m	Not applicable

* Measured at the building-line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on wall or column of the dwelling that is located the furthest from the building line.

3.1.7 Landscaped Area

Objectives

- (1) To enhance the landscape character of the area.
- (2) To limit impermeable development of a lot in proportion to site size.
- (3) To reinforce residential amenity and privacy.
- (4) To enhance sustainable design solutions.

Controls

- (1) Dwellings are to comply with the minimum landscaped area requirements (as a percentage of the allotment area) at **Table 3.1.7.1**.

Table 3.1.7.1: Landscaped Area

Lot width*	5m -10m + Category A	>10m – 15m + Category B	>15m + Category C
Minimum Landscape Area For Single Dwellings	5%**	10%**	20%**
Minimum Landscape Area For Plex and Mews Dwellings	20% of overall lot area, including any required PPOS and including a minimum of 5% deep planting areas		

* Measured at the building-line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on wall or column of the dwelling that is located the furthest from the building line.

** These percentages may include other required areas such as *Principle Private Open Space and/or setbacks*.

Note. The landscaped area means any part of a site, at ground level, that is permeable and consists of soft landscaping, pebbles, turf or planted areas and the like.

3.1.8 Garages, Site Access and Parking

Objectives

- (1) To provide safe and secure onsite parking for residents and visitors.
- (2) To reduce the visual impact of garages, carports and parking areas on the streetscape and improve dwelling presentation.
- (3) To ensure that garages do not dominate the appearance of the house from the street.
- (4) To provide adequate parking for the intended land use.

Controls

- (1) The minimum parking rates for residential dwellings are at least 1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling, and 2 spaces per three bedroom dwelling or larger.
- (2) Garages are to have minimum clear internal dimensions of 3m width x 5.4m length for a single garage or 5.6m width x 5.5m length for a double garage.

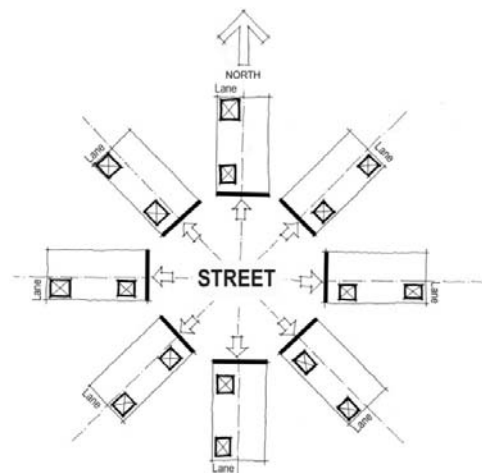


Figure 3.1.8.1: Garage Location Principles

- (3) Garages and carports must be located in accordance with:
- (a) the location principles as determined by **Figure 3.1.8.1**, whenever practicable, and
 - (b) built form controls as determined by **Section 3.1.4**, and
 - (c) configuration controls as determined by **Table 3.1.8.1** and
 - (d) setback controls determined by **Table 3.1.2.1**.
- (4) The location of driveways is to be determined with regard to dwelling design, orientation, street gully pits, tree bays and the maximisation of available on-street car parking, as well as the garage location principles illustrated at **Figure 3.1.8.1**.
- (5) Garages, carports and vehicle doors are to:
- (a) be treated as an important element of the dwelling facade and interface with the public domain, and
 - (c) in the case of vehicle doors, be visually recessed through use of materials, colours, and overhangs, and
 - (b) be integrated with and complementary to, in terms of design and material, the dwelling design.
- (8) Driveways are to comply with the following criteria:
- (a) the maximum width of a driveway at the property boundary must generally be 4.5m except on narrow laneways where, a wider driveway width may be provided in order to comply with AS 2890, and
 - (b) driveways are to be in accordance with Tweed Shire Council's standard *Driveway Access to Property Design Specification*, and
 - (b) driveway crossovers are subject to a Section 138 application to council to undertake work within a road reserve.

Table 3.1.8.1: Garage Configurations

Lot width*	5m -7m	<7m -10m	>12m-<15m	>15m-<20m	>20
Option 1 (additional tandem bays are also permitted)					
	Rear	Rear	Rear	Front	Front
Width	Single	Single or Double	Single or Double	Double or Triple	Double or Triple
Option 2 (additional tandem bays are also permitted)					
	-	Front	Front	Rear	Rear
Width	-	Single	Single or Double	Single (if in addition to a front loaded double) or Double	Double

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

3.1.9 Fencing

Objectives

- (1) To permit securing of the property boundaries where desired.
- (2) To create privacy where required.
- (3) To maintain reasonable levels of passive surveillance of public places in the interests of public safety.
- (4) To ensure an attractive streetscape.

Controls

- (1) Fencing forward of the building line must be constructed in accordance with **Table 3.1.9.1** and **Figures 3.1.9.1 and 3.1.9.2**.

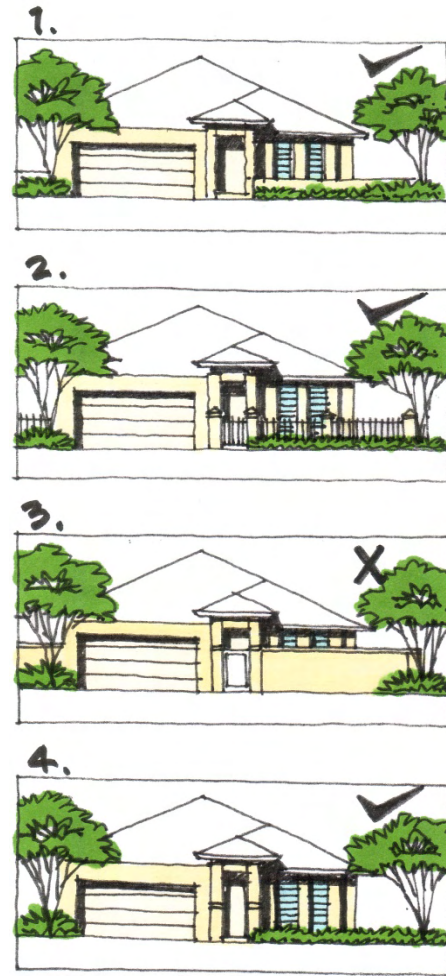


Figure 3.1.9.1: Front fencing to promote public safety through passive surveillance of street

Table 3.1.9.1 Fencing Forward of the Building Line

Fence Control	Setback from the road frontage boundary	Mini and maxi heights above ground level (existing)*	Type/s of fence permitted	Extent permitted to frontage boundary	Other requirements or notes
Fencing to a primary road frontage <u>not</u> providing privacy for a PPOS	An average of 0.5m from the frontage boundary	0.6m to 1.2m for Solid or Translucent types, or 1.5m for Transparent types	Solid Masonry, or Transparent, or Translucent	The fence may only extend to a maximum of 80% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence
Fencing to a primary or secondary road frontage providing privacy for a PPOS	An average of 0.5m from the frontage boundary	1.5m to 1.8m	Solid Masonry, or 50% Solid + 50% Transparent, or Translucent	The fence may only extend to a maximum of 50% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence
Fencing to a secondary road frontage of a corner lot <u>not</u> providing privacy for a PPOS	An average of 0.5m from the frontage boundary	1.2m to 1.8m	Solid Masonry, or 50% Solid + 50% Transparent, or Translucent	The fence may only extend to a maximum of 30% of the total length of the frontage boundary	Landscape planting is required between the frontage boundary and the fence

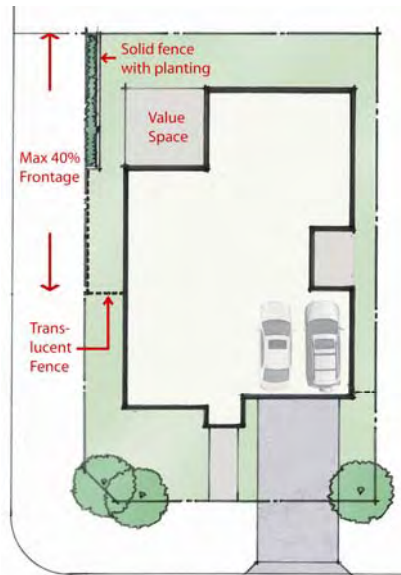


Figure 3.1.9.2: Screen fencing extending to part of a boundary

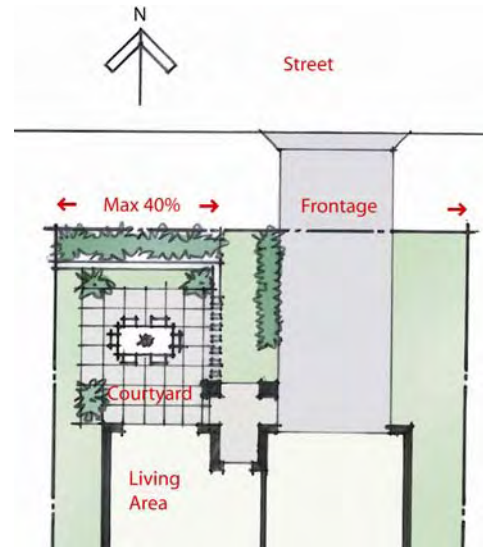


Figure 3.1.9.3: Limited fencing permitted when living spaces face north to street

- (2) Fencing behind the building line on a boundary shared with another residential lot is referred to as shared boundary fencing and must be:
- (a) hit and miss timber palings with matching continuous timber capping, (referred to as 'good-neighbour fencing'); or
 - (b) Colorbond fencing with matching continuous metal capping, or
 - (c) Solid fencing (refer fencing types in **Section 3** below) in appropriate circumstance and where ground conditions permit, and
 - (c) constructed with a raked top profile following the profile of the ground level (existing), and
 - (d) a maximum height of 1.8 metres as measured from ground level (existing), except for sloping lots, and
 - (e) a maximum height of 2.1 metres from ground level (existing) in the case of a fence sloping with the fall of the land.
- (3) Fence Types, Materials and Colours are described as follows:
- (a) **Solid** fencing, which must be masonry (including precast concrete) with a bagged and painted, rendered and painted, or natural stone veneer finish or be of face masonry of natural stone, brick or block, or
 - (b) **Transparent** fencing, which must be of factory pre-coloured hollow metal tubes, pre-coloured external grade vinyl tubes, or high quality, low maintenance stained or painted timber in a decorative horizontal or otherwise angled batten or traditional vertical picket style in a dark colour to blend with the associated landscape or else in a stainless steel wire of a natural finish, or
 - (c) **Translucent** fencing, which may be constructed in accordance with the description of Transparent fencing above except it may be in light colours to match the dwelling, or else be of a high quality, low, low maintenance stained or painted timber, stainless steel mesh, perforated stainless steel factory pre-coloured sheets, all having a maximum ratio or solid to void of 50%, or otherwise be of obscure safety glass or otherwise be of a combination of 50% Solid fencing and 50% Transparent fencing, except that the colour of the Transparent fencing may be light to match the dwelling. Refer **Figure 3.1.12.4**.
 - (d) **Shared** fencing (refer to **3.1.9(2)** above)



Figure 3.1.9.4: Examples of translucent fencing on a secondary boundary of a corner site

3.1.10 Visual Privacy

Objectives

- (1) To ensure a reasonable level of visual privacy between dwellings.
- (2) To ensure a reasonable level of privacy to principle private open spaces.

Controls

- (1) Windows, balconies and decks located on the first floor or in a room with a floor level greater than 1.0m above the natural ground level must be subject to effective privacy screening where they face south, west, or southwest to an adjoining dwelling lot and are not set back at more than 10m from the adjacent boundary of the dwelling lot.
- (2) Effective privacy screening is considered to be provided if the window has a sill height of 1.5m above the finished floor, fixed and obscure glass for all areas below 1.5m above the finished floor or external fixed screening having an open to solid ratio of 50% maximum fixed over openings or balconies to 1.5m above the finished floor.

3.1.11 Flooding and Watercycle Management

Objectives

- (1) To minimise the potential impact of flooding on development.
- (2) To incorporate best practice stormwater management principles and strategies in development proposals.
- (3) To mitigate the impacts of urban development on stormwater quality.
- (4) To control the impacts of urban development on channel bed and bank erosion by controlling the magnitude and duration of sediment-transporting flows.
- (5) To limit changes in flow rate or flow duration within the receiving waterway as a result of development.

Controls

- (1) **Development of Flood Liable Land:**
 - (a) Development is to be in accordance with Tweed DCP 2007, Section A3 except where inconsistent with the controls at Section 5.8 of the Cobaki Lakes Development Code.

(2) **Erosion and Sediment Control:**

(b) Erosion and sediment control should be in accordance with Tweed Development Control Plan 2007, Development Design Specification D7 - Stormwater Quality and its Annexure A - Code of Practice for Soil and Water Management on Construction Works.

(c) An Erosion and Sediment Control Plan is to be submitted with all development applications.

(3) **Permanent stormwater quality facilities:**

(a) The subdivision and drainage system must be designed to meet the requirements of the Tweed Urban Stormwater Management Plan Section 5.5.3 Stormwater Objectives During the Post Construction or Occupational Phase of Development (Table A5-4) and Tweed Development Control Plan 2007, Development Design Specification D7 - Stormwater Quality.

3.2 Single Dwelling Controls

This section of the Development Code provides controls relating to development comprising to one dwelling on a single allotment and includes controls relating to streetscape, architectural design, setbacks, height, open space, car parking, zero lot (built-to-boundary) walls and fencing.

The Development Code provides criteria for assessment of certain dwellings as Complying Development on a Nominated Lot as outlined in **Section 2.2** of this Code. Where a proposed dwelling design does not meet the Complying Development standards, a development application must be lodged addressing the controls below. Any variations to these controls are to be justified by demonstration how the objectives for the control are achieved.

This section of the Development Code applies to various **Development Types** or housing product types which are limited to one dwelling on a single allotment. These housing products include the following:

Traditional Detached Dwellings

Zero-lot Dwellings

Terrace Dwellings

Soho Dwellings



Figure 3.2.1: Single Dwelling Types

3.2.1 Streetscape and Architectural Design

Objectives

- (1) To create an attractive and cohesive streetscape through the provision of articulated building and roof forms.
- (2) To ensure that houses frame the street and that fencing does not dominate the streetscape.

- (3) To ensure that buildings enhance the built form and character of the neighbourhood by encouraging building designs that fit harmoniously with their surroundings and are of compatible scale.
- (4) To downplay the visual prominence of garage doors and their impact on the streetscape.
- (5) To ensure that visitor parking, where provided immediately in front of a garage door, does not overhang public property and the road reservation.
- (6) To provide a clear distinction between private and public space.
- (7) To improve public safety by encouraging casual surveillance of the street or parkland.
- (8) To encourage visually interesting facades of varied colours and materials.

Controls

- (1) Good streetscape design principles illustrating an attractive and cohesive streetscape are illustrated at **Figures 3.2.1.1 and 3.2.1.2**.
- (2) Building siting, setbacks, car parking, building height and scale, built form, façade treatments and fencing must comply with this section.
- (3) Alternative solutions may be approved provided these objectives have been addressed.



Figure 3.2.1.1: Good Streetscape Design Principles



Figure 3.2.1.2: Good Streetscape Design Principles (continued)

3.2.2 Side and Rear Setbacks for Traditional Detached Dwellings

Objectives

- (1) To minimise potential impact of development on neighbouring properties with regard to view, privacy, and overshadowing.
- (2) To encourage the efficient use of land.
- (3) To provide 'breathing space' between buildings.
- (4) To ensure the provision of equitable access to natural light and ventilation for the occupants of all residential buildings.

Controls

- (1) Dwellings shall be consistent with the side and rear setback controls at **Table 3.2.2.1** or the *Building Code of Australia*, whichever is the greater.
- (2) Setbacks are to be measured to the outermost point of the building such as walls, columns, posts or eaves fascia, unless otherwise noted by **Table 3.2.2.1**.
- (3) Projections permitted into side and rear setback areas include sun hoods, architectural fins or architraves, gutters, down pipes, flues, light fittings and electricity or gas meters, rainwater tanks and hot water units.
- (4) Garage walls not exceeding 9m in length may be built-to-boundary on predominantly southern and western boundaries, or in accordance with **Figure 3.2.3.1**, except where proposed on a sloping site, in which case the zero lot line must be located on the lower side boundary regardless of orientation.
- (5) Pergolas and other unroofed landscape elements may extend within the side and rear setbacks to minimum distances permitted by the *Building Code of Australia*.
- (6) Built-to-boundary walls or zero setbacks where permitted means a setback of up to 250mm. **Note.** Downpipes, gutters and eaves must not extend over the boundary.

Table 3.2.2.1: Minimum Side and Rear Setbacks for Detached Dwellings

Lot width*	>15m	Measured to
Ground Floor	0.9 m	Outermost projection
First Floor (including any parts over 4.5m high)	1.5m	Outermost projection
Second Floor	2m	Outermost projection
Rear building line (excluding rear lane garages)	3m	Wall
Rear articulation zone (excluding rear lane garages)	2m	Outermost projection

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

3.2.3 Side and Rear Setbacks for Zero Lot Dwellings, Terrace Dwellings and Soho Dwellings

Objectives

- (1) To facilitate the efficient use of land on smaller allotments.
- (2) To provide appropriate distance between dwellings.
- (3) To ensure the provision of equitable access to natural light and ventilation for the occupants of all residential buildings.
- (4) To provide residents with information as to rights and responsibilities with relation to zero-lot homes.

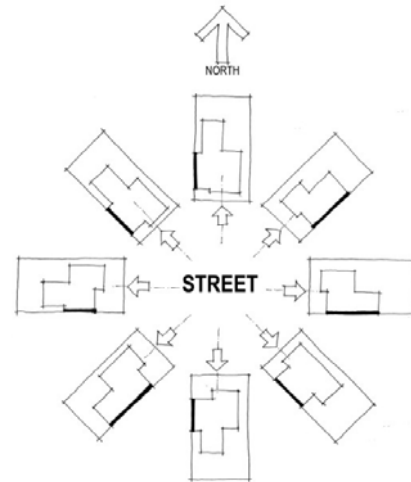


Figure 3.2.3.1: Preferred zero-lot wall locations

Controls

- (1) Dwellings are to be consistent with the zero lot line setback controls at **Table 3.2.3.1**.
- (2) The location of zero lot line development is to be in accordance with the location designated on the Plan of Development relating to the land and linked by a Section 88B instrument as determined by the preferred zero-lot wall locations illustrated by **Figure 3.2.3.1**.

Table 3.2.3.1: Zero Lot Lines, Side and Rear Setbacks of Zero Lot, Terrace and Soho Dwellings

Lot width*	5m -10m	>10m – 15m	>15m
Location criteria for zero lot line lots	Building to both boundaries permitted up to 2 storeys	Building to 1 boundary**, permitted up to 1 storey	May be permitted for garages of 9m maximum length on south or west boundaries, or in accordance with Figure 3.1.5.1 with DRP approval if not otherwise noted
Length of zero lot line on boundary	20m of enclosed area where adjacent to a wall on the adjoining lot of a length not in variance to the proposed wall by more than 2m in plan and 300mm in elevation, otherwise 9m	18m of enclosed building + solid garden fences or walls	May be permitted for garages of 9m maximum with DRP approval
Ground Floor on side that contains a zero lot line but is not built to the boundary	2m to wall	1.5m to wall	Not applicable
Ground Floor on side that is not a zero lot line	900mm to OMP	1.2m to OMP	1.5m to OMP
First Floor (excluding built to boundary walls but including parts over 4.5m high)	2m to wall	1.5m to wall	1.5m to OMP
Second Floor (if permitted excluding built to boundary walls but	2m to wall	2m to wall	2m to OMP

including parts over 8.5m high)			
Rear Building Line (excluding rear lane garages)	3m to wall	3m to wall	4m to wall
Rear Articulation Zone (excluding rear lane garages)	1.5m to wall	2m to OMP	3m to wall

* Measured at the building line and, in the case of a non-rectangular lot, is the average of the width of the lot at the building line and at a line that is parallel to the building line and that passes through a point on a wall or column of the dwelling that is located the furthest from the building line.

** See **Figure 3.2.3.1** for location of zero lot line based on lot orientation where optional and not nominated on the approved subdivision layout plan

3.2.4 Special Controls for a Soho Dwelling

Objectives

- (1) To provide purpose-built work-from-home opportunities.
- (2) To facilitate choice in child care and family raising strategies for working parents
- (3) To activate neighbourhoods during the working day and increase opportunities for passive surveillance of public places in the interests of public safety.
- (4) To provide an interesting and varied streetscape.
- (5) To both provide a separation between working environments and residential environments on the micro scale as well as consolidate work from home residents into networking precincts.
- (6) To avoid conflict between business and residential activities.

Controls

- (1) Soho dwellings must be designed with a separate entry for the residential occupants and the business staff and clients, and each of these entries must be identifiable from a road or laneway.
- (2) Residential car parking provisions must be designed to be in association with the residential entry.
- (3) The area devoted to business use must not exceed 50m² or 25% of the gross floor area of the building, excluding car parking, whichever is the greater.
- (4) Air conditioner units and any other unsightly items required as a result of the business use must be screened to the view from public areas and, to a lesser extent, adjoining lots.
- (5) Business signage must be limited to 1m² total.

3.3 Multi-Dwelling Housing Controls

This section of the Development Code provides development controls relating to development involving more than one dwelling on a lot and includes controls relating to streetscape, architectural design, setbacks, height, open space, car parking and fencing.

The Development Code provides criteria for assessment of Plex and Mews developments as Complying Development on a Nominated Lot as outlined in **Section 2.2**. Where Plex or Mews development do not

meet the Complying Development Standards and for other forms of Multi-Dwelling Housing a development application must be lodged addressing the controls below. Variations to these controls are to be justified by demonstration how the objectives for the control are achieved.

It applies to various housing product types which have more than one dwelling on a single allotment. These housing products include the following:

Granny Flat

Plex Dwellings

Mews Dwellings

Shop-top Dwelling/s

Townhouse Dwellings

Villa Dwellings

Apartments

Retirement Communities

Tourist Accommodation

Development Lot.



Figure 3.3.1: Granny Flat (Two residences on one title)



Figure 3.3.2: Shop-Top Dwelling/s (Residence/s above commercial or retail use on separate titles)

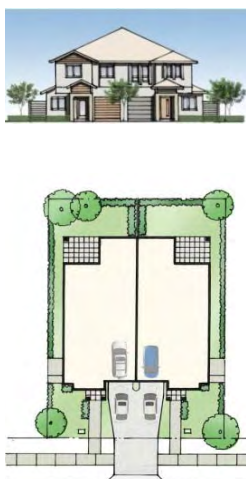


Figure 3.3.3: Plexes (2-5 dwellings on one site on separate titles)

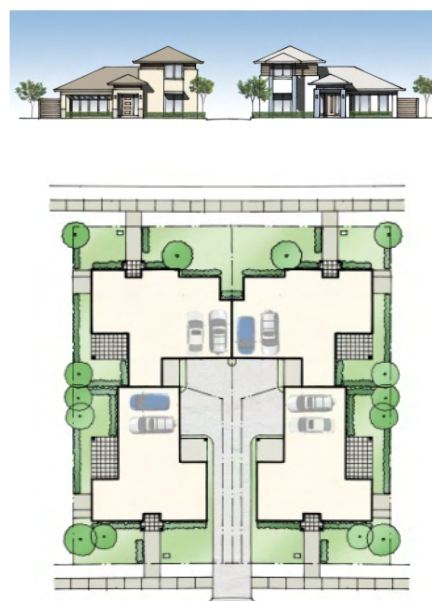


Figure 3.3.4: Mews Housing (2-6 dwellings on one site with separate titles sharing a common driveway which might be created by either reciprocal easement or common property)

3.3.1 Side and Rear Setbacks

Objectives

- (1) To minimise potential impact of development on neighbouring properties with regard to view, privacy, and overshadowing.
- (2) To encourage the efficient use of land.
- (3) To provide 'breathing space' between buildings or groups of buildings.
- (4) To ensure the provision of equitable access to natural light and ventilation for the occupants of all residential buildings.

Controls

- (1) Buildings shall be consistent with the side and rear setback controls at **Table 3.3.3.1** or the *Building Code of Australia*, whichever is the greater.
- (2) Setbacks are to be measured to the outermost point of the building such as walls, columns, posts or eaves fascia.
- (1) Projections permitted into side and rear setback areas include sun hoods, architectural fins or architraves, gutters, down pipes, flues, light fittings and electricity or gas meters, rainwater tanks, hot water units and any other item of a similar character or nature, even if it has not been specifically listed.

Table 3.3.3.1: Minimum Side and Rear Setbacks

Development Category	Category A	Category B	Category C
Ground Floor	Zero setback	0.9 m	0.9 m
First Floor (including any parts over 4.5m high)	Zero setback	1.5m	2m
Second Floor (if permitted)	Zero setback	2m	2.5m
Rear setback (excluding rear lane garages)	3m*	3m	4m

* On corner lots, the designer can choose which of the non-street front boundaries is to be the rear boundary, enabling the dwelling to benefit from the optimum solar orientation.

3.3.2 Granny Flats

Objectives

- (1) To encourage efficient use of residential land and buildings.
- (2) To provide independent cost effective accommodation for a family member or boarder.
- (3) To be compatible with the character of the principal dwelling on the land.
- (4) To be compatible with a low-density residential streetscape.

Controls

- (1) The gross floor area of one of the dwellings does not exceed 60m² or 40% of the total floor area of both the self-contained dwelling and the principal dwelling whichever is the greater.
- (2) Subdivision of the development, including strata subdivision, is not proposed.

- (3) A granny flat must comply with the requirements of the *Building Code of Australia* for a Class 1 or a Class 2 building where appropriate.

Note. A condition requiring the creation of a restriction as to the user on the Lands Title, in accordance with the *Conveyancing Act 1919*, for the purposes of prohibiting subdivision of the development will be imposed on any development consent. Plex housing as Granny Flats are exempt from payment of contributions in accordance with Section 94 of the *Environmental Planning and Assessment Act, 1979* and Section 64 of the *Water Supply Authorities Act, 2000*.

- (4) An additional 1 on-site car space is to be provided in addition to the requirements of the principle dwelling.

3.3.3 Plex Housing

Objectives

- (1) To provide housing and lifestyle choice.
- (2) To provide higher residential densities while still being compatible with the character of dwelling houses.
- (3) To maintain optimum levels of residential amenity.
- (4) To where possible provide dwellings with frontage to different streets on corner blocks.
- (5) To provide appropriate low maintenance private open space.
- (6) To provide landscaped area.
- (7) To ensure climatically-responsible development.
- (8) To facilitate refuse collection.

Controls

- (1) Plex Dwellings are to be located on a lot designated on the Plan of Development as a lot for Plex Dwellings.
- (2) Each dwelling is to be designed so that the access way to the front door is clearly identifiable from a public street, park or other public place.
- (3) Each dwelling must provide at least one habitable room at ground level adjacent to an external living area. A ground level comprising solely car parking is not acceptable, unless that level is only a part ground level due to the topography of the site.
- (4) All **Plex Dwelling** developments are to be consistent with the controls set out at **Table 3.3.3.1**. Where a proposal does not achieve the stated control, a variation may be accepted if reasonable justification for the proposed variation to the control has been provided.
- (4) Covered car parking must be screened from view from a road or other public land frontage.
- (5) Re-subdivision may be permitted in accordance with Sections 5.8 and 5.9 of this Code.

Table 3.3.3.1: Controls for Plex Housing

Element	Control
Land use	Must be a nominated Plex Dwelling lot on a Plan of Development
Private open space (min)	Refer to Category C Table 3.1.6.1
Landscaped area (min)	Refer to Category C Table 3.1.7.1
Storeys (max)	In accordance Section 3.1.5
Front setback (min)	Refer to Table 3.1.2.1
Secondary street setback (min)	Refer to Table 3.1.2.1
Side setback (min)	Refer to Category B Table 3.3.1.1
Rear setback (min)	Refer to Category B Table 3.3.1.1
Car parking spaces (min)	1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling and 2 spaces per three-bedroom dwelling. One space per dwelling must be covered.
Visitor parking (min)	One visitor for three or more dwellings(on-street parking)

3.3.4 Mews Housing

Objectives

- (1) To provide housing and lifestyle choice.
- (2) To be compatible with the scale and character of dwelling houses.
- (3) To maintain optimum levels of residential amenity.
- (4) To minimise the number of driveways and garages facing the street.
- (5) To provide appropriate private open space.
- (6) To provide landscaped area.
- (7) To ensure climatically-responsible development.
- (8) To facilitate refuse collection.

Controls

- (1) Mews dwellings are to be located on a lot designated on the approved Plan of Development as a Mews dwelling lot. Development on Mews dwelling lots must conform with this part and **Table 3.3.4.1**.
- (2) Each dwelling is to be designed so that the access way to the front door is clearly identifiable from a public road or other public land frontage.
- (3) Each dwelling must provide at least one habitable room at ground level adjacent to an external living area. A ground level comprising solely car parking is not acceptable, unless that level is only a part ground level due to the topography of the site.
- (4) All Mews housing development is to be consistent with the controls set out at **Table 3.3.4.1**. Where a proposal does not achieve the stated control, a variation may be accepted if reasonable justification for the proposed variation to the control has been provided.
- (5) Covered car parking must be screened from view from the street and public spaces.
- (6) Unless the lot is to be strata titled, reciprocal easements for shared driveway and services must be created for access.

- (7) Re-subdivision may be permitted in accordance with **Sections 5.8 and 5.9** of this Code.
- (8) Where a dwelling does not have direct road access, provide a refuse collection point for this dwelling adjacent to the front boundary.

Table 3.3.4.1: Controls for Mews Housing

Element	Control
Land use	Must be a nominated Mews Housing lot on approved subdivision plan
Height (max)	In accordance Section 3.1.5
Private open space (min)	Refer to Category C Table 3.1.6.1
Landscaped area (min)	Refer to Category C Table 3.1.7.1
Storeys (max)	In accordance Section 3.1.5
Front setback (min)	Refer to Table 3.1.2.1
Secondary street setback (min)	Refer to Table 3.1.2.1
Side setback (min)	Refer to Category B Table 3.3.1.1
Rear setback (min)	Refer to Category B Table 3.3.1.1
Car parking spaces (min)	1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling and 2 spaces per three-bedroom dwelling. One space per dwelling must be covered.
Visitor parking (min)	One space for three or more dwellings (on-street parking)

3.3.5 Town Houses and Villas

Objectives

- (1) To encourage efficient use of residential land close to amenities.
- (2) To provide housing and lifestyle choice with shared amenities and recreation facilities.
- (3) To maintain optimum levels of residential amenity, security and privacy.
- (4) To provide opportunities for a high quality residential amenity with minimal private maintenance.
- (5) To ensure adequate levels of private and communal open space.
- (6) To provide landscaped area.
- (7) To ensure climatically-responsible development.
- (8) To ensure articulated built form when viewed from street and public places.
- (9) To provide landscaped interface with street and public places.
- (10) To minimise impact on adjoining properties.
- (11) To facilitate refuse collection.

Controls

- (1) **Townhouse Dwellings** are to be located on a lot designated on the approved Plan of Development as a Townhouse dwelling lot.
- (2) Development on Townhouse Dwelling lots is to conform with this section and **Table 3.3.5.1**.

- (3) Each dwelling must provide at least one habitable room at ground level adjacent to an external living area. A ground level comprising solely car parking is not acceptable, unless that level is only a part ground level due to the topography of the site.
- (4) All Townhouse dwelling development is to be consistent with the controls set out at **Table 3.3.5.1**. Where a proposal does not achieve the stated control, a variation may be accepted if reasonable justification for the proposed variation to the control has been provided.
- (5) Covered car parking must be screened from view from the road or other public land frontage.
- (6) Fencing to street boundaries to be integrated with minimum 0.5m landscaped strip visible to the street.
- (7) Subdivide to create an appropriate title to define exclusive use and common property in accordance with **Sections 5.8 and 5.9** of this Code.
- (8) Provide refuse collection in accordance with Tweed DCP 2007 policy.

Table 3.3.5.1: Controls for Townhouses Dwellings

Element	Control
Land use	Must be a nominated Townhouse Dwelling lot on a Plan of Development
Height (max)	In accordance Section 3.1.5
Site Coverage (max)	40%
Communal open space (min)	15%
Private open space (min)	Refer to Category B Table 3.1.6.1
Landscaped area (min)	Refer to Category C Table 3.1.7.1
Front setback (min)	Refer to Table 3.1.2.1
Secondary street setback (min)	Refer to Table 3.1.2.1
Side setback (min)	Refer to Table 3.3.1.1
Rear setback (min)	Refer to Table 3.3.1.1
Car parking spaces	1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling and 2 spaces per three-bedroom dwelling. One space per dwelling must be covered.
Visitor parking	In accordance with Tweed DCP 2007, Section A2 - <i>Site Access and Car Parking Code</i>

3.3.6 Apartments

Objectives

- (1) To encourage efficient use of residential land close to amenities, work opportunities, and/or transportation hubs.
- (2) To provide housing and lifestyle choice with shared amenities and recreation facilities.
- (3) To maintain optimum levels of residential amenity, security and privacy.
- (4) To provide view to and over public spaces and recreational areas.
- (5) To ensure adequate levels of private and communal open space.
- (6) To provide landscaped areas.
- (7) To ensure climatically-responsible development.
- (8) To ensure articulated built form when viewed from street and public places.

- (9) To provide landscaped interface with street and public places.
- (10) To minimise impact on adjoining properties.
- (11) To facilitate refuse collection.

Controls

- (1) Apartments are to be located on a lot designated on the Plan of Development as an Apartment lot.
- (2) Development on apartment lots is to conform with this section and **Table 3.3.6.1**.
- (3) Where a proposal does not achieve the stated control, a variation may be accepted if reasonable justification for the proposed variation to the control has been provided.
- (4) Fencing to boundaries to be integrated with minimum 0.5m landscaped strip visible to the street and minimum 3m wide deep planting zone adjacent to the street boundary.
- (5) Subdivide to create an appropriate title to define exclusive use and common property in accordance with **Sections 5.8 and 5.9** of this Code.
- (6) Provide refuse collection system either within site or collection point at boundary.

Table 3.3.6.1: Controls for Apartments

Element	Control
Land use	Must be a nominated Apartment lot on approved subdivision plan
Height (max)	In accordance Section 3.1.5
Site Coverage (max)	40%
Communal open space (min)	20%
Private open space (min)	Refer to Category C Table 3.1.6.1
Landscaped area (min)	Refer to Category C Table 3.1.7.1
Front setback (min)	Refer to Table 3.1.2.1
Side & rear setbacks (min)	25% height of building measured from ground level (existing) to eave or parapet at face of building or in accordance with Table 3.2.3.1, whichever is the greater.
Car parking spaces	1 space per one-bedroom dwelling, 1.5 spaces per two-bedroom dwelling and 2 spaces per three-bedroom dwelling for the first 20 units and one space per dwelling thereafter (with all larger units being allocated in the first 20 units above). One space per dwelling must be covered.
Visitor parking	One space per four dwellings for the first twenty dwellings and one space per ten dwellings thereafter.

3.3.7 Shop Top Housing

Objectives

- (1) To permit mixed use development in neighbourhood and town centre precincts.
- (2) To maintain optimum levels of residential amenity and privacy.
- (3) To create an active interface between the shopfront and the street.
- (4) To ensure climatically-responsible development.
- (5) To ensure articulated built form when viewed from street and public places.
- (6) To facilitate refuse collection.

Controls

- (1) Shop Top Dwelling/s may be located within the Town and Neighbourhood Centres.
- (2) Shop Top Dwelling/s is/are to be located on a lot designated on the Plan of Development as a Shop Top Dwelling lot.
- (3) Developments on Shop Top Dwelling lots are to conform with this section and **Table 3.3.7.1**.
- (4) Where a proposal does not achieve the stated control, a variation may be accepted if reasonable justification for the proposed variation to the control has been provided.
- (5) Subdivide, if desired, to create appropriate residential and commercial titles to define exclusive use and common property in accordance with **Sections 5.8 and 5.9** of this Code.
- (6) Car parking is to be accessed from a rear lane.
- (7) A refuse collection point must be provided at rear, laneway boundary.
- (8) The ground floor level is to be used predominantly for commercial purposes, with the exception of an entry foyer and minor non-habitable uses.

Table 3.3.7.1: Controls for Shop Top Housing

Element	Control
Land use	Must be a nominated Shop Top Dwelling lot on a Plan of Development plan
Height (max)	In accordance Section 3.1.5
Private open space (min)	Refer to Category A Table 3.1.6.1
Landscaped area (min)	Refer to Category A Table 3.1.7.1
Front setback (min)	Nil
Secondary street setback (min)	Refer to Table 3.1.2.1
Side setback (min)	Refer to Category A Table 3.3.1.1
Rear setback (min)	Refer to Category A Table 3.3.1.1
Car parking spaces (min)	2 spaces per dwelling, one of which is covered
Visitor parking (min)	1 space

3.3.8 Retirement Communities

Objectives

- (1) To establish high quality seniors housing with associated recreational and administration facilities to serve an ageing population.
- (2) To maintain optimum levels of residential amenity and privacy.
- (3) To provide a choice of housing designed to superior accessibility standards.
- (4) To ensure adequate levels of private and communal open space.
- (5) To provide landscaped area.
- (6) To ensure climatically-responsible development.
- (7) To ensure articulated built form when viewed from street and public places.
- (8) To provide landscaped interface with street and public places.
- (9) To minimise impact on adjoining properties.
- (10) To facilitate refuse collection.

Controls

- (1) Retirement communities are to be located on a lot designated on the approved subdivision plan as a Retirement Community lot.
- (2) Development on Retirement Community lots is to conform with this section and **Table 3.3.8.1**.
- (4) All Retirement Community development is to be consistent with the controls set out at **Table 3.3.8.1**. Where a proposal does not achieve the stated control a variation must provide justification for the proposed variation to the control.
- (5) Covered car parking must be screened from view from the public street and public spaces.
- (6) Fencing to boundaries to be integrated with minimum 0.5m landscaped strip visible to the street and minimum 3m wide deep planting zone adjacent to the street boundary.
- (7) Provide refuse collection system either within site or collection point at boundary.

Table 3.3.8.1: Controls for Retirement Communities

Element	Control
Land use	Must be a nominated <i>Retirement Community</i> lot on approved subdivision plan
Height (max)	In accordance Section 3.1.5
Site Coverage (max)	40%
Communal open space (min)	15%
Private open space (min)	Refer to Category B Table 3.1.6.1 for independent living units. Nil for hostel style accommodation.
Landscaped area (min)	Refer to Category C Table 3.1.7.1
Front setback (min)	Refer to Table 3.1.2.1
Secondary street setback (min)	Refer to Table 3.1.2.1
Side setback (min)	Refer to Category B Table 3.3.1.1
Rear setback (min)	Refer to Category B Table 3.3.1.1
Car parking spaces (min)	In accordance with Tweed DCP 2007, Section A2 - <u><i>Site Access and Car Parking Code</i></u>
Visitor parking (min)	In accordance with Tweed DCP 2007, Section A2 - <u><i>Site Access and Car Parking Code</i></u>

4.0 TOWN CENTRE AND NEIGHBOURHOOD CENTRES

This section outlines the objectives and design principles relating to the Cobaki Lakes Town Centre and the Neighbourhood Centres.

4.1 Hierarchy of Centres

Objectives

- (1) To ensure an appropriate supply, distribution, and mix of retail, commercial and employment floor space across the precinct.
- (2) To ensure that the retail floor space within the Town Centre Precinct does not undermine the potential of existing and proposed centres within the region.
- (3) To encourage the early investment and delivery of employment generating development and retail uses to serve the population.

Controls

- (1) Development is to be consistent with **Table 4.1.1** and **Figure 1.2.1 (Cobaki Lakes Concept Plan)**.

Table 4.1.1: Hierarchy of Centres and Employment Areas

Centre / Employment Area	Characteristics
Cobaki Lakes Town Centre	The Cobaki Lakes Town Centre Precinct is approximately 18ha in area and located in the central/northern part of the Cobaki Lakes site. The Town Centre will be the main centre for the development and will function as the retail and community focal point for Cobaki Lakes. It is anticipated that the Town Centre will provide a supermarket, retail shops, restaurants/cafes, tavern, commercial offices, medical suites, a service station, community facilities and the like.
Southern Neighbourhood Centre	The Southern Neighbourhood Centre is approximately 1.5ha. It is located on the western side of the Cobaki Parkway at the southern end of Cobaki Lakes in proximity to the primary school site. The Southern Neighbourhood Centre the centre will serve as a community focal point for residents in neighbouring localities and to through traffic from Piggabeen Road. The centre will provide neighbourhood scale retailing. The Centre may also include shop top housing, apartments and/or townhouses.

4.2 Development Within the Cobaki Lakes Town Centre

Objectives

- (1) To create a vibrant town centre that functions as the community and economic heart of Cobaki Lakes.
- (2) To ensure that the detailed design of the Town Centre is undertaken in a co-ordinated manner in order to achieve a high quality urban design outcome.
- (3) To ensure that the Cobaki Lakes Town Centre is well served by public transport.

Controls

- (1) The Cobaki Lakes Town Centre is to be consistent with the following principles:
- (2) **Function and uses:**
 - (a) Incorporate a range of retail, commercial, entertainment, recreation and community uses to serve the needs of the wider community.
 - (b) Incorporate higher density housing and mixed use development within the Town Centre.

- (c) Maximise employment opportunities within the Town Centre.
- (d) Concentrate intensive retail uses along and fronting a main street.
- (e) Co-locate uses and facilities as much as possible to maximise the efficient use of space and transportation.
- (f) Locate active uses at ground floor, throughout the Town Centre, in particular fronting the main street and all open space.
- (g) Incorporate the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre.
- (h) Provide a mix of uses that promote an active and vibrant town centre.
- (3) **Layout:**
 - (a) Incorporate a pedestrian focused main street that acts as the focal point for the centre. Any large format retail premises are to directly access the primary road frontage, but not dominate the streetscape.
 - (b) Establish a clearly defined Town Centre core differentiated through varying uses and intensity of development.
 - (c) Provide an interconnected street block network with block sizes and mid-block connections that maximise pedestrian permeability.
 - (d) Create a street layout that allows easy access to and within the town centre while allowing for regional traffic to by-pass the centre.
 - (e) Consider potential future noise and amenity conflicts in the layout and location of Town Centre uses.
 - (f) Emphasise sight lines to local landscape features, places of key cultural significance, civic buildings and public open space.
 - (g) Provide on-site detention storage with a storage requirement that maximises rainwater reuse.
- (4) **Built form:**
 - (a) Provide a range of building heights, up to a maximum of 3 storeys.
 - (b) Relate building heights to street widths and functions to promote a comfortable urban scale of development.
 - (c) Define streets and open spaces with buildings that are generally built to the street edge, have a consistent street wall height and provide a continuous street frontage along all key streets.
 - (d) Sleeve all large format retail premises and decked parking areas with active uses. Blank walls visible from the public domain are to be avoided.
 - (e) Promote diversity and activity along the main street with a variety of frontage widths for retail shops.
 - (f) Building heights are to take into account view lines and solar access to the public domain.
 - (g) The design of residential development in the Town Centre is to be located above ground floor non-residential uses and be designed in accordance with the Shop-top Housing controls of this Development Code.
 - (h) Wherever possible, vehicular access to Residential buildings is to be provided from a secondary frontage.
 - (i) A high quality built form and energy efficient architectural design that promotes a 'sense of place' and modern character for the Town Centre.
 - (j) Waste storage and collection areas are to be accommodated and designed appropriately to

minimise impacts, in particular within mixed use development.

(5) **Pedestrian amenity:**

- (a) High amenity pedestrian streetscapes are to be provided through the Town Centre.
- (b) Walking/cycling leading to and within the Town Centre is to take priority over traffic circulation.
- (c) Continuous weather protection for pedestrians is to be provided in key locations.
- (d) Adequate solar access is to be provided to key pedestrian streets.

(6) **Public domain:**

- (a) Parks and plazas are to act as a focal point for the Town Centre and community activities and are to be designed to ensure adaptability and flexibility in use and function over time.
- (b) Incorporate a town square/civic plaza, adjacent to the main street which provides an urban landscape setting and a civic focus for the community.
- (c) Provide high amenity, pedestrian streets with generous footpath widths.
- (d) Incorporate the principles of Crime Prevention Through Environmental Design (CPTED) and of Safer by Design (NSW Police) into all development within the Town Centre.
- (e) Provide a high quality landscape design including a co-ordinated package of street furniture and lighting that enhances the character of the Town Centre.
- (f) Provide street tree and open space planting that establishes generous shade for pedestrians.
- (g) Design all signage and advertising in a co-ordinated manner.
- (h) Site servicing and loading facilities, waste storage and other infrastructure is to be designed to minimise visual impact on the public domain and impacts on neighbours.

(7) **Parking and access:**

- (a) Lanes should be used to provide access to parking areas, loading docks and waste collection areas. Lanes will need to accommodate heavy vehicles where access to loading areas and waste collection is required.
- (b) Basement, semi-basement or decked parking is preferred over large expanses of at-grade parking. An exception may be made for uses such as a supermarket based shopping centre, subject to an assessment of the design and landscape appearance.
- (c) Parking is to be provided in accordance with Tweed DCP 2007, Section A2. Opportunities for shared parking provision for complementary uses within the Town Centre are to be provided.
- (d) On-street parking is to be provided on all streets to contribute to street life and traffic calming.

4.3 Development Within the Cobaki Lakes Neighbourhood Centres

Objectives

- (1) To create vibrant, mixed use neighbourhood centres that provide a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding neighbourhood.
- (2) To ensure that the detailed design of the neighbourhood centres is undertaken in a co-ordinated manner in order to achieve a high quality urban design outcome.
- (3) To provide opportunities for higher density housing.

Controls

- (1) The neighbourhood centres are to be consistent with the following principles.
- (2) **Function and uses:**
 - (a) Provide retail premises within each neighbourhood centre to cater for the needs of the local population.
 - (b) Incorporate a range of local retail, childcare and community uses to serve the needs of the local community.
 - (c) Incorporate residential and shop-top housing adjacent to public open space areas or the main street.
- (3) **Layout:**
 - (d) Maximise exposure to the street and incorporate an active focal point in the form of a civic square, plaza or main street, etc.
 - (e) Consider potential future noise and amenity conflicts in the layout and location of uses.
- (4) **Built form:**
 - (a) Buildings are to define the entry to the residential areas and the open spaces adjacent to the neighbourhood centres, and are to be generally built to the street edge.
 - (b) Avoid blank walls visible from principal streets and the public domain. Large format retail premises are to be sleeved, where appropriate, with active uses.
 - (c) Establish a 'sense of place' and contemporary character for the precinct through a high quality built form and energy efficient architectural design.
 - (d) Provide a range of building heights, up to a maximum of 3 storeys.
- (5) **Pedestrian amenity:**
 - (a) Provide high amenity pedestrian streetscapes to and within the neighbourhood centres.
 - (b) Walking and cycling leading to and within the neighbourhood centres is to take priority over traffic circulation.
 - (c) Provide continuous weather protection for pedestrians where possible.
 - (d) Provide adequate solar access to key pedestrian streets.
- (6) **Public domain:**
 - (a) Incorporate the principles of Crime Prevention Through Environmental Design (CPTED) and *Safer by Design* (NSW Police) into all development within the neighbourhood centres.
 - (b) Provide a high quality landscape design including a co-ordinated package of street furniture and lighting that enhances the character of the neighbourhood centres.
 - (c) Provide street tree and open space planting to provide generous shade for pedestrians.
 - (d) Site servicing and loading facilities, waste storage and other infrastructure is to be designed to minimise visual impact on the public domain and impacts on neighbours.
- (7) **Parking and access:**
 - (a) Locate at grade parking areas generally behind building lines and screened from streets and public open space.
 - (b) Provide parking in accordance with *Tweed DCP 2007*, Section A2. Opportunities for shared parking provision for compatible uses within the neighbourhood centre are to be provided.
 - (c) Provide on-street parking for convenience and to contribute to street life and surveillance.
 - (d) Design waste storage and collection areas to minimise amenity impacts.

5.0 SUBDIVISION CONTROLS

This section contains the objectives and development controls relating to the subdivision of land within Cobaki Lakes including neighbourhood and subdivision design, streetscape, street network, street design standards, the pedestrian and cycleway network and the public transport network.

5.1 Development Staging

Objectives

- (1) To ensure the orderly development of the land and assist in the co-ordinated programming and provision of necessary infrastructure and community facilities.

Controls

- (1) Core infrastructure, services and facilities are to be established as required at the early stages of development consistent with the Concept Plan.
- (2) A staging plan for each Precinct as identified at **Figure 5.1.1** is to be submitted as part of the first development application for subdivision within that Precinct.

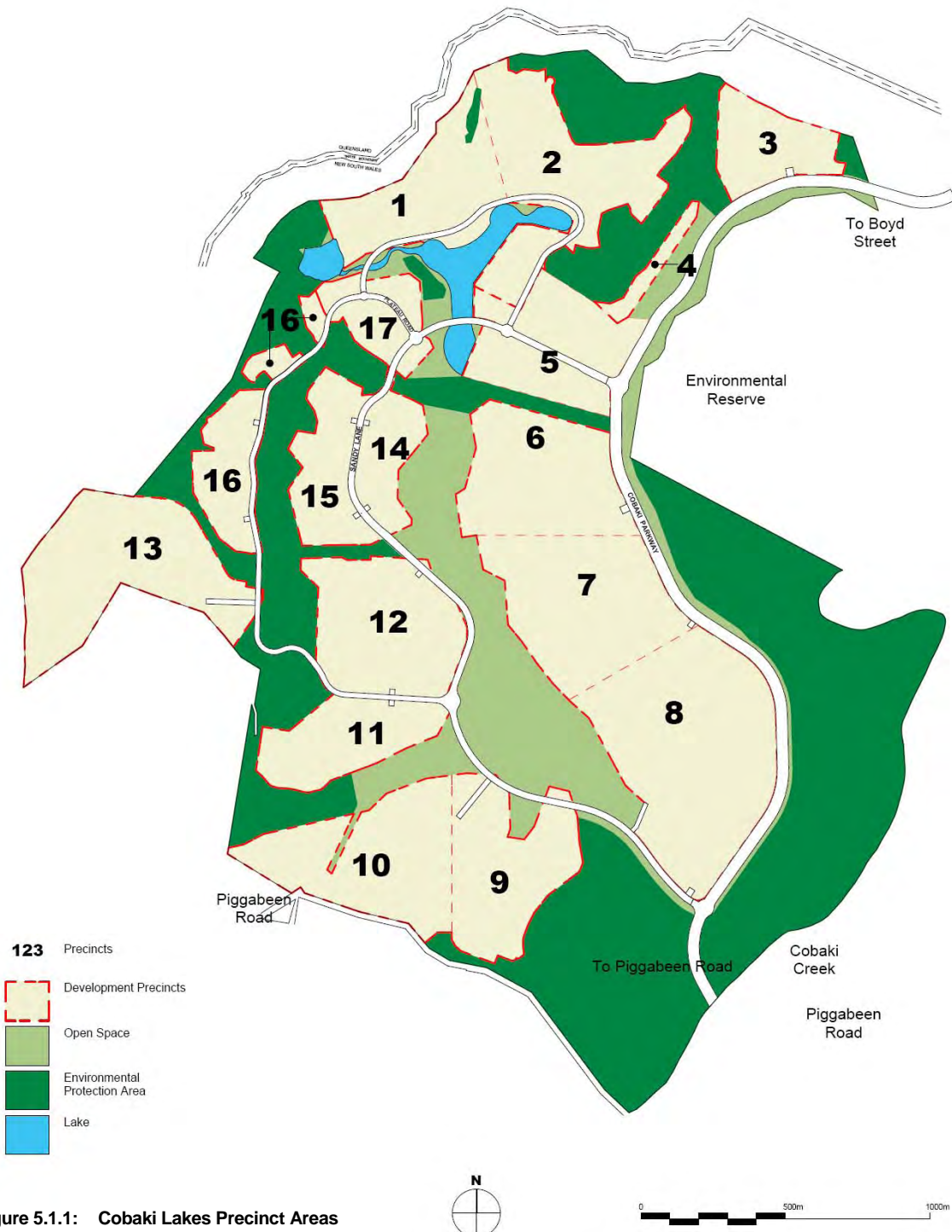


Figure 5.1.1: Cobaki Lakes Precinct Areas

5.2 Neighbourhood and Subdivision Design

Objectives

- (1) To establish a clear urban structure that maximises the 'sense of neighbourhood' and encourages walking and cycling.
- (2) To establish neighbourhoods within each Precinct that are based on a size of between 300- 600 dwellings, which provide strong pedestrian and cycleway linkages to open space and the adjoining urban area or future release area.
- (3) To adopt *AMCORD* and *Queensland Streets* standards where variation from stated controls is proposed.
- (4) To establish a subdivision layout that utilises the residential development areas efficiently, maximises the natural attributes of the site and clearly defines and enhances the public domain.
- (5) To ensure that the urban design maximises lots to have a high level of amenity in terms of solar access, views/outlook and/or proximity to public and community facilities and parks.
- (6) To provide a range of densities, lot sizes and house types to foster a diverse community and interesting streetscapes that meet the changing community needs and expectations.
- (7) To maximise the number of lots that are suitable for housing that can be approved and constructed as Complying Development by nominating lots for certain residential building types which meet the minimum requirements for that type of development.

Controls

- (1) Residential neighbourhoods to be self contained yet designed to maximise the "sense of community" and foster relationships and linkage to schools, retail, community facilities and open space.
- (2) The overall residential density should increase with proximity to the town and neighbourhood centres, schools, major open space and other public facilities and is consistent with the overall residential development yield for the total development.
- (3) Subdivision layout is to create a legible street hierarchy that responds to the natural site topography and solar design principles. (refer **Figure 5.10.1**)
- (4) Pedestrian and cycle network within each residential neighbourhood are connected between the residential areas, public open space areas, public transport nodes, education and community facilities.
- (5) A diverse range of residential lot types and frontages should be provided and should be orthogonal in geometry and the use of battle-axe lots is to be kept to an absolute minimum.
- (6) The minimum lot sizes and frontages for new lots for Complying Development are shown in **Table 5.2.1**.
- (7) On lots where a zero lot line(s) are permitted, the side of the allotment that will have a zero lot alignment shall be shown on the approved Plan of Development. In addition, a Section 88B instrument for the subject lot and the adjoining lot shall indicate the zero lot line location, as well as other controls detailed in **Section 5.4**.
- (8) Subdivision and lot layout is to be designed having regard to **Part 3.0**. Whilst a range of controls should be considered to achieve good urban design outcomes, in particular, subdivision

applications must demonstrate the ability for future dwellings to be constructed preferably as complying development.

- (9) The town and neighbourhood centres are to be located approximately where indicated on the concept plan.
- (10) An on-street parking plan may be required to demonstrate the availability of visitor parking where there is a higher concentration of housing.

Table 5.2.1: Minimum Area and Dimension Controls for New Lots

Development Type	Minimum Lot Size	Minimum Frontage	Minimum Frontage Corner Allotment	Minimum Depth	Comment	On Street Parking
Traditional Detached Dwelling	400 m ²	15m	18m	25m	Must be nominated as Traditional Detached Dwelling lots on Plan of Development/DA for subdivision.	1
Plex Dwellings	450m ²	18m	20m wide (including truncation)	20m	Must be nominated as Plex Housing on Plan of Development/DA for subdivision. Must demonstrate that allowable building envelope represents a minimum 125 m ² per dwelling. May be resubdivided in accordance with Part 5.8.	0.25
Zero-Lot Dwelling	250m ²	9m with rear access; or 10m with front access	10.5m with rear access; or 11.5m with front access	25m	Must be nominated as Zero Lots on Plan of Development/DA for subdivision. Must demonstrate that allowable building envelope represents a minimum 125 m ² per dwelling.	1
Terrace Dwelling	175m ²	5m with rear access; or 7.5m with front access	8m with rear access; or 9m with front access	25m	Must be nominated as Terrace Lots in Plan of Development/DA for subdivision. Must demonstrate that allowable building envelope represents a minimum 125 m ² per dwelling.	1
Mews Dwellings	500m ²	18m	20m wide (including truncation)	20m (exclusive of truncation)	Must be nominated as Mews Housing lots on Plan of Development/DA for subdivision. May be resubdivided in accordance with Part 5.8 or Part 5.9.	0.25
Shop Top Dwellings	175m ²	7m	9m	20m	Must be nominated as Shop Top Housing Lots in Plan of Development/DA for subdivision. Lots must have vehicular access from rear, be on a street containing commercial uses and be located close to or within a neighbourhood or town centre precinct.	Nil
SOHO Dwelling	250m ²	10m	12.5m	20m	Generally associated with or close to neighbourhood or town centres. Lots must be provided with vehicular access from rear lane.	Nil
Neighbourhood Centre	900m ²	30m		30m	May be resubdivided in accordance with Part 5.8.	Nil
Town Centre	Not applicable	Not applicable	Not applicable	Not applicable	Will be subject to a Plan of Development/ DA for subdivision creating development lots with development controls.	Nil
Development Lots (Multi-Unit Dwellings)	1,000m ²	25m		25m	Applicable to townhouses, apartments and retirement communities	Nil

Note. The "on-street parking spaces" in the above table are the number of spaces that must be available in the immediate vicinity of the proposed lot in order to justify the provision of the lot type. This control is to encourage the efficient use of available on-street parking for visitors but prevent the over concentration of housing product on smaller lots which rely upon on-street parking for visitor vehicles.

5.3 Nominated Lot Provisions

Objectives

- (1) To streamline the approval process for the construction of future dwellings by applying pre-determined standards to lots which will facilitate the construction of the nominated dwelling type for that lot as complying development.
- (2) To reduce unnecessary time and cost associated with future building approvals by planning and designing the type of dwelling that the lot is intended for at the subdivision stage.
- (3) To ensure a master planned approach to optimise the design quality, density and residential amenity of a neighbourhood by controlling at the subdivision stage the distribution of dwelling types in a streetscape.
- (4) To require that the nominated lots be registered on the title of the land which, indicates the intended dwelling type to a prospective purchaser and that development on the lot is subject to the requirements of the Cobaki Lakes Development Code.
- (5) To nominate lots at the subdivision stage to maximise the number of lots that can be approved and constructed as complying development.
- (6) To plan design and nominate appropriate sites for the various dwelling product types and multi-dwelling housing.

Controls

- (1) Lots which satisfy the stated minimum controls for either Traditional Detached Dwelling, Zero Lot Dwelling, Terrace Dwelling, Soho Dwelling, Plex Dwellings, Mews Dwellings and Shop Top Dwellings are to be marked on a Plan of Development (refer to **Sections 5.8 and 5.9**) to form part of the development application for subdivision as Nominated Lots for the respective development type.
- (2) Development of the Nominated Lots as marked on the approved subdivision plan is to be in accordance with the stated objectives for the product type and the relevant development controls of this Development Code and the Plan of Development linked to the property by a Section 88B instrument.
- (3) Lots less than 300m² and/or less than 15m in frontage measured at the building line are to have maximum cross fall and site slope to rear of 12.5% or 1:8, unless a dwelling design suited to a greater cross fall is submitted with the development application and forms part of the Plan of Development.
- (4) Lots to be developed for Townhouses, Villas, Apartments or Retirement Communities are to be nominated as Development Lots at the subdivision stage.
- (5) Plex and Mews nominated lots are to state the maximum number of dwellings that the lot is intended to accommodate based on preliminary consideration of a possible design for that lot. The maximum number of dwellings on Plex or Mews Lots are to be shown on the Plan of Development. For example a Plex Nominated Lot that may yield a maximum of 3 dwellings is to be marked on the Plan of Development as "3 Plex".

5.4 Plan of Development Requirements

Objectives

- (1) To identify the position of Nominated Lots within the subdivision design.
- (2) To identify the position of Open Space within the subdivision design.
- (3) To identify proposed public transport infrastructure such as bus routes, bus stops, pedestrian pathways, cycle networks, etc. within the subdivision design.
- (4) To identify preferred access locations and the location of on-street car parking in the subdivision design where required.
- (5) To include water sensitive urban design principles and the effective management of stormwater in the subdivision design where required.
- (6) To provide the landscape intent of the subdivision design.

Controls

- (1) A Plan of Development must show the location and detailed characteristics of Nominated Lots, including the following:
 - (a) setbacks for buildings and structures (including garages), and
 - (b) zero lot line locations if utilised, and
 - (c) the number and size of lots, and
 - (d) the number of dwellings on a lot, and
 - (e) for Zero, Terrace, Soho, Shop Top, Plex and Mews Dwelling lots, the location of preferred street access, and
 - (f) the type of fencing to be provided to roads and other public land frontages, and
 - (g) the building height permitted for each lot (as per **Figure 5.4.1**), and
 - (h) the level of bushfire construction where applicable.
- (2) A Plan of Development must show the location and characteristics of public open space and parks.
- (3) A Plan of Development must demonstrate how the development will:
 - (a) allow for on-street bus connections and facilities consistent with the Cobaki Lakes Concept Plan and
 - (b) incorporate pedestrian and cycle access to public transport (bus stops) and across the site to existing pedestrian and cycle networks consistent with the current best practice in New South Wales.
- (4) A Plan of Development must show the number and configuration of on street car parking bays, including preferred access locations.
- (5) A Plan of Development must demonstrate stormwater design intent, including:
 - (a) how the development has included best practice water sensitive urban design principles, and
 - (b) that stormwater management is consistent with Tweed Urban Stormwater Quality Management Plan, and
 - (c) how sediment and erosion control will be managed (also refer **Part 5.11(4)**)

- (6) A Plan of Development must demonstrate the character of the landscape intent including:
 - (a) how the development will retain any existing trees within the development to the extent practicable, and
 - (b) how the waterway corridor and associated ecological values will be maintained, and
 - (a) the fact that landscaped areas will include at least 50% locally occurring nature plants or species and species that provide habitat and food resources for local fauna and incorporates drought tolerant species where possible, and
 - (b) how the landscaping will provide an attractive and safe quality streetscape that provides on-site recreation opportunities and a positive visual amenity contribution to the public realm.
- (7) A Plan of Development must demonstrate how it will address the amenity issues of:
 - (a) fencing and retaining walls, and
 - (b) landform, and
 - (c) acoustic quality, and
 - (d) gateway/entry statements, way finding and legibility.
- (8) A Plan of Development must include the provision of a set of Design Guidelines that will apply to each lot to maximise the extent of Complying Development by including merit based items (refer Section 5.5) with guidelines for residential amenity issues such as:
 - (a) streetscape and architectural design, and
 - (b) built form, and
 - (c) dwelling height, massing and siting, and
 - (d) privacy, and
 - (e) landscape, and
 - (f) materials and colours, and
 - (g) avoidance of repetition, and
 - (h) sustainability.
- (9) A Plan of Development must include the designated Asset Protection Zones, along with any required setbacks from these zones and the level of construction required adjacent to these zones in accordance with *Planning for Bushfire Protection 2006* and *Australian Standard 3959 – 1999 – Construction of Building in Bushfire Prone Areas*.
- (10) A plan of development must incorporate the built form controls applicable to the land to which it applies in accordance with **Figure 5.4.1**.



Figure 5.4.1: Cobaki Lakes Building Height and Built Form Control Plan

5.5 Design Guidelines

Objectives

- (1) To identify customised merit based design controls that are based on the principles of this Code.
- (2) To expedite planning approvals by expanding the extent of Complying Development to include merit based assessments by the Design Review Panel (refer **Section 5.6**).
- (3) To provide a finer grain to individual precinct designs by allowing subtle variety of design controls within the context of the overriding principles.

- (4) To provide guidance to subsequent owners and builders of developments in order to enable them to achieve the maximum potential from their development opportunities.
- (5) To provide confidence to subsequent owners and builders of developments regarding the form and quality of other developments within the precinct.
- (6) To encourage and facilitate the timely, safe, tidy and organised development of the subdivision.
- (7) To allow interpretation of Codes in relation to current and relevant information such as such as existing development, new building materials, market trends, etc. as they evolve during the process of the development of the subdivision.
- (8) To provide greater flexibility for developers to provide a variety of design and built-form solutions, thereby encouraging design variety in the wider context of the community.
- (9) To provide performance criteria for the design of hillside housing on steep sites.

Controls

- (1) The Design Guidelines must outline criteria in relation to architectural and streetscape design, including the treatment of facades, including as:
 - (a) expression of the entry where applicable, and
 - (b) a recessed garage where applicable, and
 - (c) landscaped frontages and hardstand configurations/materials, and
 - (d) a variation in scale to adjoining properties, and
 - (e) recessing and projecting architectural elements and
 - (f) a mixture of building materials, and
 - (g) the elevation of houses in relation to the elevation of the street, and
 - (h) minimum features of primary and secondary road frontage facades, including:
 - (i) entrances, and
 - (ii) awnings, hoods, louvers or other features over windows, and
 - (iii) treatments to street facing first floor elements, and
 - (iv) the inclusion of permeable architectural elements within the articulation zone, and
 - (v) the scale and treatment of garages and garage doors, and
 - (vi) the treatment of vehicle parking in addition to that located within the garage, including for the use of recreational or work related vehicles, and
 - (vii) other built form issues as outlined in item 4 below.
- (2) The Design Guidelines must outline criteria in relation to fencing, including:
 - (a) the location of fencing and desired fencing types, and
 - (b) the use of visually permeable fencing to most public land frontages, and
 - (c) the process and timing of the installation of fencing, and
 - (d) the interface of fencing with zero lot construction.
- (3) The Design Guidelines must outline criteria in relation to built form, including:
 - (a) the use of varied and feature architectural materials and textures such as timber, stone, steel, etc., and

- (b) the exclusion of undesirable materials such as those that are of inadequate quality, inappropriate for their intended use, contain high reflectivity, require high maintenance, etc., and
- (c) the articulation of plan form and roof profiles, and
- (d) the articulation of two storey and three storey structures in the vertical plane, and
- (e) the screening of the understorey of elevated structures, and
- (f) the organised presentation of architectural elements such as windows, doors, material changes, etc., and
- (f) the pitch, form, articulation and integrity of roofs and parapets, and
- (4) The Design Guidelines must outline criteria in relation to dwelling height, massing and siting, including:
 - (a) the preferred circumstances for the location of two and three storey dwellings, and
 - (b) the limitation of the length of unarticulated walls in either the horizontal or vertical plane, and
 - (b) the height of building elements such as eaves and/or balconies, etc., and
 - (c) the minimum sizes and locations of courtyards to zero lot boundaries, and
 - (d) the siting of houses in relation to orientation, view, access, and topography, and
 - (e) the treatment of existing site topography as an element of the integrated dwelling and outdoor area design, and
 - (f) special design provisions for lots with a gradient in excess of 15 per cent, and
 - (g) the separation, treatment and screening of public, private recreation and utility areas on the lot.
- (5) The Design Guidelines must outline criteria in relation to privacy, including:
 - (a) the location of windows (including their sill heights) and balconies in relation to surrounding lots, and
 - (b) the description of the location, type and extent of privacy screening to be provided prevent the overlooking of the nominated or default private open spaces of adjoining properties, and
 - (c) the provision of controls to enhance the privacy amenity of balconies where they form the Principle Private Open Space of a dwelling, and
 - (d) the provision of landscaping where required to enhance privacy, and
 - (e) the provision of pergolas, shade sails, etc. where required to provide privacy on sloping lots, and
 - (f) the location, type, height and extent of fencing forward of the building line to be provided to Principle Private Open Spaces oriented towards a road or public land frontage, and
- (6) The Design Guidelines must outline criteria in relation to landscaping in the private realm, including:
 - (a) a palette of permitted and excluded plant species, including turf where applicable, and
 - (b) the location and minimum extent of landscaping to the street and backyard areas, including the provision of a minimum number of primary trees to be provided per lot, and
 - (c) the use of landscaping as a screening or defining device, and
 - (d) the ongoing maintenance and care of the landscaping, and
 - (c) the specification of landscape materials such as for garden edges, hardscape, soil, retaining walls, etc., and
 - (d) the specification of the materials and location performance criteria for items such as swimming pools, garden sheds, gazebos/cabanos/shade structures, clothes lines, letterboxes, rubbish

- bins, gas bottles, compost bins, hot water services, rainwater tanks, air conditioners, meter boxes, street numbers, pumps, pool equipment, solar equipment, etc., and
- (e) the identification of any areas to be kept clear of landscaping for the purpose of the preservation of view corridors, vehicle sight lines, solar access or the protection of existing services, and
 - (f) the integration of site drainage with the landscape design.
- (7) The Design Guidelines must outline criteria in relation to the use of materials and colours, ensuring that they:
- (a) have a low level of reflectivity, and
 - (b) are environmentally friendly, and
 - (c) are in context with the surrounding environment, and
 - (d) are factory pre-finished wherever possible, and
 - (e) are selected to require low maintenance, and
 - (f) provide texture, richness and variety to architectural designs, and
 - (g) be appropriate in context with the built form of the precinct, and
 - (h) are able to be maintained when required.
- (8) The Design Guidelines must outline criteria in relation to the avoidance of repetition, including:
- (a) ensuring that the use of repeated designs is limited within visual proximity and appropriate to the particular context, and
 - (b) enquiring that suitable roof, elevation, colour, material and other streetscape variations are incorporated where repeated plan layouts are proposed, and
 - (c) the incorporation of height and built form controls to ensure variety in building mass, and
 - (d) the requirement for overall variety in materials colours.
- (9) The Design Guidelines must outline criteria in relation to environmental sustainability, including:
- (a) the predominant orientation of indoor and outdoor living areas and glazing, and
 - (b) the provision of natural ventilation, and
 - (c) the provision of minimum eaves, window hoods and shading, and
 - (d) minimum insulation requirements or energy certificates, and
 - (e) exterior colour selections, and
 - (f) material selections such as the encouragement of low embodied energy or low VOC content, and
 - (g) the inclusion of thermal mass where appropriate, and
 - (h) rainwater harvesting.
- (10) The Design Guidelines must outline the procedures for the submission of an application for assessment by the Design Review Panel, including:
- (a) the nominated address for the delivery of applications, and
 - (b) the minimum submission requirements, and
 - (c) the timeframes of the response of the Design Review Panel, and
 - (d) the fees schedule, if applicable, for the cost of the assessment.

5.6 The Establishment of the Design Review Panel

Objectives

- (1) The establishment of an objective, professional body for the purpose of examining and deciding upon the compliance of proposals in relation to issues of merit at the micro urban design level to ensure that the integrity of the principles of this Code are delivered on the ground in a creative, appropriate, responsive and best-practice manner.
- (2) To create an architectural/design context for merit based decisions.
- (3) To ensure that a harmonious environment for all residents is achieved through an interactive processing of proposal assessment.
- (4) To provide limited advice on design and siting in the context of existing or proposed surrounding development.
- (5) To promote consistency of proposals with other relevant legislation.
- (6) To keep records of proposals and outcomes for use in appropriate adjudicate circumstances.
- (7) To assist in the education of builders and owners in optimising the potential of their building and siting opportunities.
- (8) To manage, where possible and appropriate, the timely, safe, tidy and organised development of the subdivision.
- (9) To issue DRP Pre-Design Certificates as a means of expanding the scope of complying development while also ensuring that it is consistent with the principles of this Code.
- (10) To provide a method of obtaining a Design Compliance Certificate after the exit of any caretaker developer who may or may not have supported the operation of a Design Review Panel.

Controls

- (1) The Design Review Panel (DRP) may consist of the following membership:
 - (a) between one and four members, including the chairperson, and
 - (b) the chairperson must be an architect, and
 - (c) the persons appointed to the DRP continues until the person appointed resigns or the appointment is revoked, and
 - (d) while the applicant for the subdivision approval for the land to which the Design Guidelines apply owns at least one lot within the subdivision, they hold the right to appoint the members of the DRP, and
 - (e) at time the applicant no longer owns a lot within the subdivision, or at the time that they serve notice that they have relinquished their right to appoint the members of the DRP, the existing DRP will cease and its duties will, from that point forward, be provided by any architect registered in the state of New South Wales or Queensland and who is a member of the Australian Institute of Architects, to which the applicant will need to pay the required fee.
- (2) The Chairman of the DRP must keep a record of all current members of the DAP, including their postal address, telephone number, facsimile number and the e-mail address as provided by the member from time to time.

- (3) Meetings of the DRP must be held as follows:
- (a) when necessary to perform its duties, and
 - (b) as convened by the chairperson of the DRP by written notice, detailed the date, time and place of the meeting, to the members by post, facsimile, or e-mail at least three (3) days prior to the proposed date of the meeting (unless all members agree to dispense with written notice), and
 - (c) One member of the DRP which must be the chairperson, constitutes a quorum for any meeting of the DRP, and
 - (d) Decisions at DRP meetings must be made by a majority on a show of hands by members present, and
 - (e) Each member of the DRP will have one vote, however, in the case of a tie in votes the chairperson of the DRP will have the casting vote, and
 - (f) The DRP may hold its meetings by telephone conference call or e-mail if all members agree in writing to do so, and
 - (g) Any member of the DRP who is unable to attend a meeting of the DRP may appoint another member of the DRP as his or her proxy by notice to the DRP if it is done in writing, signed by the person making the appointment and delivered to the chairperson before the relevant meeting, and
 - (h) A minute signed by a quorum of members of the DRP constitutes a resolution of the DRP.
- (4) Consultants and/or contractors may be appointed by the DRP as follows:
- (a) The DRP may appoint consultants to assist it in performing its duties and may remove them and all members of the DRP at any one time may be consultants, and
 - (b) The DRP may appoint and revoke the appointment of nominated contractors, the use of whom may reduce or eliminate certain fees otherwise payable to the DRP.
- (5) Fees may be payable by applicants to the DRP in accordance with the following provisions:
- (a) a submission fee may be required from an applicant to cover the costs of assessing a proposal or an alteration to an approved proposal, and
 - (b) while the applicant of the subdivision still owns one lot in the subdivision and has appointed the members of the DRP, they may cover the costs of the DRP in whole or in part to either reduce or negate the necessity of an application fee, although they are under no obligation to do so, and
 - (c) although a schedule of fees is required to be established in the Design Guidelines, those fees may need to be adjusted from time to time to cover reasonable additional costs incurred, and
 - (d) an applicant may be directed to pay a consultant of the DRP directly for the costs of the assessment of their application, and
 - (e) the DRP Compliance Certificate does not take effect until any such fees have been paid, and
 - (f) the DRP retain the right to require the payment of such fees prior to the acceptance of a proposal for assessment.
- (6) The applicant of the subdivision application may decide from time to time to hold a construction performance bond which would be administered by the DRP as follows:
- (a) the bond would be paid by the owner of the land for which the proposed application applies and held in a trust fund, and

- (b) upon completion of the work described by the proposal, the owner of the lot would request the DRP to inspect the work, for which a fee may be applicable, and
- (c) the DRP would inspect the work within 14 working days to determine whether or not the work has been constructed in accordance with the conditions of the DRP Pre-Approval Certificate, and
- (d) if so constructed, authorise the return of the construction performance bond to the payee, and
- (e) if not so constructed, detail in writing to the owner of the land of the items to be completed prior to the refund of the bond, and
- (f) the above process would be repeated until such time as the bond is refunded.

5.7 Developer Contributions at Subdivision Stage

Objectives

- (1) To streamline the approval process for common development including Traditional Detached, Terrace, Zero-lot, Soho, Plex, Mews, Dwelling development types as Complying Development.
- (2) To allow payment of developer contributions (Section 64 and Section 94) at the subdivision stage based on the residential yield of the Nominated Lot on the approved Subdivision Plan.
- (3) To clarify the contributions payable by other lots including lots within the Town and Neighbourhood Centres.

Controls

- (1) Developer Contributions (Section 64 and Section 94) for subdivision creating a Nominated Lot suitable for a Traditional Detached Dwelling will be charged at the normal 1 equivalent tenement (ET) rate.
- (2) Developer Contributions (Section 64 and Section 94) for subdivision creating a Nominated Lot for a Plex will be charged on the basis that each dwelling in the Plex will comprise 2 bedrooms.
- (3) Developer Contributions (Section 64 and Section 94) for subdivision creating a Nominated Lot suitable for a Mews Dwelling will be charged on the basis that each dwelling will comprise 2.5 bedrooms.
- (4) Developer Contributions (Section 64 and Section 94) for subdivision creating a Nominated Lot suitable for a Soho Dwelling will be charged on the basis of 1 equivalent tenement (ET) for the dwelling component plus 50m² of commercial premises floor area.
- (5) Developer Contributions for lots which may comprise a non-residential development (other than a lot for the purpose of a public utility or public open space, etc) are to be charged at the normal 1 equivalent tenement (ET) rate. The 1 ET contribution paid at the subdivision stage will be credited to any payment required in association with the future development application for that site.
- (6) Developer Contributions for Development Lots (i.e. for future Apartment or Town House development or future subdivision) are to be charged at the normal 1 equivalent tenement (ET) rate. The 1 ET contribution paid at the subdivision stage will be credited to any payment required in association with the future development application for that site.

5.8 Strata Subdivision

Objectives

- (1) To facilitate efficient subdivision of completed buildings within Cobaki Lakes.

Controls

- (1) Subdivision under the Strata Schemes (Freehold Development) Act 1973 or the Strata Scheme (Leasehold Development) Act 1986 may be carried out without development consent (except in the case of a granny flat).
- (2) Other forms of subdivision of a completed building into separate lots require a separate Development Application to be lodged and assessed by the Tweed Shire Council. The development application will be assessed in accordance with this Code.

5.9 Torrens Title Subdivision of Mews Development

Objectives

- (1) To allow the Torrens Title subdivision of completed Mews developments.

Controls

- (1) Completed residential development comprising the Mews residential building type, which complies with the controls relating to Mews Development as stated in the Cobaki Lakes Development Code may be re-subdivided in a Torrens title subdivision.
- (2) Subdivision of a Mews project may be approved as part of a staged development application but must be appropriately conditioned so that subdivision may only occur when the Mews buildings have been granted an occupation certificate.
- (3) No minimum lot size applies to the re-subdivision of a Mews building however, by applying this clause to re-subdivide a completed Mews development only one dwelling may be approved per lot.
- (4) Each lot is to provide frontage to a public road, which may necessitate multiple access handles with reciprocal rights of carriageway to be registered on title.
- (5) Vehicular access is to be from one street frontage only.

5.10 Street Network and Design

Objectives

- (1) To provide a hierarchy of interconnected streets that gives safe, convenient and legible access within each neighbourhood in Cobaki Lakes.
- (2) To minimise through traffic in residential neighbourhoods.
- (3) To ensure that the hierarchy of the streets is clearly legible through variations in carriageway width, on-street parking, threshold parking, incorporation of water sensitive urban design measures (where possible), street tree planting, and pedestrian amenities.

- (4) To provide a safe and convenient public transport, pedestrian and cycleway network.
- (5) To ensure a high quality, functional, safe, legible and visually attractive public domain.
- (6) To design streets within each neighbourhood primarily for people, not for cars, by providing a level of access, safety and convenience to residents in each neighbourhood.
- (7) To minimise the necessity of acoustic fencing within the Precincts nominated in **Figure 5.1.1**.

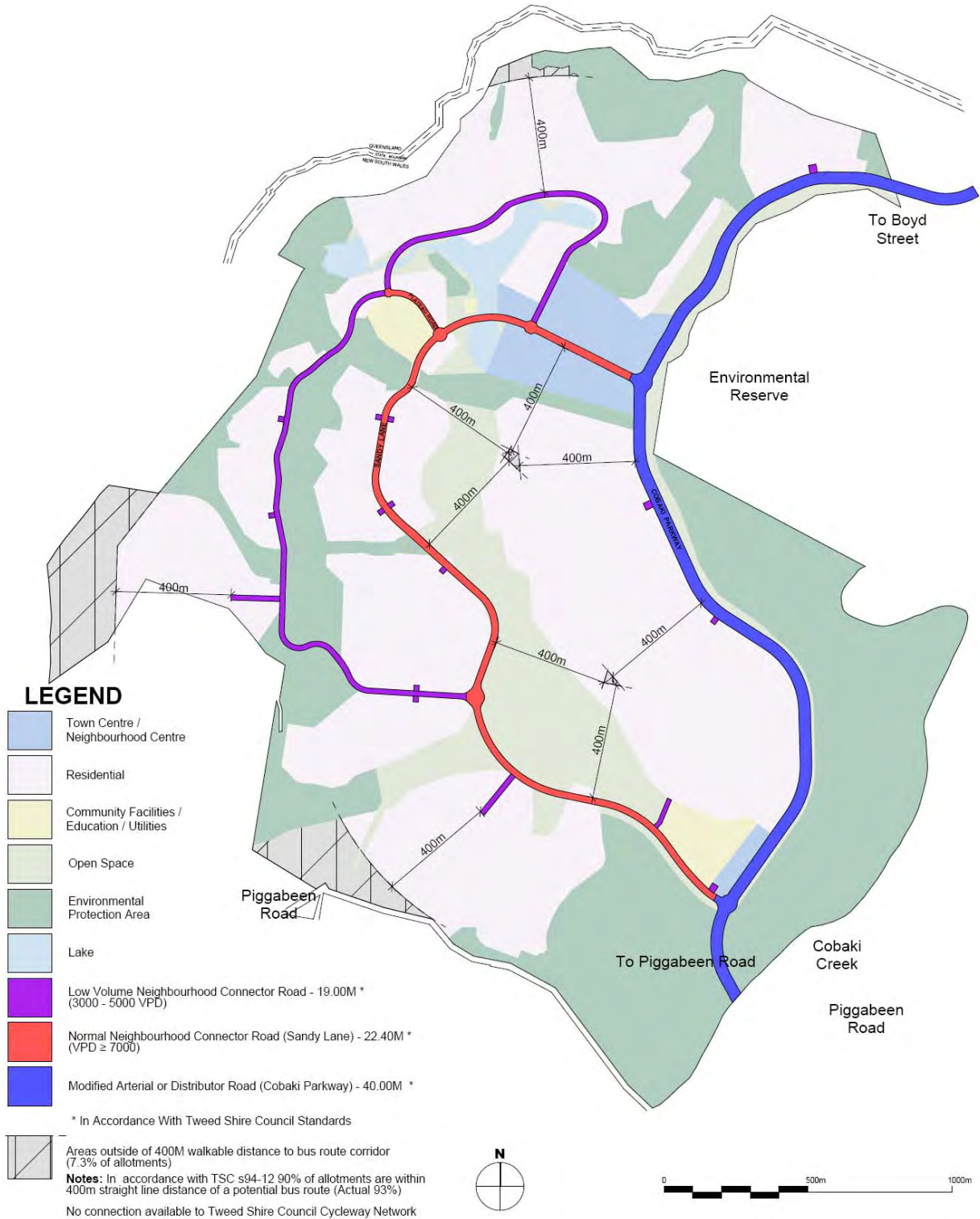
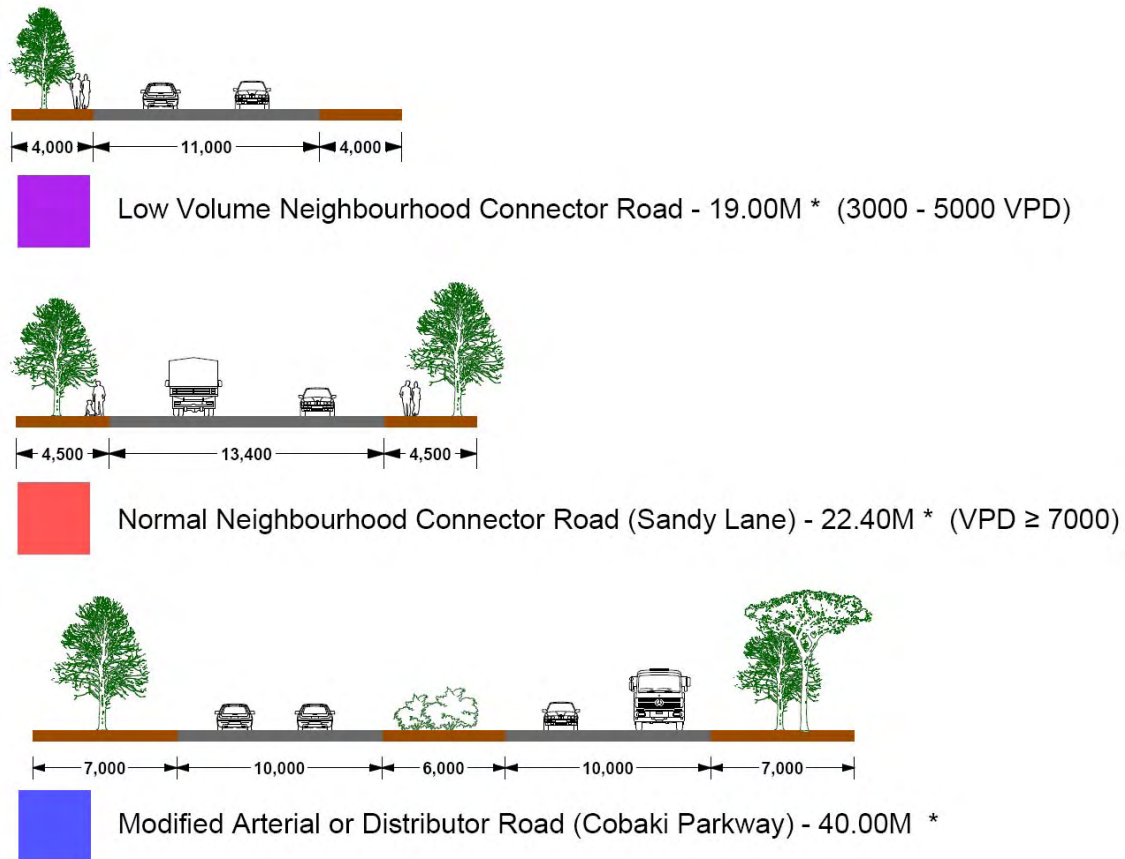


Figure 5.10.1: Street Network Plan



* In Accordance With Tweed Shire Council Standards

Figure 5.10.2: Street Network Sections

Controls

- (1) Aim to limit vehicular travel time from each lot to the neighbourhood entrance to 60 seconds.
- (2) Street design to provide generally no more than 3 turns to be traversed from the furthest lot to the neighbourhood entrance. Local streets shall be designed to discourage through traffic.
- (3) Cul-de-sacs are to be a maximum of 200m in length and 24 dwellings. Cul-de-sacs where used are to provide for pedestrian and cycle permeability.
- (4) Aim to limit vehicle movements to less than 3000 vehicles per day per neighbourhood entrance road (300 – 600 dwellings). Larger neighbourhoods may require a Neighbourhood Collector to cater for increased vehicular movement.
- (5) Each neighbourhood is to provide its own distinctive entry statement giving the neighbourhood its own distinct identity.
- (6) The street network is to be designed to achieve the following principles:
 - (a) establish a permeable pedestrian and cycleway network that is based on AMCORD principles,
 - (b) encourage walking and cycling and reduce travel distances involving those activities,
 - (c) maximise neighbourhood connectivity between residential neighbourhoods, community facilities and open space,
 - (d) take account of topography and accommodate significant vegetation,
 - (e) optimise solar access opportunities for dwellings,

- (f) maximise surveillance of open space and environmental protection corridors,
- (g) maximise the use of water sensitive urban design measures.
- (7) Except where otherwise provided for in this Development Code, all streets and roundabouts are to be designed and constructed in accordance with the minimum requirements set out in the Tweed Shire Council Engineering Design Specifications.
- (8) For all local streets and access ways, traffic management, (i.e., road layout and/or speed reducing devices), are to be used to produce a low speed traffic environment. Such traffic management devices are to be identified at the subdivision application stage.
- (9) Unless otherwise specified above all streets within the development shall generally be designed in accordance with Tweed Shire Council Development Design Specification D1-Road Design.

5.11 Stormwater Runoff, Drainage and Flooding

Objectives

- (1) To manage the quantity and quality of stormwater runoff within the Cobaki Lakes development.
- (2) To ensure that the development of the Cobaki Lakes site is undertaken in compliance with the Tweed Shire Council DCP 2007 Section A3 Development of Flood Liable Land.

Controls

- (1) **Water sensitive urban design:**
 - (a) Urban structure and subdivision design is to incorporate the principles of water sensitive urban design as specified in Development Design Specification D7 – Stormwater Quality.
 - (b) Subdivision drainage systems should minimise runoff, delay its passage and where possible accommodate it within the landscape of the subdivision by utilising techniques such as reuse, detention, retention and infiltration.
 - (d) Subdivision drainage systems should mimic natural flows by utilising wherever possible such techniques as detention, retention and infiltration to improve water cycle management on site, and stormwater recycling for non-potable use especially in parks and open space.
 - (e) Permanent stormwater quality treatment must be in accordance with Tweed Urban Stormwater Management Plan Section 5.5.3 Stormwater Objectives During the Post Construction or Occupational Phase of Development.
 - (f) Stormwater quality treatment devices specified in Tweed Shire Council's Development Design Specification D7, Stormwater Quality would be incorporated into subdivision design to meet Council's water quality objectives.
 - (g) In accordance with WSUD principles, the use of a number of stormwater treatment devices in series to form a 'treatment train' are encouraged.
 - (h) The stormwater treatment train for each sub-catchment would include a combination of two or more of the following measures:
 - (i) Compliance with BASIX.
 - (ii) Bioretention devices within constructed swales where slope <5%.
 - (iii) Gross Pollutant traps (GPTs).
 - (iv) Sedimentation basins at the inlet zone for the constructed wetlands.
 - (v) Constructed wetlands with a minimum 30% soft-edge treatment.

- (vi) Diffuse low-flow discharge (<Q3month) and stormwater treatment within the rehabilitation areas.
- (vii) High-flow bypass channels to protect the rehabilitation areas.
- (i) Alternatively, a constructed wetland with an area equal to 5% of the total catchment area would be provided in accordance with the 'deemed to comply' solution provided in D7 Table 7.11-WS. An area of less than 5% could be provided as determined by D7 Table 7.11-WS which allows for a reduction in the size of the wetland (using the parameters provided) if infiltration systems, rainwater storage tanks, porous paving, vegetated buffers or grassed swales which comply with TSC's guidelines are installed in the catchment.

(2) **Treatment Trains:**

As there is considerable variation in terrain and soil types across the site, there would be a number of combinations of treatment devices included in the treatment trains. The choice of devices would depend on the design and operating requirements of each management measure, and the constraints imposed by site conditions such as soil type and permeability and slopes. The maximum reduction that would be allowed by using various combinations of the treatment devices in a treatment train is 75% and the resulting wetland area should be no less than 125m²/ha catchment area.

It is envisaged that treatment trains such as those described below would be employed throughout the proposed development.

(a) **Treatment Train Type 1 (TTT1)**

In areas where grades are less than 5% and the underlying soils are sandy the treatment train for each hectare of development might comprise:

- (i) Infiltration systems in lots
- (ii) Vegetated swales (180m²)
- (ii) Constructed wetlands (total area 138.75m²)

(b) **Treatment Train Type 2 (TTT2)**

In areas where grades are less than 5% and the underlying soils are clayey the treatment train for each hectare of development might comprise:

- (i) Complying rainwater tanks in lots
- (ii) Vegetated swales (180m²)
- (iii) Constructed wetlands (total area 125m²)

The maximum reduction in wetland area of 75% applies in this instance.

(c) **Treatment Train Type 3 (TTT3)**

In areas where grades are steeper than 5% and the underlying soils are clayey the treatment train for each hectare of development might comprise:

- (i) Complying rainwater tanks in lots
- (ii) Bioretention trenches (180m²)
- (iii) Constructed wetlands (total area 125m²).

The maximum reduction in wetland area of 75% applies in this instance.

- (d) **Treatment Train Type 4 (TTT4)**
- In areas where grades are steeper than 10% and the underlying soils are clayey the treatment train for each hectare of development might comprise:
- (i) Complying rainwater tanks in lots
 - (ii) Constructed wetlands (total area 250m²).
- (e) During the detailed design process other treatment train options would be considered and included where appropriate.
- (3) **Integrated Water Cycle Management:**
- (a) Integrated Water Cycle Management (IWCM) would be adopted for the development. The IWCM approach aims to provide feasible integrated solutions for the management of water supply, wastewater, stormwater and groundwater throughout the site. Water management measures (including use of water efficient appliances and fittings, rainwater collection and reuse, grey water systems and wastewater treatment and reuse) would be further investigated as part of subdivision design.
- (b) IWCM can involve the integration of a large number of concepts for re-use, reduction and recycling. These options may include (but are not limited to):
- (i) demand management – use of water efficient appliances
 - (ii) rainwater (roof runoff) collection and re-use (household or community scale)
 - (iii) stormwater collection and reuse
 - (iv) aquifer storage and recovery
 - (v) effluent recycling (sewer mining)
 - (vi) WSUD measures for water quality improvement.
- (c) The IWCM strategy for the Cobaki Lakes site will incorporate but not be limited to following strategies.
- (i) Demand management solutions will include the development of a strategy to promote the use and installation of rainwater tanks. Where tank use on individual lots is desirable, roof runoff from all such dwellings will be collected and stored in rainwater tanks for domestic re-use including toilet flushing, laundry cold water and outdoor uses in accordance with BASIX requirements
 - (ii) Communal rainwater tanks will be investigated as an option for collection and storage of runoff for use in landscape and open space irrigation.
 - (iii) Overflow from the rainwater tanks and runoff from the remainder of the development is intended to be treated by means of constructed wetlands in accordance with TSC guidelines. These wetlands may be augmented by the inclusion of infiltration systems, porous pavements, grassed filter strips, vegetated swales and bioretention systems into the treatment train.
 - (iv) A reticulated (town water) supply will be provided to households and businesses for kitchen and bathroom uses and laundry hot water. If required, this supply may also be utilised for top-up of domestic rainwater tanks when the tank level falls below 15%.
 - (v) Investigations into the feasibility of demand management measures, in order to conserve water by reducing both town water usage and the volume of wastewater generated, will be undertaken. This will include the use of WELS Scheme rated water-efficient devices (including taps, showerheads, toilets, dishwashers and washing machines) to further reduce demand across the development.

(4) **Erosion and Sediment Control:**

- (a) Erosion and sediment control must be in accordance with Development Design Specification D7 - Stormwater Quality and its Annexure A - Code of Practice for Soil and Water Management on Construction Works.
- (b) An Erosion and Sediment Control Plan is to be submitted with all development applications.
- (c) Prior to commencement of construction in any stage, detailed erosion and sediment control plans will be prepared, based on the requirements of this SWMP and the NSW Landcom, Managing Urban Stormwater Soils and Construction, and submitted to and approved by Council.
- (d) The development should be built in stages to minimise the potential for soil erosion and water pollution. This would enable the site to be progressively rehabilitated as the development proceeds.
- (e) As soon as is practicable after the completion of the earthworks, the disturbed areas will be reseeded to establish a fast-growing cover crop which will minimise erosion and movement of sediment across and off the site. On steeper slopes and the road cuttings, it is likely that hydro mulching and/or placing of hoop pine mulch will be required.
- (f) Wherever possible the site will remain grassed and otherwise undisturbed until construction commences.
- (g) Prior to commencement of earthworks in any stage, temporary sedimentation ponds should be installed. The exact number, location and size will be determined at the detailed design stage concurrently with the development of the staging plan. All runoff from disturbed areas is to be collected by means of surface drains and diverted to a sedimentation pond. Where practicable, runoff from undisturbed areas should be diverted around disturbed areas and away from the sedimentation pond. The temporary sedimentation ponds may be removed when the site has been revegetated, after completion of the bulk earthworks.
- (h) Other control measures such as (but not limited to) temporary sedimentation basins, silt fences and contour drains should be installed and maintained in accordance with recommendations contained in the NSW Landcom, Managing Urban Stormwater Soils and Construction.
- (i) Erosion and sediment control measures must be installed in disturbed areas during the building construction phase in accordance with the requirements of Council's Sediment and Erosion and Control Guidelines for Builders and Developers. These measures should be maintained until landscaping has been completed and becomes established.
- (j) The soils identified on the site are assessed as low to very low fertility soils. Nevertheless, it is considered that nutrient transport from the site during the construction phase should be minimised by implementation of appropriate control measures.

(5) **Permanent Stormwater Quality Facilities:**

- (a) The subdivision and drainage system must be designed to meet the requirements of the Tweed Urban Stormwater Management Plan Section 5.5.3 Stormwater Objectives During the Post Construction or Occupational Phase of Development (Table 5.11.1) and Development Design Specification D7 - Stormwater Quality.

Table 5.11.1: Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak.		

(6) Drainage Lawful Point of Discharge:

- (a) Stormwater runoff and drainage must only be discharged from a subdivision at a “lawful point of discharge”. This must be on or immediately adjacent to the development site and may be:
- (i) a natural watercourse or waterway to which the development site naturally drains;
 - (ii) a “lawful point of discharge” agreed to by Council (i.e. an existing constructed public drain).
- (b) where no acceptable point of discharge presently exists, the subdivider must:
- (i) acquire and dedicate to Council connecting reserves or easements that provide legal continuity from the development site to an offsite legal point of discharge in a natural watercourse or waterway or suitable (appropriate location, size/capacity) public drain;
 - (ii) construct the necessary connecting drainage works.
- (c) Treated stormwater runoff may be discharged diffusely through the ecological buffers.

(7) Major drainage systems:

- (a) Major systems must be provided to convey Q100 flows in the public domain, in a manner that is safe for persons, vehicles and property.
- (b) Natural’ channel designs should be adopted for significant, non-tidal, off street, open drains. ‘Natural Channel Designs’ involve the creation of channels with attributes of natural channels, including a meandering plan, pool and riffle zones, use of natural materials and riparian/ floodplain vegetation.

(8) Minor drainage systems:

- (a) The minor storm drainage system must have the capacity to convey stormwater flows under normal operating conditions for the relevant design storm without blockage.
- (b) The minor system design must minimise undesirable ponding for prolonged periods.

- (9) **Drain Safety:**
- (a) Appropriate barriers must be provided to exclude the public from drainage and water quality facilities that present safety risks.
- (10) **Attenuation of peak flow rates**
- (a) Subdivision layout, drainage and detention systems must be designed to ensure flow rates are attenuated to ensure no adverse impact on downstream aquatic environments, watercourses and property.
- (11) **Watercourses traversing the subdivision:**
- (a) Where a subdivision development site contains watercourses and/or drains traversing the site that is sourced externally, provision must be made for:
- (i) Conveyance of stormwater flows (including the ARI 100 year event) through the site, in a manner that does not adversely impact on upstream or downstream watercourses or property, and
- (ii) The natural alignment of watercourses should be retained, except where feasible adjustments can be made to improve the urban structure without compromising the natural environment (such watercourse changes are subject to the final approval of the Department of Natural Resources), and
- (iii) The subdivider of land receiving external stormwater runoff is not required to treat and remove externally derived pollutants and nutrients.
- (12) **Waterways; water bodies; riparian areas and riparian vegetation:**
- (a) Waterways, water bodies riparian areas and riparian vegetation are to be clearly identified and an assessment of the environmental values provided.
- (b) Development in or adjacent to waterways, water bodies, wetlands or within their catchments must:
- (i) Ensure preservation of fish and aquatic habitat;
- (ii) Not create barriers to fish passage;
- (iii) Ensure development does not result in pollution or adversely effect quality or quantity of flows of water into the water way, waterbody, wetland or habitat;
- (iv) Provide public foreshore reserves and public access to those reserves;
- (c) Conserve native vegetation surrounding waterways, water bodies, wetlands by the retention of riparian buffers.
- (d) An aim of development should be to increase the length and connectivity of streams with adequate native riparian vegetation.
- (e) Riparian buffers along major streams shall be dedicated to Council and placed under active management in accordance with a plan of management submitted by the applicant and approved by Council.
- (f) Riparian buffer zones shall be revegetated and fences or other appropriate barriers provided to prevent transverse crossing of the riparian buffer (except in designated areas).
- (g) Where stream/waterway edge based land use is proposed in the riparian buffer (recreation, public utilities, wharves/jetties/marinas, tourist facilities, etc.) such proposals are to be accompanied by a riparian zone assessment which addresses:
- (i) The impact of the proposed use on the ecological values of the riparian zone, adjacent stream and aquatic habitat;

- (ii) The impact of the proposal on the current and future connectivity of the riparian zone habitat;
 - (iii) Measures to minimise and fully compensate for any adverse impacts.
- (h) Subdivision layouts and works are to be designed to avoid adverse impacts on fish and aquatic habitat and are to comply with the NSW Fisheries (1999) Policy and Guidelines Aquatic Habitat Management and Fish Conservation and the Fisheries Management Act 1994 and Fisheries Management (General) Regulation 1995.
- (13) **Flood Liable Land:**
- (a) Development sites must be assessed to determine if they are flood liable.
 - (b) Development sites that are and will remain flood liable must be excluded from uses that are incompatible with inundation. This assessment must consider all floods up to the probable maximum flood (PMF). Refer TDCP 2007, Section A3 to determine PMF levels for development sites.
 - (c) Residential subdivision is considered incompatible with inundation unless high level road evacuation route(s) to land above PMF level are provided, which are accessible to all allotments via (as a minimum) pedestrian access at or above 100 year ARI flood level.
 - (d) For the purpose of this clause, a "high level evacuation route" is a road or footway (as applicable based on the development type), whose entire length has a level (measured at top of kerb for roads) of not less than the design flood level and, which provides a route to enable people to evacuate to land above the PMF. Ideally a high level evacuation route will have a rising grade that ensures users will not be cut off as floodwaters rise. Overland stormwater flow paths on high level evacuation routes must be designed to remain trafficable when conveying the 100 year ARI design stormwater flow. High level evacuation routes should have levels that in combination with effective warning time, development type and flood duration, provide adequate time for evacuation to land above the PMF.
 - (e) Subdivision land and public infrastructure must have flood immunity appropriate to its intended land use as designated in Tweed Development Control Plan 2007, Section A3 - Development of Flood Liable Land, Council's Flood Risk Management Policy, and Floodplain Risk Management Plan(s).
 - (f) Flood liable land may be filled to provide a level of flood immunity that is appropriate to an intended land use only if the filling is in accordance with:
 - (i) Tweed Development Control Plan 2007, Section A3 - Development of Flood Liable Land, Council's Flood Risk Management Policy, Floodplain Risk Management Plan(s), or other site specific sections and development standards in this manual.
 - (g) If the area is not covered by such Sections filling land to provide flood immunity will only be considered if accompanied by a flood management study that:
 - (i) Contains a flood study prepared in accordance with Floodplain Development Manual: The Management Of Flood Liable Land - NSW Government 2005, "Appendix F - Flood Study Preparation" that considers the existing flood behaviour and predicted flood behaviour after the proposed filling. The study is also to consider the cumulative affects on flood behaviour of incremental filling that may or is likely to take place in the area.
- (14) **Drainage and water quality facilities in parks:**
- (a) Permanent or semi-permanent stormwater facilities may be incorporated into parks where they are compatible with the parks primary functions. The area used for these facilities will not be credited towards open space commitments unless, they comply with the development

standards for open space in Section A5.4 of TDCP 2007, Section A5 – *Subdivision Manual and contribute to the amenity and recreational opportunities of the park.*

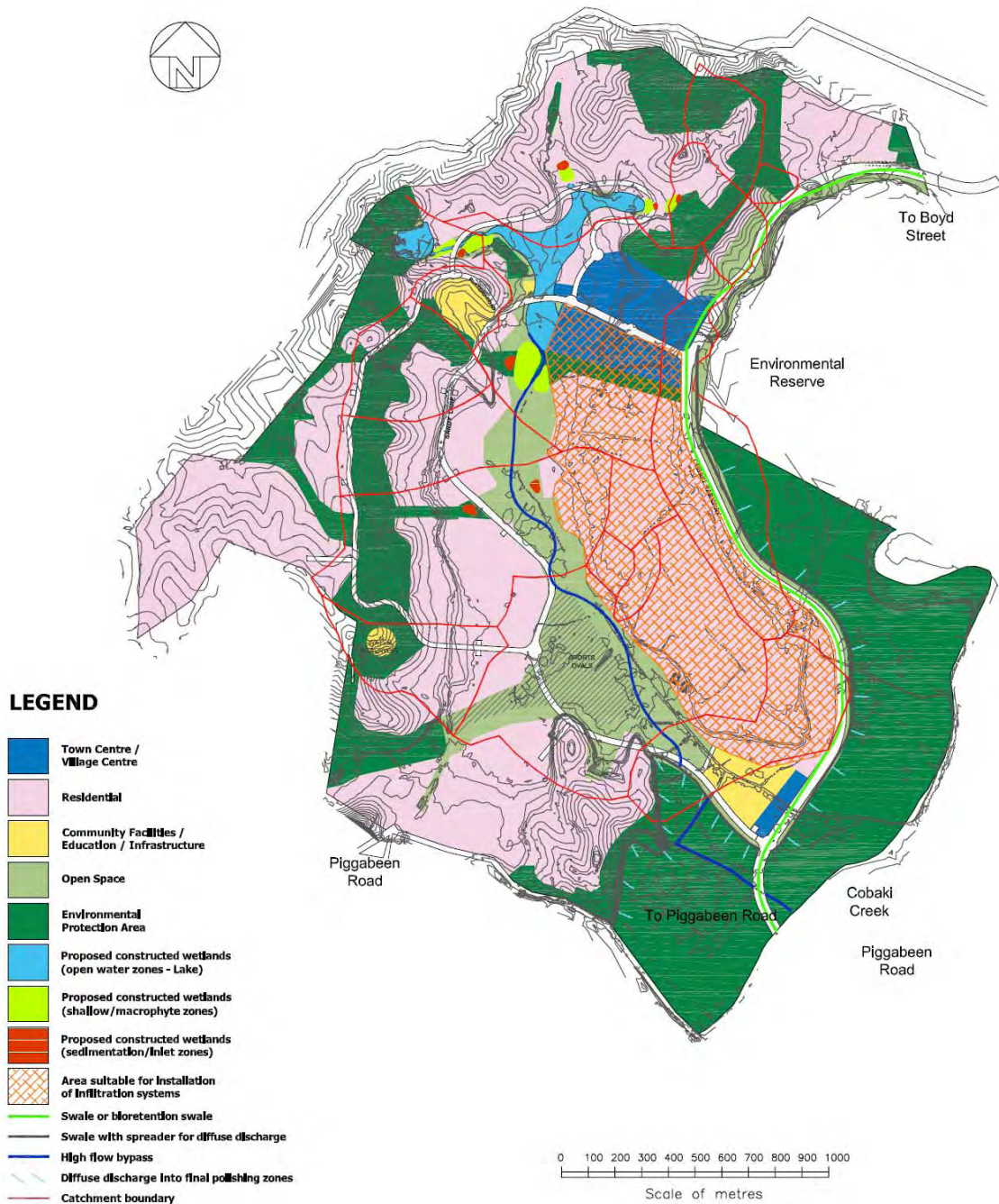


Figure 5.11.1: Cobaki Lakes Stormwater Management Concept

5.12 Land Forming

Objectives

- (1) To optimise available urban release land by bulk earth works which maintain a relationship between the finished ground level and the natural topography of the area.
- (2) To ensure that land created is suitable for conventional house construction.
- (3) To optimise cost-effective house construction on small allotments.
- (4) To ensure that adverse geotechnical or stormwater conditions are minimised.

Controls

Unless otherwise specified in this Code, the following controls apply:

- (1) Tweed Shire Council Development Design Specifications D6 – *Site Regrading*.
- (2) Pre development levels should be preserved at external (perimeter) boundaries of a subdivision, preferably without the use of boundary (or within 3m of the boundary) retaining walls generally exceeding 1.2m in height.

The application of this criteria may be varied in infill subdivisions in flood liable areas where there is general filling to provide flood immunity.

- (3) **Mass Landform Change Criteria for Mixed Use Subdivision:**

The proportion of a subdivision site (plan area) that contains cut or fill areas with finished surface levels that depart from natural surface levels by more than 8m shall not exceed 20%, regardless of earthworks quantity. For the purpose of this Section **subdivision site** includes the parcels of land created for private sale and formal parks, and does not include undeveloped areas, areas retained for environmental purposes, roads, or residual lots.

- (4) **Surface Criteria:**

Residential Development Controls apply for allotments with cross fall gradients and longitudinal gradients greater than 5% and 10% respectively.

- (5) The use of high earthworks batters and retaining walls to achieve flat building platforms should be avoided where possible.

5.13 Pedestrian, Cycle and Public Transport Network

Objectives

- (1) To provide a convenient, efficient and safe network of pedestrian and cycleway paths for the use of the community, within and beyond the site.
- (2) To encourage residents to walk or cycle, in preference to using motor vehicles, as a way of gaining access to the schools, shops, and local community and recreation facilities.
- (3) To promote the efficient use of land by allowing pedestrian pathways and cycleways to be located within parks and corridors wherever practical.
- (4) To encourage the use of public transport within Cobaki Lakes.
- (5) To ensure clear, safe pedestrian links to public transport routes.
- (6) To allow for the majority of residential lots to be within 400m walking distance from an existing or proposed bus route.

Controls

Unless otherwise specified in this Development Control Code, the following controls apply:

- (1) Tweed Shire Council Development Design Specifications D9– *Cycleway and Pathway Design*.
- (2) The minimum width of off-street shared cycle and pedestrian pathways is to be 2.5m. On-road cycle pathways are not required, except on Cobaki Lakes Parkway where the on-road cycleways are located within the road pavements.
- (3) Pedestrian and cycle routes and facilities in public spaces are to be safe, well lit, clearly defined, functional, accessible to all and lit where applicable.

- (4) Pedestrian and cycle pathways, and pedestrian refuge islands are to be designed where possible to be accessible by all in terms of access points and gradients, generally in accordance with Australian Standard 1428:1-4.
- (5) Pedestrian and cycle pathways are to be constructed as part of the infrastructure works for each residential stage with detailed designs to be submitted with each Construction Certificate.
- (6) Bus routes are to be provided along the neighbourhood connector roads and within the Cobaki Lakes Parkway . A logical bus route is to be indicated on the subdivision Development Application drawings. The final location of bus routes will be determined by Council's Local Traffic Committee.
- (7) A minimum travel-way width of 3.5m is to be provided along all bus routes. Roundabouts on bus routes are to be designed to accommodate bus manoeuvrability.
- (8) Bus stops are to be provided on-street and not within indented bays. Bus shelters are to be provided at key stops and installed at the subdivision construction stage.

5.14 Subdivision Infrastructure

Objectives

- (1) To ensure that adequate infrastructure is provided to all new subdivision releases within the Cobaki Lakes Development.

Controls

- (1) Infrastructure required:
 - (a) All lots created in urban areas for private occupation must be fully and individually serviced with sealed road frontage, drainage, water supply, sewerage, underground electricity and telecommunications.
 - (b) A drainage system that provides Q100 immunity from local stormwater flooding and must have surface levels above the Q100 flood level.
 - (c) Utilities and services are to be designed to in accordance with relevant Statutory requirements.
 - (d) Urban subdivision infrastructure must be provided in accordance with **Table 5.14.1**.
- (2) **Development Lots:**
 - (a) **Development lots** are defined as lots that are not yet developed or subdivided for their ultimate yield. It does not include lots where the proposed subdivision is to separate non-urban land from urban zoned land. Proposed management lots must be:
 - (i) fully provided with roads, drainage (including downstream drainage to a lawful point of discharge) and service connections that are sized for the ultimate subdivision yield and land use of the management lot;
 - (ii) incorporate necessary easements, service connections and drainage facilities necessary for the ultimate development of the surrounding land.

Table 5.14.1: Subdivision Infrastructure Requirements

Infrastructure Required	Where Required	Standard of Infrastructure
Sealed road frontage with kerb and gutter both sides	All lots for private occupation, community facilities lots and public open space lots	See development Tweed Shire Council Design Specification D1.
Water supply	All lots for private occupation, community facilities lots, sports fields, parks, play areas, other utility facilities (pump stations etc)	See Tweed Shire Council Development Design Specification D11.

Infrastructure Required	Where Required	Standard of Infrastructure
Sewerage	As above	See Tweed Shire Council Development Design Specification D12.
Electricity	As above	Must be underground and provided in accordance with suppliers and Australian Standards. Verge service location is to comply with Tweed Shire Council Development Design Specification D1.
Telecommunications	All lots for private occupation, community facilities lots and sports fields. (as required for other utility facilities).	As above
Gas	Optional	As above
Drainage System	Must provide Q100 local flooding immunity for all lots for private occupation and community facilities. Major/ minor system required, roads public open space may (subject to other development standards) be used for Q100 overland flow paths. Must be equipped with stormwater treatment facilities as per Section 5.8 of the Cobaki Lakes Development Code.	See Tweed Shire Council Development Design Specifications D5 and D7.
Flood Immunity	All lots for private occupation must have surface levels above the Q100 level for regional creek/river flooding. All lots must be in proximity to high level evacuation route(s) to land above PMF level, in accordance with Tweed Development Control Plan 2007, Clause A5.4.7.	

Note1. Service alignments shall be aligned to suit the requirements for the various allotment types such as side and frontage boundary setback, location of driveways, etc. Infrastructure that is located within driveways or has limited access, such as water meters shall be located within the footpath verge away from driveways, valves and scours shall be located away driveways.

Note 2. Shared or common trenching shall be used in accordance with Country Energy design requirements.

5.15 Location and Easements for Services

Objectives

- (1) To ensure that appropriate easements are provided to protect and ensure access remains available to enable prompt servicing of rising mains and trunk public sewers.
- (2) To ensure that future construction on small lots which may provide alternate foundation construction measures are not unnecessarily burdened by easements over minor public sewers.
- (3) To provide appropriate easements for stormwater.
- (4) To ensure all services and utilities including metres are located within the road reserve wherever possible.

Controls

- (1) An easement of 3m total width is to be provided where a rising main or trunk public sewer main (250mm in diameter or greater) is to be provided.
- (2) No easement is required over a public sewer is located within a residential lot, other than a trunk public stormwater pipe (250mm in diameter or greater) or a trunk sewer main (250mm in diameter or greater) or a rising main.

- (3) An easement to a maximum width of 1.5m is to be provided where inter allotment stormwater drainage is required through a residential lot.
- (4) Wherever possible the services are to be located in the footpath in accordance with the configuration in **Figures 5.15.1, 5.15.2, 5.15.3 and 5.15.4.**

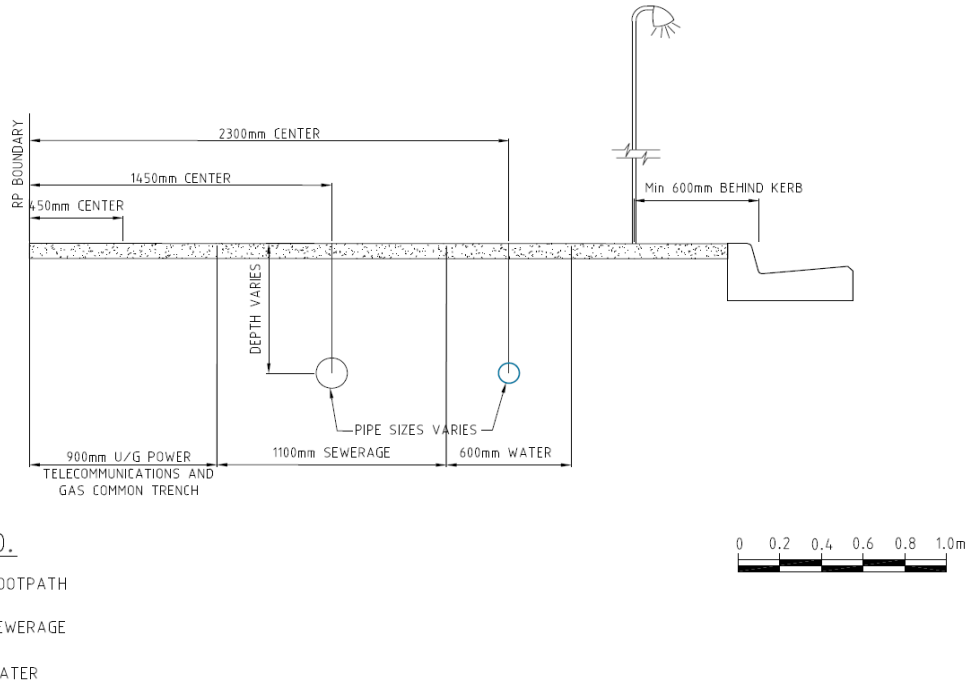


Figure 5.15.1: Typical Public Services Layout

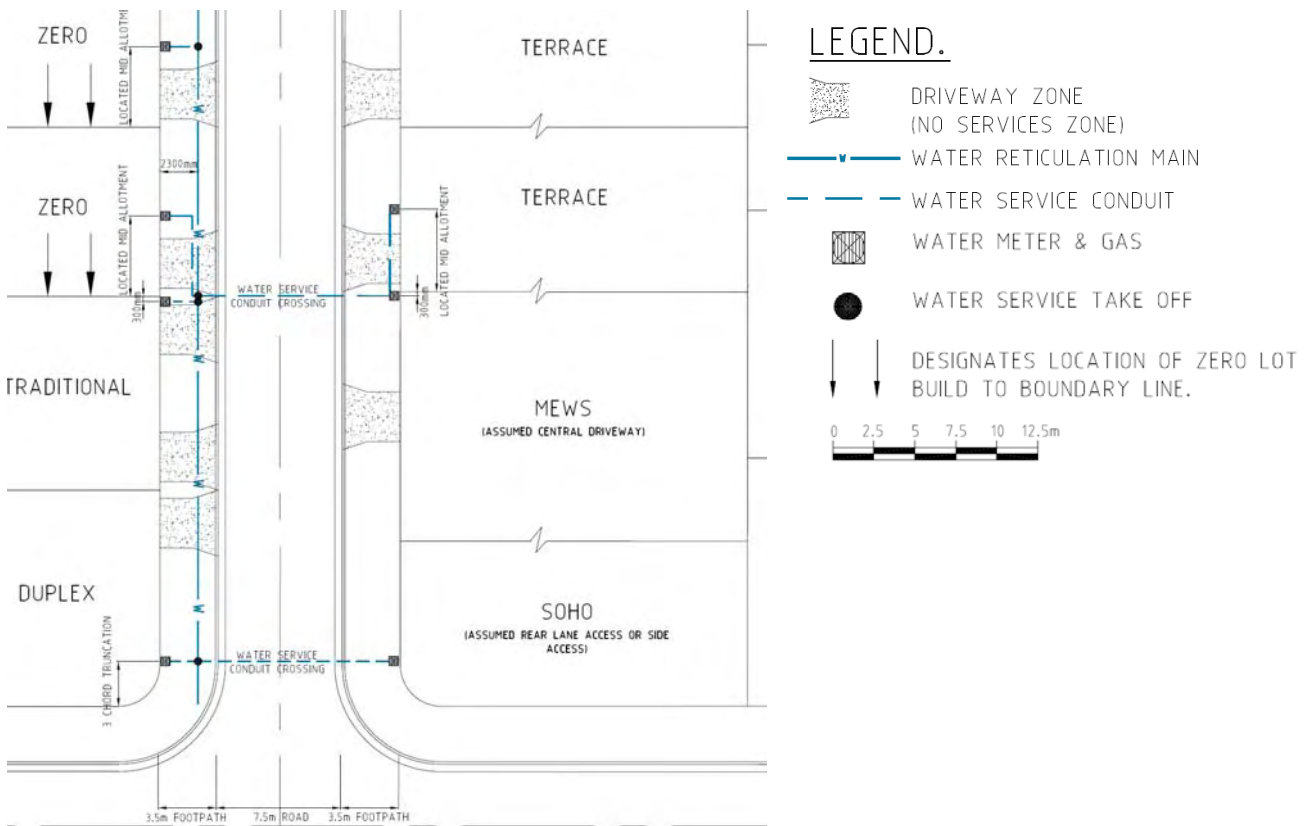


Figure 5.15.2: Typical Water Public Services Layout

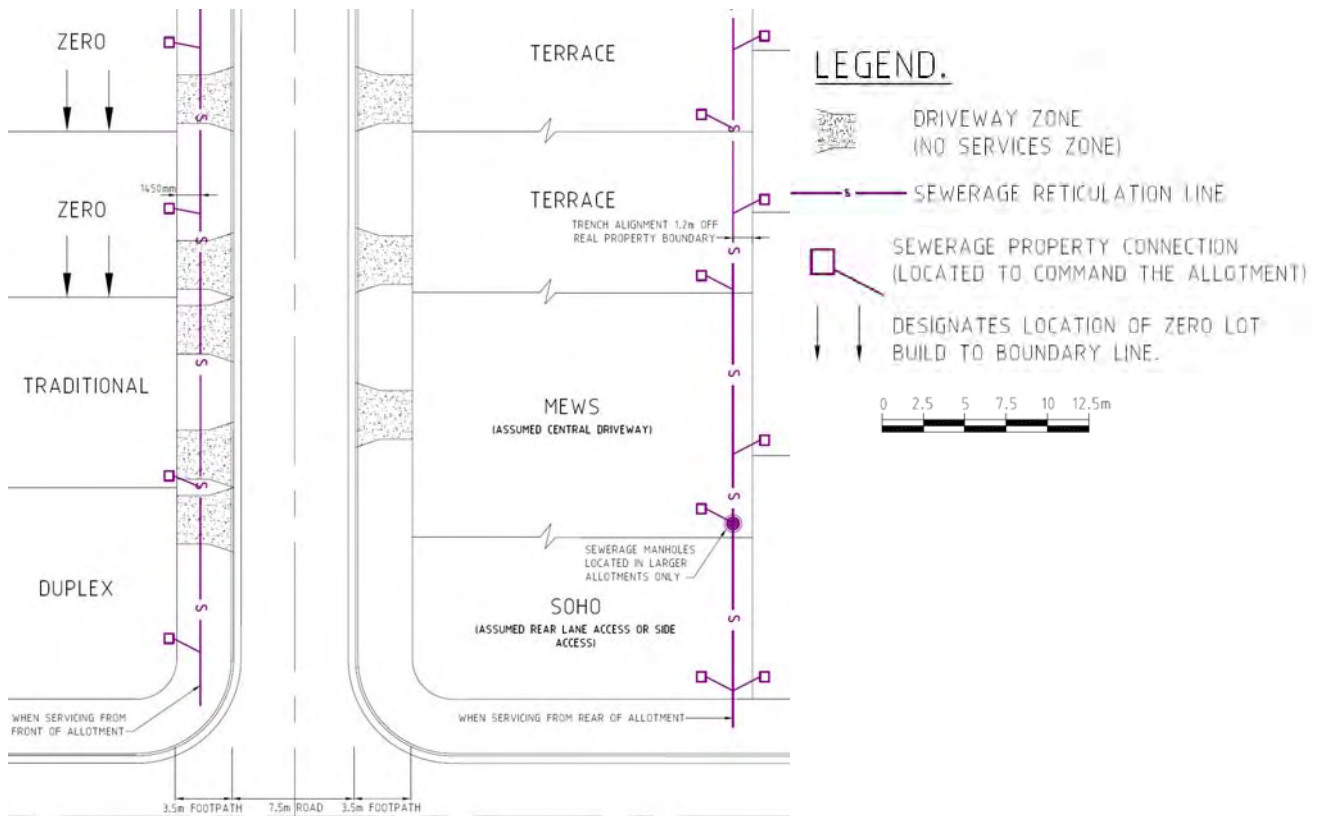


Figure 5.15.3: Typical Sewer Public Service Layout

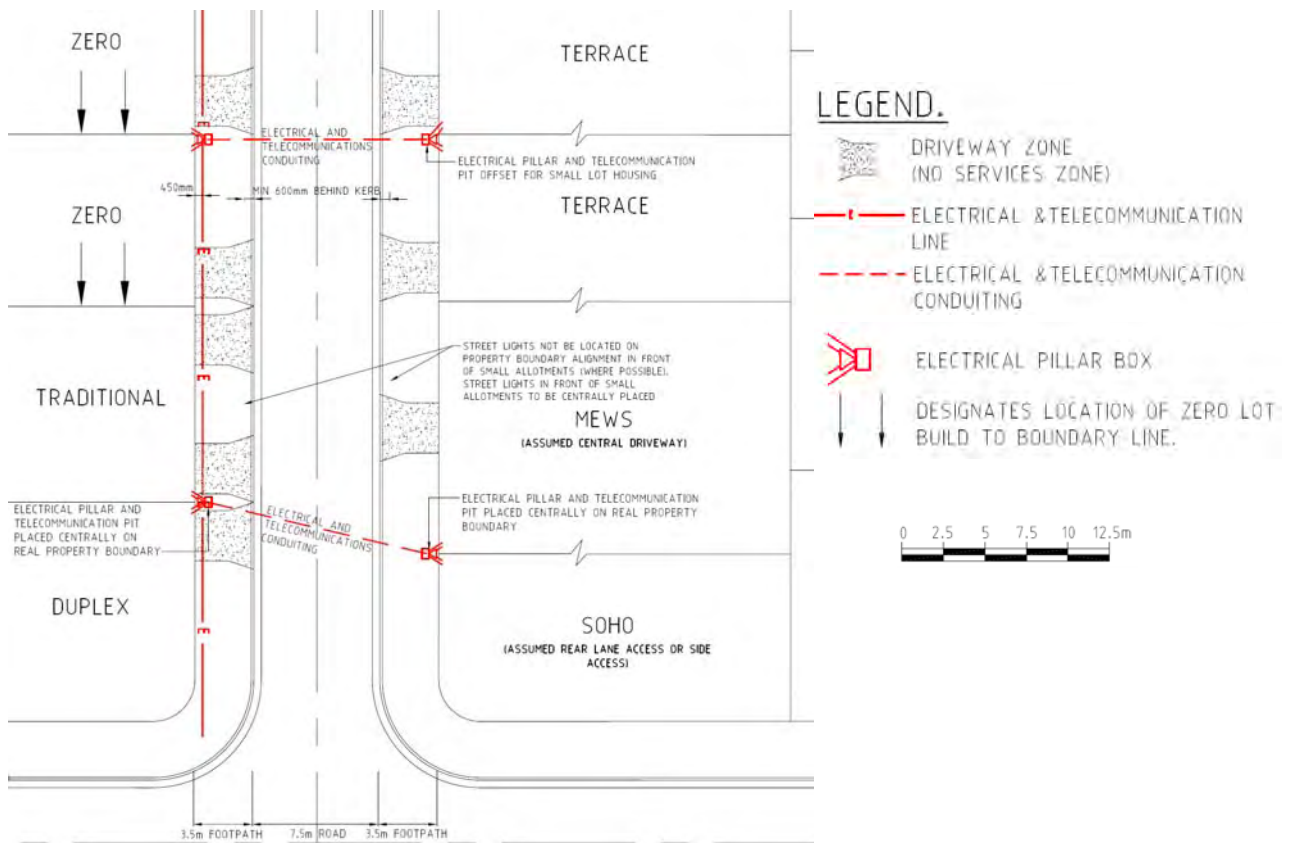


Figure 5.15.4: Typical Electrical and Telecommunications Public Service Layout

5.16 Tree Retention and Biodiversity

Objectives

- (1) To ensure the protection and enhancement of environmental protection zones and to improve or maintain biodiversity values within Cobaki Lakes.
- (2) To maintain and improve as much existing vegetation as practicable within the precinct.
- (3) To reduce impacts of runoff from roads and impervious areas on adjacent lands.
- (4) To prevent the spread of weeds during and after construction.

Controls

- (1) All high significance vegetation and areas including Endangered Ecological Communities, Environmental Protection Zones and Regeneration and Revegetation Areas identified on **Figure 5.16.1** are to be retained where possible within open space. Where a proposal will affect the vegetation or environmentally sensitive areas identified on **Figure 5.16.1** the Development Application must be accompanied by a 7 Part Test in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* (as amended).
- (2) Where applicable, a Tree Survey Plan is to be submitted with each subdivision Development Application. The Tree Survey Plan is to identify the location, type and condition of all existing trees, and is to indicate those trees proposed to be removed, including the justification for their removal, and those to be retained. Where trees are to be retained, details of any protection methods shall be submitted with the Development Application. Priority should be given to retention of trees that have biodiversity value, particularly hollow bearing trees. These and other significant trees are to be retained wherever possible within public and community parks, streetscapes and riparian corridors.
- (3) Where possible, native vegetation (canopy level) shall be provided, within pocket parks and street verges to create a 'stepping-stone corridor' for native fauna. Details of any planting shall be provided within a detailed Landscape Plan submitted with a development application for subdivision of land.
- (4) All land mapped as an Endangered Ecological Community, Environmental Protection Zone or Regeneration and Revegetation Areas (**Figure 5.16.1**) forms part of the corridor system which links the Crown Border Reserve, the wetland and sclerophyll forested habitats and the Cobaki Estuarine Broadwater. These areas are to be preserved and where necessary revegetated and regenerated in accordance with a Revegetation Plan as approved by Council.
- (5) The site revegetation and regeneration program is to be staged and linked to the subdivision application process. Each Subdivision Application will identify the area to be subject of these works. A Revegetation Plan must be provided for each of the identified areas.

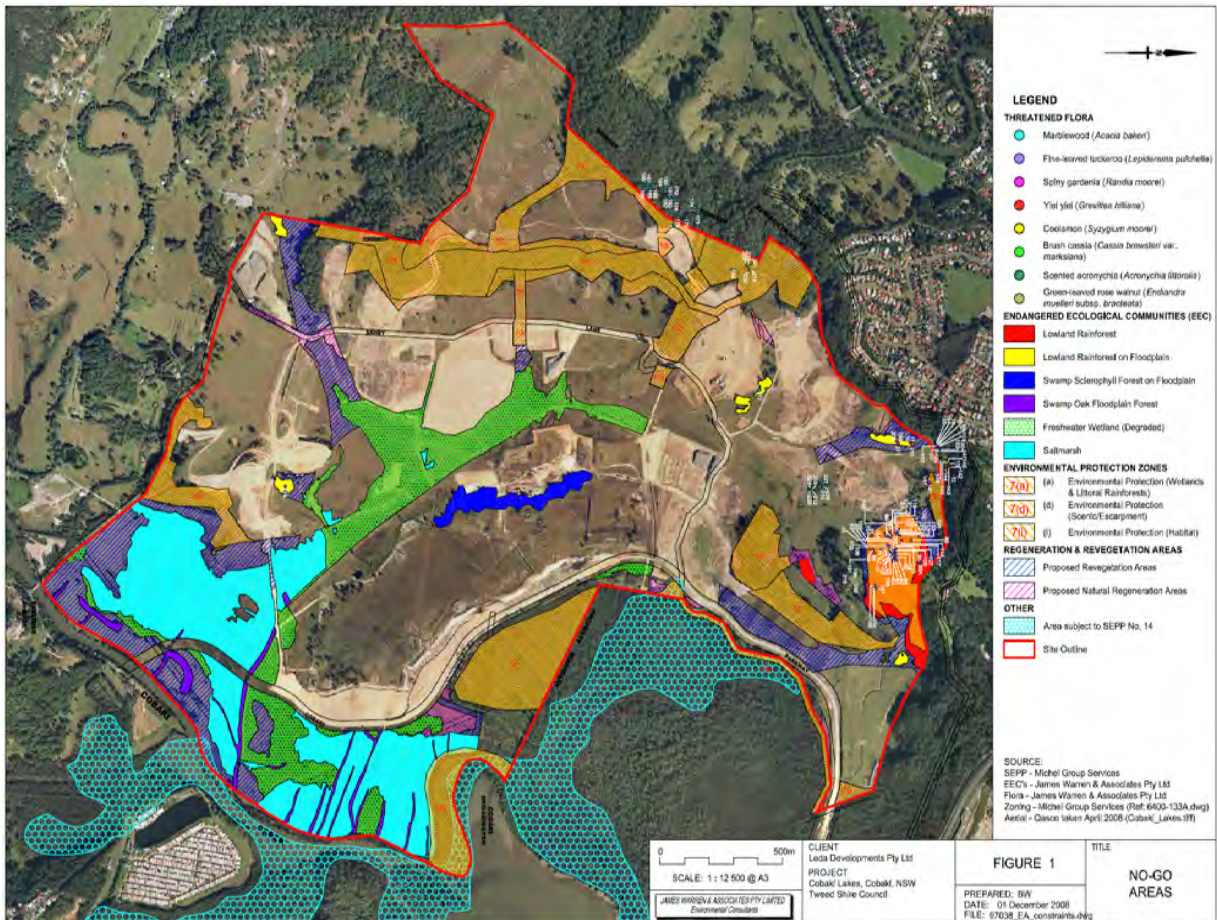


Figure 5.16.1: Significant Vegetation and Corridors

5.17 Acid Sulfate Soil Management

Objectives

- (1) To minimise the damage caused to property and vegetation by acid sulfate soils, or processes that may create acid sulfate soils.
- (2) To ensure development will not significantly increase the acidity load in existing watercourses within and adjacent to the site.
- (3) To prevent degradation of the existing soil and groundwater environment, and in particular, to minimise erosion and sediment loss and water pollution due to siltation and sedimentation.

Controls

- (1) On land identified on **Figure 15.17.1** as potential acid sulfate soil, all development where excavation is proposed below ground level (existing) – (not including any fill) is to be accompanied by a Preliminary Acid Sulfate Soil Assessment. Where the preliminary assessment ascertains that acid sulfate soils are present, the adequacy of an Acid Sulfate Soils Management Plan prepared in accordance with the relevant guidelines is to be provided with the development application.

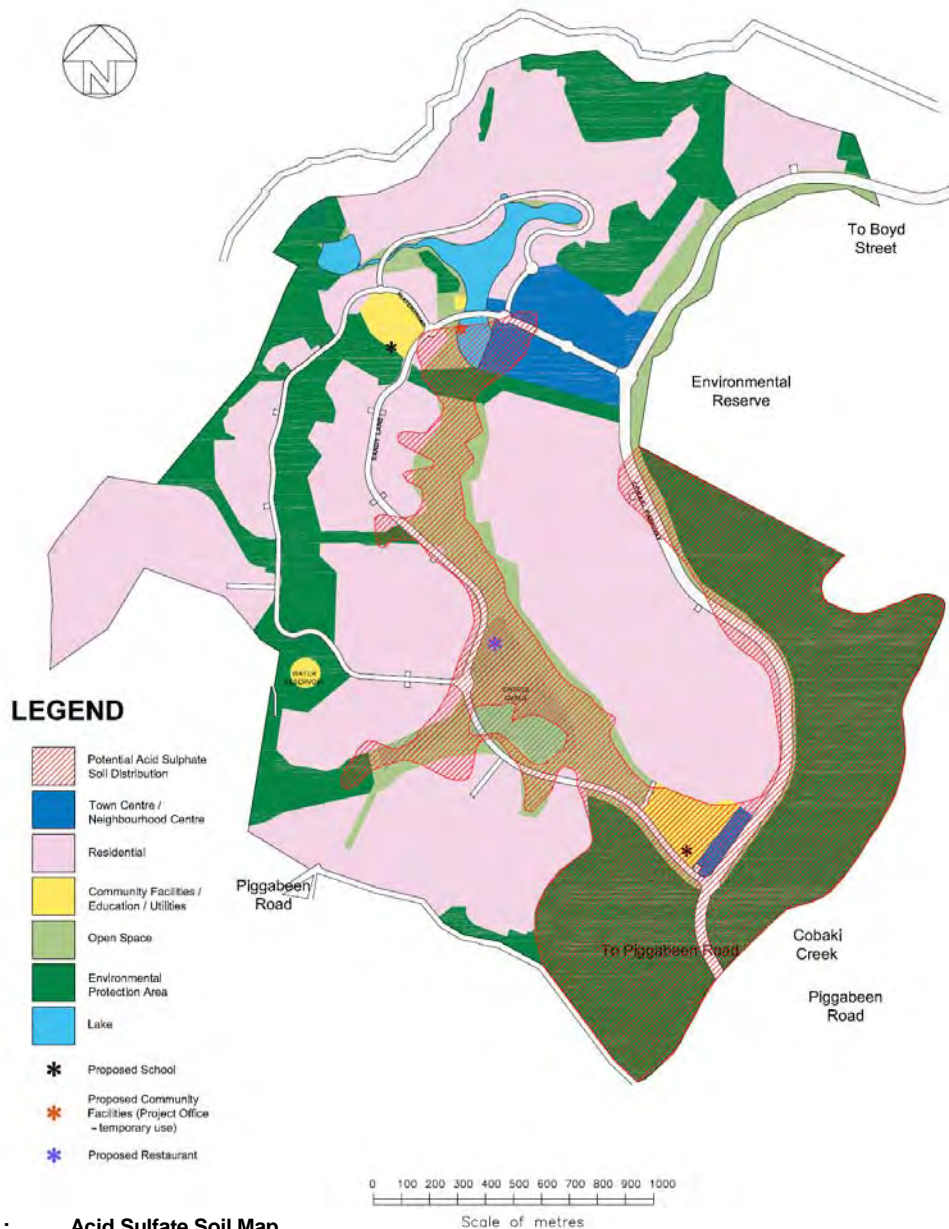


Figure 5.17.1: Acid Sulfate Soil Map

5.18 Acoustics

Objective

- (1) To achieve an acceptable residential noise environment whilst maintaining well designed and attractive residential streetscapes.
- (2) To discourage the use of local streets by heavy vehicles.

Controls

- (1) Residential development shall be designed to comply with the DECC's *Environmental Criteria for Road Traffic Noise* and shall be consistent with the following controls:
 - (a) Appropriately designed acoustic mounds or fence or a combination of both are to be provided along the Cobaki Lakes Parkway, where required;
 - (b) An acoustic fence is not permitted on minor roads or local street; and

- (a) A combination of the following measures are to be used to mitigate the impacts of traffic noise on sub-arterial roads and collector streets within Cobaki Lakes:
 - (i) setbacks and service roads, and
 - (ii) internal dwelling layouts that are designed to minimise noise in living and sleeping areas, and
 - (iii) changes in topography, and
 - (iv) higher than standard fencing constructed with a suitably solid mass, and
 - (v) locating courtyards and principal private open space areas that will comply with the DECC's *Environmental Criteria for Road Traffic Noise away from the noise source*.
- (2) An acoustic report is required to be submitted as part of a subdivision application demonstrating that the proposed subdivision design and any required acoustic attenuation can comply with the above noise control levels for residential subdivisions that:
 - (a) are adjacent to arterial, sub-arterial or collector roads, or
 - (b) roads that are carrying more than 3000vpd, or
 - (c) are on steep (> 1:10) or elevated land within 100m of an arterial, sub-arterial or collector road.
- (3) An acoustic report is also required for any non-residential use to be undertaken within a residential area.
- (3) If acoustic treatments are required to be incorporated within residential uses to be constructed on the proposed lots in a subdivision referred to in (2) above, a title restriction with sufficient detail is to be registered in the affected lots detailing any such measures so as to inform potential purchasers.
- (4) Development for the purpose of a residential use on a lot which is subject to a title restriction in respect of acoustic treatments is to conform with the requirements of the title restriction.

5.19 Contamination Management

Objectives

- (1) To minimise the risks to human health and the environment from the development of potentially contaminated land.
- (2) To ensure that potential site contamination issues are adequately addressed at the subdivision stage.

Controls

- (1) Development Applications for development involving land located within 200m of the former Sandy Lane cattle dip site (Turner's Dip) shall be accompanied by a Detailed Environmental Site Investigation prepared in accordance with SEPP 55 and a Remediation Action Plan (RAP). Council may require a Site Audit Statement (SAS) (issued by a DECC Accredited Site Auditor) where remediation works have been undertaken to confirm that areas identified as contaminated land are suitable for the proposed use. The SAS shall be submitted prior to the issue of the Subdivision Certificate.

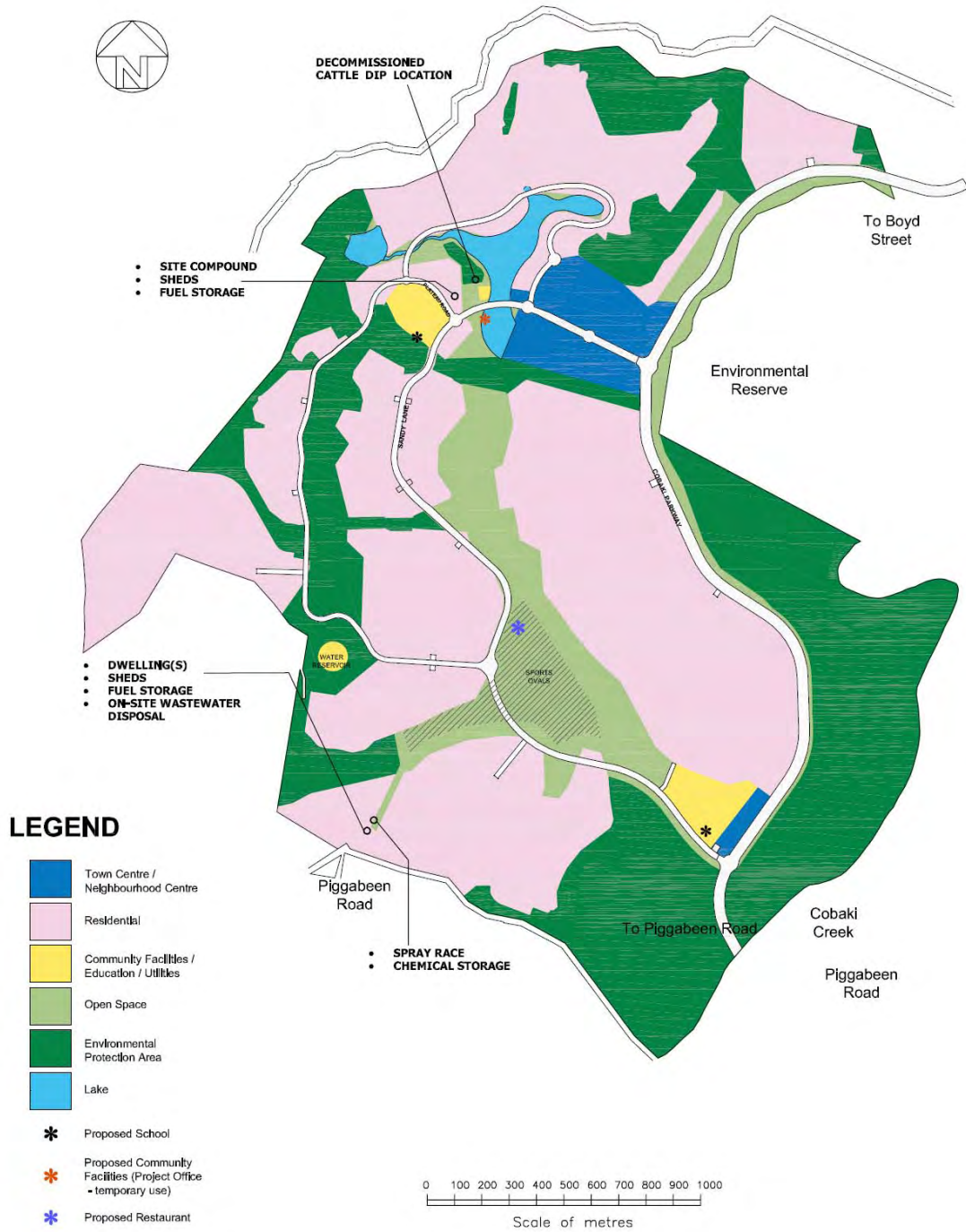


Figure 5.19.1: Location of Contaminated Land

5.20 Concept Plan Statement of Commitments

Objectives

- (1) To ensure the development within Cobaki Lakes is in accordance with the Statement of Commitments approved under the Cobaki Lakes Concept Plan.

Controls

- (1) Development applications for subdivision are to demonstrate compliance with the Statement of Commitments forming part of the Cobaki Lakes Concept Plan Approval.

APPENDIX A: Glossary

(1) In this Code:

“**Acid Sulfate Soils Map**” means the map shown in **Figure 5.17.1** of this Code that identifies land containing acid sulfate soil.

“**Articulation Zone**” includes verandas, porches, awnings, shading devices, bay windows, pergolas and the like. A carport is not considered part of the activation zone.

“**Alternative Solution**” it has the same meaning as in the Building Code Australia.

Note. The term is defined as follows: *alternative solution* means a *building solution* which complies with the **performance requirements** other than by reason of satisfying the *deemed-to-satisfy provisions* (where each of those terms is also defined in that document).

“**Ancillary Development**” means any of the following that are not exempt development under this Code:

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) carport that is attached to a dwelling house,
- (e) driveway, pathway or paving,
- (f) fence or screen,
- (g) garage that is attached to a dwelling house,
- (h) outbuilding,
- (i) rainwater tank that is attached to a dwelling house,
- (j) retaining wall,
- (k) swimming pool or spa pool and child-resistant barrier.

“**Apartment**” means a development in which two or more dwellings are located vertically in storeys and share car parking and common property. These dwellings must be strata-titled upon completion, as outlined in Part 5.5 Re-subdivision.

“**Architect**” means a design professional holding a current registration as an architect in Queensland in accordance with the requirements of the Architects Act 2002 or holding a current registration as an architect with the New South Wales Architects Registration Board.

“**Articulation Zone**” means an area within a lot within which building elements are or may be located that consists of that part of the setback area from a road that is measured horizontally for a distance of 1.5m (or any alternate distance detailed in a Plan of Development) from the building line.

“**Attic**” means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

“**Attached**”, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

“**Battle-Axe Lot**” means a lot that has access to a road by an access laneway.

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

"Building Element" means

- (a) an entry feature or portico,
- (b) a balcony, deck, patio, pergola, terrace or verandah,
- (c) a window box treatment,
- (d) a bay window or similar feature,
- (e) an awning or other feature over a window,
- (f) a sun shading feature.

"Building Footprint" means the area of land measured at finished ground level that is enclosed by the external walls of a building.

"Building Height" (or **height of building**) means the vertical height of a building, measured between a point at ground level (existing) and the highest point of the building immediately above, including plant and lift overruns (unless specifically excluded by this Code), but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

"Building Line" means the line of the existing or proposed building wall (other than a wall of any building element within an articulation zone), or the outside face of any existing or proposed ancillary development, closest to the relevant boundary of the lot as measured at the ground level.

"Business Premises" means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

"Car Park" means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

"Child Care Centre" means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:
 - (i) a building or place used for home-based child care, or
 - (ii) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
 - (iii) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (iv) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (v) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (vi) a service that is concerned primarily with the provision of:
 - (vii) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - private tutoring, or
 - a school, or
 - a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

“**Class**” in relation to a building or part of -part of a building, has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

“**Commercial Premises**” means a business premises, office premises or retail premises.

“**Community Facility**” means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but
- (c) does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

“**Complying Development Code**” means a code for complying development set out in a Part of this Code.

“**Corridor**” means the vegetated (and area to be revegetated) that links the Crown Border Reserve, the wetland and sclerophyll forested habitats and the Cobaki Estuarine Broadwater through the Cobaki Lakes Site.

“**Council**” means the council of a local government area and, in relation to a particular development, means the council of the local government area in which the development will be carried out.

“**Detached**”, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

“**Design Review Guidelines**” means the merit based design controls that have been prepared in accordance with Section 5.5 of this Code.

“**Deep Planting Area**” means a planted area where there is no structure beneath it.

“**Development Lot**” means a large parcel of land is identified for future development subject to separate planning approval either compliant with the Development Code or within criteria set in a Plan of Development.

“**Draft Heritage Conservation Area**” means an area of land identified as a heritage conservation area or place of Aboriginal heritage significance in a local environmental plan that has been subject to public exhibition under section 66 of the Act, other than an area that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Code.

“**Draft Heritage Item**” means a building, work, archeological site, tree, place or aboriginal object identified as a heritage item in a local environmental plan that has been subject to public exhibition under section 66 of the Act, other than an item that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Code.

“**Design Review Panel or (DRP)**” means the authorised body established in accordance with Section 5.6 of this Code for the purpose of assessing applications for compliance Design Guidelines that apply to the application and which have been prepared in accordance with Section 5.5 of this Code and the body responsible for issuing DRP Pre-Approval Certificates.

“**DRP Pre-Approval Certificate**” means written approval from the Design Review Panel certifying that the proposed design achieves compliance with the Design Review Guidelines that apply to the application and which have been prepared in accordance with Section 5.5 of this Code.

“**Dwelling**” means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

“Dwelling House” means a building containing only one dwelling, but does not include any part of the building that is ancillary development or exempt development under this Code.

“Environmental Facility” means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

“Exempt Development Code” means a code for exempt development set out in this Code.

“Exhibition Village” means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

“Flood Control Lot” means a lot to which flood related development controls apply in respect of development for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

Note. This information is a prescribed matter for the purpose of a certificate under section 149 (2) of the *Act*.

“Foreshore Area” means the land between a foreshore building line, identified by an environmental planning instrument or a development control plan adopted before 12 December 2008, and the mean high water mark of an adjacent waterbody (natural).

“Frontage Fencing” means any fencing forward of a primary or secondary street frontage Building Line.

“Foundation Area” means, for any lot on which a building is situated or proposed, all building structures that are located below the floor level of the ground floor.

“Garage” means an enclosure for the storage of a car.

“Granny Flat” means a development in which two attached or detached dwellings are located on a single lot, but where the two dwellings cannot be strata titled nor the lot re-subdivided.

“Gross Floor Area” means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall,
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,
- (c) car parking needed to meet any requirements of the Council and any internal access thereto,
- (d) space for the loading and unloading of goods.

“Ground Level (existing)” means the existing level of a lot at any point at the time of the sealing of the plan for the lot.

“Ground Level (existing average)” means, for any lot on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (existing) of the outer surface of the external walls of the building.

“Ground Level (finished)” means, for any point on a lot, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

“Habitable Room” has the same meaning as in the Building Code of Australia.

Note. The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

“Hard Stand Space” means an area of concrete, paving or other hard material at ground level designed solely for parking a motor vehicle.

“Heritage Conservation Area” means an area of land identified as a heritage conservation area or a place of Aboriginal heritage significance, including any heritage items situated on or within that area, in an environmental planning instrument.

“Heritage Item” means a building, work, archaeological site, tree, place or Aboriginal object identified as a heritage item in an environmental planning instrument.

“Information and Education Facility” means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

“Jetty” means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

“Landscaped Area” means any part of a site, at ground level, that is permeable and consists of soft landscaping, pebbles, turf or planted areas and the like. It does not include driveways, parking areas, hard paved drying yards or other service areas, swimming pools, tennis courts, undercroft areas, roofed areas (excluding eaves <450mm to fascia board), outdoor rooms, balconies, rooftop gardens, terraces, decks, verandas and the like.

“Matching” means, in reference to a colour, a digital difference of no more than 10 in Red, Green or Blue (RGB) as determined by an industry standard scanning device.

“Management Lots” means a development lot that has not yet been subdivided for their ultimate yield, and are sometimes referred to as “Parent Lots”. It does not include lots where the proposed subdivision is to separate non-urban land from urban zoned land. It also does not include a Plex or a Mews lot, as these lots have a defined yield.

“Medical Centre” means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

“Mews Dwelling” means a dwelling within a development in which a group of more than three and up to six dwellings are located on a single lot that share a common driveway and often have frontages to two streets or a street and a park. These dwellings may be strata-titled/re-subdivided (Torrens title) upon completion, often providing freehold title lots with reciprocal easements for access to the lots not located on the access street frontage, as outlined in Part 5.8 or Part 5.9 Re-subdivision.

“Nominated Lot” means a lot which meets or exceeds the stated minimum controls for either a Traditional Detached Dwelling, a Zero Lot Dwelling, a Terrace Dwelling, a Soho Dwelling, Plex Dwellings, Mews Dwellings or a Shop Top Dwelling. A Plan of Development is to form part of the development application for subdivision indicating Nominated Lots for the respective development type.

“Non-habitable” means spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

“Office Premises” means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is

ancillary to the main purpose for which the building or place is used.

“Outbuilding” means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling,
- (d) garage that is detached from a dwelling,
- (e) rainwater tank (above ground) that is detached from a dwelling,
- (f) shade structure that is detached from a dwelling,
- (g) shed.

"Outdoor Room", also known as an 'alfresco room' is a semi enclosed space (at least 1 side open) located adjacent a living / dining / kitchen area of a dwelling that sits within the main roof line of a dwelling.

"Outmost Projection or OMP", means the building element that extends the furthest, for instance an eave, but does not include a gutter.

“Parallel Road” means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road. "

"Place of Public Worship" means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

"Plan of Development or POD" means an approved subdivision plan indicating the nominated lots and providing a summary of development controls in relation to the future development of the land as required by Section 5.4 of this Code and that is linked to a registered Section 88B instrument.

"Plex Dwelling" means a dwelling within a development in which up to five attached or detached dwellings are located on one lot (duplex, triplex, etc.), but where there are no communal facilities provided. These dwellings may be strata-titled/re-subdivided upon completion, as outlined in Part 5.8 Strata Subdivision.

“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.

"Principal Dwelling" means the largest dwelling on a lot, measured by gross floor area.

"Private Open Space or POS" means the portion of private open space which is conveniently accessible from a living zone of the dwelling, and which receives the required amount of solar access.

"Private open space" means the portion of private land which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It includes an outdoor room.

“Professional Engineer” has the same meaning as in the Building Code of Australia.

Note. The term is defined as a person who is:

- (a) if legislation is applicable—a registered professional engineer in the relevant discipline who has appropriate experience and competence in the relevant field, or
- (b) if legislation is not applicable:
- (c) a Corporate Member of the Institution of Engineers, Australia, or
- (d) eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.

"Pub" means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of

liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

"Public Utility Undertaking" means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

"Recreation Area" means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,
and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

"Recreation Facility (indoor)" means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

"Recreation Facility (major)" means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

"Recreation Facility (outdoor)" means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

"Residential Care Facility" means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

"Restaurant" means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

"Retail Premises" means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

"Retirement Community" means a development in which numerous attached and/or detached dwellings, club and recreational communal facilities and an administration component for seniors (over 55 years) are located on a single lot. These dwellings must be strata-titled upon completion, as outlined in Part 5.5 Re-subdivision.

"School" means a government school or non-government school within the meaning of the *Education Act 1990*.

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

"Setback" means the horizontal distance between the relevant boundary of the lot and the building line.

"Setback Area" means the area between the building line and the relevant boundary of the lot.

"Seniors Housing" means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,
and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,
but does not include a hospital.

"Service Station" means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

"Shared Boundary Fencing" means any fencing that is located on a boundary that separates one lot of a development type containing dwellings to another lot of a develop type containing dwellings and is not forward of the *Building Façade Line*, whether for the primary street or secondary street façade.

"Shop" means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

"Shop-Top Dwelling/s" means a development in which one or more dwelling/s is/are located on a single lot in association with a ground floor business use that fronts a street containing other commercial uses. If constructed appropriately, it is optional for the business use/s and the dwelling/s to be strata titled/ re-subdivided separately from the residential uses upon completion, and the individual dwellings may also be strata-titled/re-subdivided upon completion, as outlined in Part 5.5 Re-subdivision.

"Single Dwelling" means a Traditional Detached Dwelling, Zero Lot Dwelling, Terrace Dwelling, Soho Dwelling.

"Site Cover" means the percentage of the building footprint, including an outdoor room and garage, in relation to site area of an allotment.

"Soho Dwelling" a dwelling in which limited commercial uses are combined with residential uses on the title.

“Standard Instrument” means the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

“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 the following:

- (a) an attic,
- (b) a basement, or access thereto,
- (c) a lift shaft,
- (d) a mezzanine,
- (e) a stairway.
- (f) a foundation area that does not extend more than 1.5m above ground level (existing average).

Note. *The determination of the number of storeys a building contains is as set out in [State Environmental Planning Policy No 6—Number of Storeys in a Building](#).*

"Take Away Food and Drink Premises" means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

"Telecommunications Facility" means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

"Terrace Dwelling" in which all or at least part of both side walls are built-to-boundary and which may also referred to a Terrace Home in this document.

“the Act” means the [Environmental Planning and Assessment Act 1979](#).

"Tourist Accommodation" means a development (other than hotel or motel accommodation) in which self-contained short-term accommodation units are located on a single lot along with communal facilities and a building manager. These dwellings may be strata-titled upon completion, as outlined in Part 5.5 Re-subdivision.

"Townhouse Dwelling" means a dwelling within a development in which six or more dwellings in an attached format (maximum number of attached dwellings to be four) are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

"Traditional Detached Dwelling" means a dwelling in which only a garage wall may be built-to-boundary and which may also referred to as a Traditional Detached Home in this document.

"Villa Dwelling" means a dwelling within a development in which six or more dwellings in a detached format are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Part 5.5 Re-subdivision.

"Water recreation structure" means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

"Zero-lot Dwelling" in which all or at least part of one side wall is built-to-boundary and which may also be referred to as a Zero-Lot Home in this document.

- (2) A word or expression used in this Code has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Code.
- (3) A reference in this Code to a type of building or other thing is a reference to development for the purposes of that type of building or other thing.
- (4) Notes included in this Code do not form part of this Code.