

**FOR DISPLAY**

Exhibition period - Friday 3 March until Friday 31 March 2023



**Murrumbidgee**  
COUNCIL

# Development Control Plan Young Street Precinct

February 2023

# Part 1 - Introduction

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## 1. Name of this plan

This Development Control Plan shall be cited as “Young Street Precinct Development Control Plan.”

## 2. Commencement of Development Control Plan

In pursuance of Council’s resolution of [insert date], this Development Control Plan shall be in force from [insert date]

## 3. Aims of the Development Control Plan

The aims of this plan are:

- (1) To provide appropriate development control principles for the development of the Young Street Precinct;
- (2) To guide the development of residential uses within the Young Street Precinct by providing site planning and design controls for housing; and
- (3) That this DCP be incorporated into any future comprehensive DCP for the whole Local Government Area.

## 4. Land to which this Plan applies

This plan applies to Lot 2 DP 1081623 (and the lots created as a consequence of the subdivision of land approved viz DA 18-12/13).

## 5. Local Environmental Plan applying to the land

The Murrumbidgee Local Environmental Plan 2013, as amended applies to the land the subject of this Plan.

## **6. Relationship to other policies**

This DCP may reference other Council policies, including the following:

- (1) Murrumbidgee Council Section 7.12 Development Contribution Plan
- (2) Darlington Point Floodplain Risk Management Study and Plan (October 2021)
- (3) Murrumbidgee River at Darlington Point and Environs Flood Study (2018)

## **Part 2 - Residential Controls**

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### **7. Desired Future Character Statement**

The Young Street Precinct is a greenfield development associated with DA 18-12/13 which resulted in the creation of 56 lots.

The Young Street Precinct is located on the western edge of Darlington Street off Young Street and is bounded by the Darlington Point Common to the north.

Council's vision for the future character of the Young Street precinct is one of low density, single story detached dwellings and associated outbuildings. Secondary dwellings (with a gross floor area of 60m<sup>2</sup>) and two storey dwellings in appropriate locations are also considered to fit the desired future character of the precinct as they would provide affordable housing opportunities.

As this is a greenfield development, there is an expectation that residential development be of a high standard, and as such the relocatable or transportable dwellings are not envisaged for the precinct and would not be supported.

Dual occupancy development, along with medium density development, may be considered, provided it is for the purposes of affordable housing and that the floor space ratio requirements are adhered to.

### **8. Dwellings**

This subsection applies to future residential development in the precinct. Single detached dwellings represent the dominant housing variety in Darlington Point. Dwellings should be sited and designed to meet the objectives of this section and the desired future character statement.

## (1) Maximum building height

In order to maintain a consistent residential character and maximise privacy, solar access and views, development should have a maximum height for a dwelling house of 8.5 metres above existing ground levels.

### a) Two storey dwellings

The design, setbacks and heights of two story dwellings are to meet the requirements of Part 3D Inland Code State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

Two storey residential development may be considered on lots if the lot has an area of greater than 1050m<sup>2</sup> and a street frontage of 23.5 metres or greater. These lots are identified in the subdivision as:

- Lot 2, 3, 4, 5 and 6

### b) Sheds and outbuildings

The maximum height for outbuildings (sheds and the like) are set out in clause 8(12).

## (2) Floor space ratio

Floor space ratio (which is the gross floor area of a building or buildings in relation to the size of a site that it is being built on)<sup>1</sup>, when combined with other built form controls, are a means to ensure that new development is responsive to its site and the characteristics of an area.

The **maximum allowable floor space ratio** for development in the Young Street Precinct is **0.5:1**, with the following excluded from the floor space ratio calculations:

- (i) A secondary dwelling with a floor area not exceeding 60m<sup>2</sup>;
- (ii) An unenclosed structure, such as a carport that is open on three sides or the area under an awning or verandah;
- (iii) A garage (whether attached or detached) up to 40m<sup>2</sup> in area.

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<sup>1</sup> For example, a site with an area of 900m<sup>2</sup> would allow a floor area (of all buildings) of up to 450m<sup>2</sup>.

In this instance the maximum allowable floor space ratio means 0.5m<sup>2</sup> of building footprint requires 1m<sup>2</sup> of undeveloped land.

### (3) Building lines, setbacks and articulation zones

The siting of dwellings and outbuildings within a building envelope on a site through the use of setbacks controls is a means of enhancing the streetscape, improving visual amenity and protecting the privacy of and sunlight to adjacent dwellings. The setback requirements are set out in the following table:

<b>Design element</b>	<b>Setback requirement<sup>2</sup></b>
Building line or front setback	
- Dwelling	4.5 metres
- Garage (attached or detached)	5.5 metres
- Carport (attached or detached)	5.5 metres
- Outbuildings	5.5 metres
- Swimming pool	Not allowed forward of the building line.
Secondary street setback (corner lots)	
- Dwelling	3.0 metres
- Garage (attached or detached)	5.5 metres
- Carport (attached or detached)	5.5 metres
- Outbuildings	5.5 metres
- Swimming pool	2.0 metres
Side setback	
- Dwelling (up to 5.5m in height)	0.9 metre
- Dwelling (> 5.5m in height)	Height of building – 5 metres = setback <sup>3</sup>
- Outbuildings	0.9 metre
- Swimming pools	
Rear setback	
- Dwelling	8.0 metres
- Secondary dwelling	4.0 metres
- Outbuildings	See clause 8(12)
- Swimming pools	3.0 metres

<sup>2</sup> Unless otherwise permitted by a Council policy, no building is to be constructed within any easement that burdens a lot. Where an easement burdens a lot, the setback requirements are to be measured from the easement.

<sup>3</sup> Example of side setback requiring use of formula. If a building seeks has a height of 6.5m then the required set back is 1.5m (ie 6.5m-5m = 1.5m).

The building articulation zone is an area of a lot forward of the building line, within which building elements which add articulation to the development are permitted. The building articulation zone permits an encroachment of 1.5 metres to the building line (front setback) and 500mm to the secondary street setback.

#### **(4) Streetscape**

Streetscapes create a sense of identity and help form the character of a precinct and it encompasses all buildings, landscape design, fencing, driveways, paving and street surfaces. To create a precinct that is visually appealing, the following controls are to guide development:

- (i) Dwellings on corner blocks must be designed to address both street frontages;
- (ii) Garages shall not dominate the street frontage. Garages shall be sited behind the primary building elevation and shall not exceed 30% of the width of the site;
- (iii) Landscaping should be used to enhance the appearance of the development and the surrounding area, including the road reserve.

#### **(5) Building design**

Development within the Young Street precinct seeks to promote housing design that will establish a character and amenity which reflects the prevailing topography and its setting on the edge of Darlington Point.

##### **a) External appearance**

- (i) The building design, roof form, details and material should be appropriately scaled to enable differentiation and visual interest between the dwellings when viewed from public streets;
- (ii) Front walls of any dwelling visible from the street shall not exceed 5 metres in length without a physical change. The side walls in any one dwelling visible from the street or public place shall not exceed 10 metres in length without a physical change;
- (iii) External building materials such as brick, masonry, weatherboard with tile or colorbond roofing materials, are to be used. Small amounts of other materials may be used subject to relevant authority approval;
- (iv) Windows and doors in facades facing the street shall be provided in a balanced manner and respond to the orientation and internal uses;
- (v) Colours to be used should be earthen type hues, and reflective material is not permitted;
- (vi) Transportable or relocated or second hand dwellings are not permitted;

- (vii) No structure of a temporary character such as tent, trailer, camper or caravan or any other outbuilding shall be used at any time or occupied as a temporary dwelling house.

b) Sustainable building design

Development Applications for new housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.

The design of new dwellings should adopt the following principles which promote sustainable building practices and incorporate the following:

- (i) Maximising solar access to habitable rooms and private open space;
- (ii) Supplement natural lighting through the use of skylights, where required;
- (iii) Orientate living spaces to the north or east where possible;
- (iv) Use shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting;
- (v) Facilitate natural cross ventilation by minimising interruptions in air flow through dwellings and grouping rooms with similar usage together; and
- (vi) Limit the use of mechanical ventilation.

## **(6) Visual and acoustic privacy**

To provide future residents with visual and acoustic privacy in their dwellings and with areas of private open spaces and to enhance perceptions of community safety, new dwellings are to meet the following requirements:

- (i) Dwellings, including additions, should be designed so that windows, and decks are not situated directly opposite windows of primary (living, kitchen, dining) rooms of any adjoining dwellings, unless privacy issues can be addressed;
- (ii) Habitable room windows should be offset by a suitable distance to limit views between windows; or should have sill heights of 1.7 metres above floor level, or should have fixed translucent glazing in any part of the window within 1.7 metres of the floor level, or use other means to obscure the view between windows; and
- (iii) Noise generating areas of development (e.g. air conditioning plant, swimming pool areas and the like) should be adequately screened or located away from the bedroom areas of neighbouring properties to minimise their impact.

## **(7) Private open space**

Private open space shall incorporate an area of 25m<sup>2</sup> and include minimum dimensions of 4 metres x 4 metres which is directly accessible from a primary living area at the rear of the dwelling.

Private open space shall not include driveways, turning areas, car spaces, narrow elongated curtilage areas and service areas.

Private open space forward of the front building line is not supported.

## **(8) Landscaped area**

A minimum of 40% of the total site area is to be landscaped, of which 30% is to be available for soft or deep soil planting.

The landscaped area may include decorative paving, but it does not include the following:

- (i) Paving along the side of the dwelling within the site setback area;
- (ii) Driveways, manoeuvring or areas used for the parking of vehicles; and
- (iii) Swimming pool enclosures.

Where a development application involves the erection of a dwelling house, a detailed landscaped plan is not required, however the site plan shall demonstrate that compliance with the landscaped area can be satisfied.

Landscaping shall include a suitable proportion of trees, other than palms, capable of reaching a mature height of 6 metres or more in order to: reduce the visual impact of buildings; shade their western elevations from the hot afternoon summer sun; promote privacy between sites; and

- (iv) Incorporate drought-resistant and native plant species wherever possible or appropriate;
- (v) Landscaping should include a mixture of trees, shrubs and ground cover, establishing a microclimate;
- (vi) Ensure trees do not and will not in the future interfere with underground and overhead utilities; and
- (vii) Landscaped area should establish adequate drainage, including the retention of stormwater on site and prevention of discharge runoff onto adjoining properties

## **(9) Vehicle access parking**

Parking shall be provided at the following ratios based on the number of bedrooms in the dwelling:

- (i) 2 spaces per dwelling (except for single bedroom dwellings, where only 1 space is required)
- (ii) 1 space per secondary dwelling

Parking and access facilities shall be designed in accordance with the requirements of AS-2890.1 and be constructed of concrete with a decorative finish.

Parking or storage for caravans, camper trailers, trailers, boats and the like should be design so they are located behind the front building setback.

## **(10) Site facilities**

Each property is to be provided with the following facilities:

- (i) Storage for waste, recycling and green waste bins so that they are not visible from the street or public area unless out for collection.
- (ii) The provision of open air clothes drying facilities, screen from the street or public areas.
- (iii) The provision of a mailbox in accordance with the requirements of Australia Post.

## **(11) Fences**

The design of fences has an impact on the real and perceived safety and security of residents, as well as on the amenity of the public domain and streetscape character. The visual impact, scale and design of fences all need to be carefully considered. Fences in the Young Street Precinct shall be designed in accordance with the following:

(a) Front and side return fences<sup>4</sup> are to be:

- (i) no greater than 0.9 metres, if having a solid design or
- (ii) no greater than 1.2 metres, if having an open design, and

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<sup>4</sup> A side return fence is that part of the side boundary fencing measured from the boundary of the property to the building line.

Front boundary fences are not to be constructed of powder coated metal (colorbond), zincalume or like materials.

(b) Side and Rear Fences are to be:

- (i) Side fences behind the building line and rear fences are to be a maximum height of 1.8 metres above ground level. If the fence is on a sloping site and stepped to accommodate the fall in land, it must not be higher than 2.1 metres above existing ground level at each step;
- (ii) Powder coated metal (colorbond), zincalume and like fences are not permitted on the secondary street frontage of corner allotments;
- (iii) All fencing is to be constructed of new materials of the same colour, especially those fences that are visible from a public road.

## (12) Garages, carports and sheds

The purpose of this clause is to ensure that ancillary structures associated with the dwelling are of a scale appropriate to the size of the land and to the streetscape, and contribute to the character of the precinct.

a) General Controls

- (i) All detached outbuildings, garages and carports shall have a maximum wall height of 3.0 metres and 3.5 metres to the ridge;
- (ii) All attached garages and carports shall be integrated into the overall design and character of the dwelling;
- (iii) Detached outbuildings shall be set back as per the following table:

<b>Design element</b>	<b>Setback requirement<sup>5</sup></b>
Rear setback	
- An outbuilding with a wall height of 2.4m or less (and ridge height of < 3.0m)	0.9 metres
- An outbuilding with a wall height of up to 3.0m (and a ridge height of 3.5m)	1.5 metres

<sup>5</sup> Unless otherwise permitted by a Council policy, no building is to be constructed within any easement that burdens a lot. Where an easement burdens a lot, the setback requirements are to be measured from the easement.

- (iv) Detached outbuildings shall be restricted in floor area as per the following table:

Lot size	Floor area of shed
- Less than 800m <sup>2</sup>	60m <sup>2</sup>
- 800m <sup>2</sup> to less than 950m <sup>2</sup>	85m <sup>2</sup>
- >950m <sup>2</sup>	A maximum of 10% of the site area

- (v) Outbuildings cannot be used as a dwelling, notwithstanding that a mud-room (comprising a toilet, wash basin and/or shower may be installed;

b) Garage and carport controls

- (i) Garages shall be set back a minimum of 5.5 metres from both the primary and secondary street frontages in accordance with clause 8(3);
- (ii) Garages shall not dominant the street frontage. Garages shall be sited behind the primary building elevation and shall not exceed 30% of the width of the site;
- (iii) Carports shall be set back a minimum of 5.5 metres from both the primary and secondary street frontages in accordance with clause 8(3).

## 9. Dual occupancies and multi-dwelling residential development

This subsection applies to future residential development in the precinct for the purposes of dual occupancy or multi-dwelling residential development. Dwellings should be sited and designed to meet the objectives of this section and the desired future character statement.

### (1) General controls

The controls set out in clause 8 relating to dwellings apply in the same way to dual occupancy or multi-dwelling residential development, except where specified under this clause.

## **(2) Specific site controls for dual occupancy development**

Dual occupancy development may be considered on corner lots if the lot has an area of greater than 900m<sup>2</sup> which are identified in the plan of subdivision as:

- Lot 1
- Lot 7
- Lot 28
- Lot 29

## **(3) Site specific controls for multi-dwelling residential development**

Multi-dwelling residential development may be considered on lots if the lot has an area of greater than 1050m<sup>2</sup> and a street frontage of 23.5 metres or greater. These lots are identified in the subdivision as:

- Lot 2, 3, 4, 5 and 6

The **maximum allowable floor space ratio** for development in the Young Street Precinct for the purpose of multi-dwelling residential is **0.5:1** except if the development is for the purposes of affordable housing or housing for seniors.

Where development is for the purposes of affordable housing<sup>6</sup> an additional 0.1:1 floor space ratio will be provided in the following circumstances

- (i) A minimum of two dwellings in the proposed development are limited to one or two bedrooms.
- (ii) The maximum number of dwellings on the site does not exceed four (4).
- (iii) One visitor parking space is provided.

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<sup>6</sup> The applicant shall make it clear in their statement of environmental effects and plans that the proposed development is for the purpose of affordable housing and address the provisions of Chapter 2 of State Environmental Planning Policy (Housing) 2021

Where development is for the purposes of seniors housing<sup>7</sup> an additional 0:1 floor space ratio will be provided in the following circumstances:

- (i) All dwellings are limited to one or two bedrooms.
- (ii) 1 visitor parking space is provided for every 4 dwellings

#### **(4) Private open controls for multi-dwelling residential development**

Private open space shall incorporate an area of 16m<sup>2</sup> and include a minimum dimensions of 3 metres x 3 metres which is directly accessible from a primary living area at the rear of the dwelling.

## **Part 3 – Notification requirements**

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### **10. How Development Applications are to be notified**

The provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000 and Murrumbidgee Community Participation Plan set down concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

Council's CPP mandates that a development consent be notified in the following circumstances including where a variation to a prescribed standard in a DCP or Council policy is proposed.

Council's CPP provides discretion in terms of what development applications are required to be notified, and identifies issues which could trigger the requirement for neighbour notification including:

- Potential **overshadowing** of surrounding land;
- Potential loss of **privacy**;
- **Traffic** generation and site **access**;
- The **visual impact** of the proposed building on relation to the streetscape;
- Potential impact on the amenity of neighbours in terms of **noise, odour or other pollution**;
- Potential impact from **stormwater and drainage issues**; and
- The **public interest**

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<sup>7</sup> The applicant shall make it clear in their statement of environmental effects and plans that the proposed development is for the purpose of affordable housing and address the provisions of Chapter 3 Part 5 of State Environmental Planning Policy (Housing) 2021.

## Part 4 – Variations to controls

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### 11. Dealing with variations

Council has prepared the controls within this plan as a means of guiding future development and what it envisages from the Young Street Precinct. Variations will not generally be supported.

If a variation to either a numerical control or design requirement is proposed, it is encouraged that you contact Council to arrange a pre-DA meeting.

Any variation to the controls or design requirements will need to be justified and it demonstrated that the variation will not result in an impact on the streetscape character of the precinct, or have an impact on the amenity of the neighbourhood as result of overshadowing, loss of privacy (both visual and acoustic) and loss of views to natural bushland which adjoins the site.

Variations will result in the application being reported to a meeting of Council, unless staff have delegation to deal with such matters.