



Review of Tweed Development Control Plan  
Section A1 - Residential and Tourist Development Code  
Part A - Single dwelling houses, alterations and additions

**Discussion Paper 6**  
**Ancillary structures**  
**Including carports, fences, swimming pools**  
**May 2012**



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## Introduction

Tweed Shire Council's Planning Reforms Unit is currently undertaking a review of Tweed Development Control Plan (DCP) Section A1 – Residential and Tourist Design Code: Part A – Dwelling Houses.

An industry and community breakfast forum was held in September 2010. An issues paper was distributed at the forum highlighting some of the emerging issues and seeking both industry and community feedback on the current single dwelling controls and more importantly on 'what is working and what is not' for the construction of houses and how new dwellings present in the streetscape.

A range of issues have been identified. Each issue will be the subject of a discussion paper that will provide a summary of:

- The objectives and controls.
- What they seek to achieve.
- How is the housing market meeting or responding to these objectives and controls.
- Is the finished housing outcome meeting the objectives.
- Is the finished housing outcome meeting the owner's and neighbour's expectations.
- Is the finished housing outcome integrating with the site and the neighbourhood.
- A range of options for amendment.

No amendments to the DCP have been made to date, the purpose of this discussion paper is to seek early input from the community and the development industry to identify what issues are important, what elements of housing are problematic or desirable. Council supports community engagement and best practice in the preparation of important strategic policy.

Broad Actions	4th qtr 2010	1st qtr 2011	2nd qtr 2011	3rd qtr 2011	4th qtr 2011	1st qtr 2012	2nd qtr 2012	3rd qtr 2012	4th qtr 2012
Initial breakfast meeting									
Assessment of issues, drafting of discussion papers									
Consultation / feedback on discussion papers									
Drafting of DCP A1 amendments									
Public exhibition DCP A1 amendments									
Review submissions / final editing									
Report DCP A1 amendments to Council									

Indicative timeframe for the DCP A1 review

## **What issues will the review address?**

Based on internal reviews and both industry and community feedback to date, a range of issues will be consulted on through the following discussion papers:

1. Designing in context
2. Cut and Fill provisions and sloping sites
3. Landscaping and deep soil zones
4. Building envelopes - setback and height; floor space ratio and site coverage
5. Small lot design
6. Ancillary structures
7. DCP structure

## **What about the other parts of the plan?**

In the first instance, the review concentrates on Part A, the controls that relate to dwelling houses, alterations and additions and ancillary development.

Part B relates to dual occupancy housing, granny flats, town houses and row houses and Part C relates to residential flat buildings and shoptop housing. Whilst it is understood there is an overlap in content, Parts B and C will be reviewed in subsequent stages.

## **What about major subdivision of land?**

It is acknowledged there is significant relationship between the subdivision of land (major subdivision) and the development of dwelling houses. The review of Part A, whilst a separate process, will be considered in the context of the subdivision codes and assessment practices, ascertaining any gaps and problems which flow on to housing development. The subdivision code (Part A5) will be the subject of a separate review.

## **What will happen next?**

The issues will be the subject of a suite of discussion papers to be released for consultation over the coming months, and will be seeking both industry and community feedback on the issues and the options presented.

Together the discussion papers and the feedback received will inform the review of DCP A1 Part A.

Where required, draft amendments to the DCP will be prepared and reported to Council, which with Council's approval, will be publicly exhibited for comments.

## **How long is this review likely to take?**

The first stage of the review commenced at the stakeholder breakfast in September 2010. This is now being followed by the staged release of the discussion papers, anticipated to be released for comment over the second half of 2011.

The table on the facing page outlines the next steps and estimated timeframe.



## What is ancillary development?

Ancillary development is relatively minor building works including but not limited to car ports, swimming pools, balconies and decks associated with the primary permitted development such as a house. It may comprise a use which cannot be regarded as an independent, dominant or separate use and by way of its nature, intent, regularity and scale is an incidental use which may or may not support the primary use.

Ancillary development is a term frequently used, though not clearly defined. Neither the Environmental Planning and Assessment Act, 1979 nor the Tweed Local Environmental Plan 2000 define the term. Similarly there is currently no 'planning principle' determined around the term 'ancillary development'.

The State Environmental Planning Policy (Exempt and Complying Development), Code SEPP provides a meaning of what forms of development may be considered as ancillary development and controls for such, as follows:

'Ancillary development' means any of the following that are not exempt development under this Policy:

- 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. detached studio,
- f. driveway, pathway or paving,
- g. fence or screen,
- h. garage that is attached to a dwelling house,
- i. outbuilding (see definition adjacent),
- j. rainwater tank that is attached to a dwelling house,
- k. retaining wall, and
- l. swimming pool or spa pool and child-resistant barrier.

Outbuilding is defined in the Code SEPP as 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. farm building,
- e. garage that is detached from a dwelling house, rainwater tank (above ground) that is detached from a dwelling house,
- f. shade structure that is detached from a dwelling house,
- g. shed.

The Tweed DCP Part A1 provides controls relating a range of ancillary development, including:

- a. External building elements, including fences; roofs, dormers and skylights; minor elements such as air conditioning, aerials, letterboxes and barbecue areas.
- b. Outbuildings (not defined in DCP A1, though explained as being small scale detached buildings such as boatsheds, workshops, storage sheds, garden sheds, greenhouses, cabanas and gazebos).
- c. Swimming pools and spas.
- d. Tennis courts.

Consistency in definitions of outbuildings and application of ancillary development would assist interpretation of the DCP A1 provisions and their relationship with the Code SEPP.



1

Front fence complies with the height and openness ratio, however, choice of materials may not best reflect the character of the dwelling or the streetscape



2

Front fence complies with the height and openness ratio and is a better choice of materials which reflect the character of the dwelling and the streetscape



3

These front fences comply with the height and openness ratio and are located within an area where there is a consistent streetscape character of front picket fences



4



5



6

These front fences comply with the solid wall requirements, openness ratio, height and reflect the character of the dwellings. Both represent more recent front fence design for newer houses, however, the house on the left is set below the road level and no landscaping is provided thus the contribution to the streetscape is just the fence. The house to the right has integrated landscaping with the fencing, softening the overall visual impact.

## Examples of front fences which comply with the DCP A1 requirements



Although ancillary development has the potential to impact on adjoining residents, being relatively minor these impacts are generally smaller in scale and impact. Complaints or objection generally only occurring if there are noise or visual impacts on neighbours. The most common issues include:

- Community or neighbour concerns regarding the height and appearance of front fences.
- Location of swimming pools and associated cabanas and noise related issues.
- Site coverage on smaller lots where outbuildings consume a large proportion of the private open space area.
- Retaining walls and carports.

A percentage of ancillary development may now occur as exempt development under the provisions of the State Environmental Planning Policy (Exempt and Complying Development) Code SEPP, and therefore does not require a development application (DA) and neighbour notification. Provisions under the Code SEPP are discussed under the heading of 'analysis of requirements' in this discussion paper.

A large percentage of ancillary development occurs within the backyard, for example clotheslines and barbecues, where there is minimal impact on the streetscape and frequently less concern by neighbours. Other forms of ancillary development occur in the front yards and may have an impact on the streetscape as well as neighbour amenity. These forms of development are generally subject to development controls.

Although applications to vary controls for ancillary development are less frequent than those received for the predominant dwelling or development, the most common variations sought include:

- Fence height and material composition;
- Double car ports wider than the 4.0m maximum;
- Swimming pool variations to be sited in front yards often with 1.8m high solid fences.

### Front fencing

*Requests (or non compliant development) for front and return fences that are either higher than the maximum 1.5m and/or comprise a solid fence height of 600mm and a minimum openness ratio of 60 percent above 600mm.*

The current controls allow a front fence up to 1.5m where partially transparent. Many applications are received for front fences, either stand alone or in conjunction with a new dwelling or pool, to vary and exceed the 1.5m height limit.

The aim of front fence controls is to ensure our streets do not present as walled, inactive and uninviting spaces. Walled streets turn dwellings in on themselves rather than contributing to the liveliness of the street, generally result in less pedestrian activity and are more prone to graffiti and vandalism.

Requests for higher front fences are generally sought to provide privacy to pools, and maximise private yard spaces, to block out street noise or lighting, for perceived safety of occupants and children or simply to maximise the amount of privatised open space.



Bland and blank high fences are more prone to graffiti



### Your feedback is sought

Do you think front fences higher than 1.5m should be permitted?

Do you think the key issue is not really the height of the fence but its appearance and integration with the dwelling and the streetscape?

Do you think controls requiring a percentage of the fence to be transparent are appropriate and improve the street appearance of front fences?

Do you think landscaping and a mix of materials is important in front fencing to improve the street appearance of front fences?



Streets with high and solid front fences are generally less pedestrian friendly and the streets give precedence to cars rather than people. This may be appropriate for high traffic roads but is less appropriate for suburban streets.

Variations occur more frequently on north facing corner lots where owners are seeking to use the front yard as an outdoor amenity area as it has better solar access. This commonly occurs where a pool is located in the front yard for the same solar access reasons.

Current controls allow for fences to be solid up to 1.5m when located on an arterial road, however, there are some localities where solid fences are occurring up to 1.8m on roads which are not arterial but are perceived to have higher traffic volumes.

Some suburbs have an emerging character of high front fences, such as Salt at Kingscliff and some canal developments where fencing in the front yard may provide a more private space than the open rear yards. In these localities a high front fence may be consistent with the established character of the streetscape. However, installation of high or solid front fences in localities where high front fences are not commonly found has the potential to be more intrusive and undermine streetscape character.

Images on page 13 show how fencing designed to incorporate appropriate landscaping elements, articulation and mix of materials can break up long expanses of blank wall, integrate with the overall design of the dwelling and contribute positively to the streetscape. Fencing that is solid, expansive and bland and does not incorporate a mix of materials, landscaping or articulation detracts from the streetscape character and provides poor casual surveillance over the street and therefore a poor pedestrian experience.

### **Corner lots**

Corner lots often have reduced privacy because the dwelling has two street frontages. In addition the yard size may be reduced to meet the required secondary street setbacks. However with good site planning and design, corner sites may also have the benefit of greater access to sunlight, breezes and less overlooking by adjoining neighbours.

Fencing variations frequently occur on corner allotments where the 'rear yard' space is adjacent to a secondary street frontage and owners are seeking a greater level of privacy for this yard space. These sites also commonly have pools to the front or side yard, requiring privacy fencing.

As a result, requests for solid or higher front fences occur more frequently on corner lots. However, the impacts of high front fences on corner lots is generally greater as the length of fencing is more significant and the fence is more visible from a number of directions. For these reasons it may be appropriate to require greater attention to design and material detail to front fencing for corner allotments including a mix of materials and landscaping.

### **Is the streetscape impact of front fencing related to the height or the design and materials?**

In some instances, non compliant fences might integrate better into the streetscape than those which strictly comply with the controls, due to attention to details of landscaping and materials.

The following pages show examples of front fences which vary the DCP A1 standards, due to materials, height or levels of transparency. These examples show a higher front fence might be built entirely to provide privacy for the occupants of the house, with little regard for how that fence presents to the streetscape. Alternatively, the fence could be built to provide privacy for the occupants with attention to design, materials and landscaping to ensure a high front fence also contributes positively to the streetscape.



1



2



3



4

These front fences are higher than permitted and present, often to a wide corner frontage, a solid and bland streetscape with little or no articulation or landscaping to soften the appearance. The dwellings provide poor casual surveillance over the street and a poor walking experience for pedestrians. These types of fences are more prone to graffiti tagging as they present as a 'blank canvas'. Locations 1, 2 and 3 are corner lots and locations 1 and 3 have pools in the front yard.

Location 3 has a walled fence to the pool and has broken the corner site fence up with openness to the main front street elevation, however, the secondary street elevation is significantly longer and would also benefit from articulation.



5



6



7



8

These front fences are higher than permitted and the poor choice of materials, lack of openness, articulation and landscaping detracts from the streetscape. The dwellings also provide poor casual surveillance over the street and a poor walking experience for pedestrians. Solid metal fences in particular generate excessive radiant heat raising temperatures in the private open space areas they are designed to protect. Location 8 is a corner site and presents totally fenced to both street frontages. Location 5 has a pool in the front yard.



1



2

### Matching fence Type to Street Character

In consideration of road hierarchy, 'roads' are built primarily for cars movement and are capable of accommodating high traffic volumes, for example Tweed Valley Way and Minjungbal Drive. As such they are associated with higher traffic speeds, high noise levels and therefore low pedestrian amenity.

Suburban 'streets' are built for access to residential areas and homes and ideally should be shared zones that encourage activity and pedestrian movement.

High and solid front fences may be suitable on high traffic roads for privacy and to mitigate noise and pollution. However, on suburban streets, activity and interaction is encouraged to build a sense of community.

Ideally, dwellings should integrate with the street, allowing residents to use the 'street spaces' while retaining 'private spaces' rather than turning their back on the street and becoming completely inwardly focused.

Where a fence is required for privacy, this privacy should be balanced with opportunity for interaction with the street.



3

Front fences 1-4 do not comply with the current height and openness controls. These fences, however, have elements of articulation to break up the wide expanse of blank wall, they incorporate landscaping which softens the streetscape presentation and they use a mix of materials to integrate with the house design.



4



5

In other localities the streetscape is wide and open with a character of no or low front fences. Installing a high fence in these types of localities has a greater impact on the streetscape.



6

This locality has a character of high front fences. This is more common in newer areas with smaller lot sizes, where lots front to the north and pools are provided in front yards. In these localities, high front fences are not out of character with the streetscape.

### Examples of front fences which vary or do not comply the DCP A1 requirements



Whilst forward of the building line, this carport complies with the requirements for single width, open on all sides and does not create additional driveway access.



This single width carport, open to all sides and behind the front building alignment is one of the few carports which comply with the DCP A1 provisions.



These single width carports use materials which integrate with the dwelling design and do not result in the creation of additional driveway access.

## Examples of carports which partly comply the DCP A1 requirements

## Carports

*Requests seeking to install carports that are wider than 4m (double carport) where there is already a garage provided. (Double carports are currently only permitted where stacked down the site or on steep sites where there is no other parking solution.)*

Limiting the construction of double carports to the front of established dwellings seeks to address design and streetscape impacts, to maintain an 'entrance' to a dwelling and to minimise 'hard stand' areas.

In many instances it is not simply the carport that impacts on the design and streetscape because the next steps are often enclosing the carport to provide safe and secure storage space, conversion of the existing garage into living space and installation of privacy fencing and garage doors. This pushes the front building line of the dwelling closer to the street. The garage can then dominate the front elevation and streetscape as well as limiting the access to park a car in the driveway without encroaching on the footpath. This is an issue if there is limited or insufficient on street parking.

In most instances a double carport of 5-6m<sup>2</sup> will take up the entire front setback, generally six metres, and therefore fills in the front yard or driveway space right to the property boundary. When the carport is enclosed with a garage door, this often results in the fencing in of front yards. However, carports in front of a double garage generally do not increase the amount of hard stand area, as they are located over existing driveways, and do not increase the 'garaging' percentage of dwelling frontage.

Carports installed next to an existing double garage have the benefit of not bringing the built form forward to the street boundary however, they have the potential to increase the 'garaging' percentage of dwelling frontage, as well as increasing the hard stand area with additional driveway access. This will increase the visual dominance of garage/carport. There are however many examples where the addition of a new car port, which uses complimentary roof form, materials and detailing actually improves the appearance of a dwellings front elevation. This is particularly the case where older housing stock is being renovated.

Double carports enable cars to be parked off the street and out of the heat of summer sun as well as freeing up the garage, what is often the largest room of a house, for other uses. However, as with all alterations and additions the attention to design, materials and detail makes the difference between simply adding space to a dwelling and integrating that new space with the character of the house and the streetscape.

The following pages show examples of carports which vary or do not comply with current controls. In undertaking this review, it was difficult to find examples of carports which comply with DCP A1 requirements. This raises the question of whether there is a demand for single carports in the community. It appears market demand is for double carports. As such controls could be more flexible with stronger objectives and stronger design principles to address streetscape integration.

### Your feedback is sought

Do you support the conversion of existing garages to living space, home office or extra bedroom?

Do you think double carports are acceptable where there is a garage (either single or double) on site?

Do you think it is acceptable for double carports to be built forward of the building line and generally to the property boundary?

Do you think it is acceptable for carports to the boundary to then be enclosed with garage doors?

Do you support other means of providing cover to cars, such as sails?

Do you think stronger objectives and design principles and more flexible controls for car ports are required?



1



2



3



4

These carports are all greater than 4m in width, forward of the building line and have limited attention to ensuring the carport integrates with the design of the dwelling and the streetscape. Location 2 has a carport of approximately 9 metres in width forward of the building line. Locations 2 and 4 clearly have required hard stand driveways additional to driveways already provided for other parking.



5



6



7



8

Carports 6-8 have all been constructed forward of the front building line and predominantly to the property boundary to allow conversion of the previous double garage into living space. Carport 5, on a corner location, has a carport forward of the building line to the secondary street frontage. All locations provide examples of integrating the carport with the design and materials of the dwelling.





1



2

Shade sails are an alternative to the installation of a carport to shade cars.



3



4



5



6

Localities 3-6 provide examples of carports which do not comply with the DCP A1 provisions because they are greater than 4m in width and forward of the front building line. They are predominantly to the property boundary. All locations provide examples of integrating the carport with the design and materials of the dwelling and generally don't impact streetscape character.

## Examples of carports which vary or do not comply with DCP A1 requirements



This aerial image shows properties south facing to the street with pools in the rear yard, and properties facing north to the street with pools predominantly in the front yard.

It is also notable that when lots and yard spaces become smaller the installation of a pool consumes a larger proportion of the landscaped and/or deep soil zones in the front or rear yards.

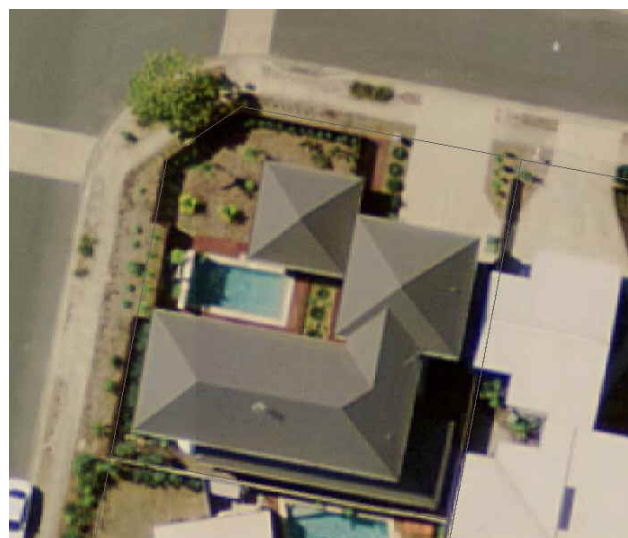


Corner lots are more likely to have a pool in the front yard which is currently a variation to the DCP A1 controls.

With smaller lots sizes, the waterline of pools may be as little as 4-6 metres from the living areas of adjacent dwellings when pools are installed in rear yards.

This increases the potential for noise transfer from pool equipment as well as daily use.

Locating of pools in front yards might reduce noise transfer because neighbouring living areas are not in such close proximity.



Despite this house requiring variations to pool location, front fence height and rear setback, it represents the best site planning outcome in terms of maximising solar aspect. Landscape to front fence improves streetscape interface.

## Swimming pools

*Requests seeking to install swimming pools in the front yard to maximise solar access or enable use of a corner site.*

*Requests seeking to vary the swimming pool setbacks from rear or side fences.*

Swimming pools in the front or side yards have been discouraged to minimise enclosing front yards and the need for high solid front fences. Good urban design practice promotes connectivity, transparency and engagement between public and private spaces rather than block off or impede. It is typically within the front yards interaction with neighbours and surveillance of the street occurs and thus a more open street becomes a more active street.

However for lots which face north to the street, the front yard might be the most suitable location for outdoor areas and pools to maximise solar access. Similarly, on corner lots, the front yard or yard to the secondary street might be the only space to accommodate these uses.

As lots become smaller there is less space for swimming pools. However, with the Tweed climate, there continues to be a high number of applications for pools, many of which have been approved in the front or side yard.

Pools are frequently installed up to one metre from an adjoining boundary, as permitted by the Code SEPP. Often dwellings now extend within 4-5 metres of a rear boundary, leaving 5-6 metres between a pool and a neighbouring dwelling's living spaces.

Pools increasingly consume a large proportion of rear yard space and, in particular, when undertaken as complying development can result in significant reduction of the deep soil zone.

Pools tend to generate noise because of pool equipment such as pumps or daily use including splashing and yelling children. Managing noise related conflicts on smaller lots can be difficult. In fact noise impact is increasingly a justification for locating pools in front yards, where there is greater distance between the pool and the adjoining dwelling's living spaces and potential to limit noise transfer.

Managing safety, noise implications, proximity to boundaries and the need for retaining walls are the primary concerns with swimming pools.

### Your feedback is sought

Do you think pools should be allowed in the front or side yard, forward of the main building line?

Do you think the same or different front fencing requirements should apply where there is a pool in the front yard?

Do you think that a minimum distance is required between a pool and adjoining dwellings living areas?

Do you think that pools should be excluded from the deep soil zones?

# Ancillary development good design principles

**Complying development good design principles** - Despite many forms of ancillary development not requiring development consent, there is opportunity within the DCP to include 'good design principles' for ancillary development to ensure a compatibility of building form, materials and detailing contributes to the overall streetscape character.



**MATERIALS** Hardwood timber batten fence provides delineation, transparency and openness to the street.

**ARTICULATION AND DETAIL** A mix of materials including rendered masonry softened by the timber batten gates creates a good material balance.

**LANDSCAPE** Integration of landscape including native Tuckeroo trees and lomandra shrubs and native grasses the landscape becomes the dominate feature and contributes significantly to the streetscape.

**LEGIBILITY AND SAFETY** Front fence delineates pedestrian access and provides a point of street address and access legibility. Pedestrian access is separated from the driveway and avoids points of conflict.

**COMPLIMENTARY** The overall form and choice of the materials of the front fence generally compliments the architecture of the dwelling house contributing to the streetscape character.

**Front fence principles of design** - Choice of materials and integration with landscape contributes to the streetscape character.



**FORM** The skillion roof compliments the angle of the dwelling pitched roof. By slightly lifting the carport roof more natural light reaches the carport area.

**MATERIALS AND DETAILING** Although the fascia and soffit treatment are different (house lined, carport exposed) the matching of horizontal and vertical hardwood timber battens and posts to the car port and similar screen material to the house, integrate well together.

The 1.5m high front fence has a mix of materials including mini orb metal sheeting and vertical timber slats providing delineation but also an element of transparency and openness to the street.

**SETBACK / ALIGNMENT** Although the carport has a zero front boundary setback, the deep verge and driveway across could still accommodate a parked car. The fact that the carport has been brought forward creates an element of depth and layering and architectural relief to the front elevation.

**Carport principles of design** - Choice of materials and integration of roof form and detailing with principle house contributes to the appearance of the building elevation and streetscape character.

The introduction of the State Environmental Planning Policy (Exempt and Complying Development), CODE SEPP which began in January 2009 has largely standardised the controls for a range of development. The CODE SEPP makes provision for a range of minor development to be undertaken as either exempt (where no consent is required) or complying (a faster consent process where it is demonstrated a range of criteria is met).

A number of the ancillary development types covered in DCP Part A1 are now similarly addressed in the CODE SEPP and may no longer need to be included in the DCP A1.

The CODE SEPP is designed to address minor forms of development where there is likely to be minimal impact. When the Local Environmental Plan (LEP) begins under the Standard Template (Local Environmental Plan) Order, the Code SEPP will replace the Council DCP Part A10 Exempt and Complying Development. The CODE SEPP provisions may differ to those of Council, and the DCP appropriately provides guidelines for development that might have an impact which exceeds the provisions of the CODE SEPP, so projects requiring a development application (DA) receive a greater level of assessment of potential impacts.

For example an aerial / antennae is permitted without the need for development consent (exempt development) under the CODE SEPP when it can be demonstrated:

- If there is a house on your property – there is 1 aerial or antenna per property
- If there is no house on your property – 1 aerial or antenna for each separately occupied premises on the property
- The aerial or antenna is no more than 1.8m above the highest point of the highest roof on the property and does not have to be roof mounted
- The aerial or antenna is at least 900mm from any boundary
- An aerial or antenna must be installed in the back yard if the property is in a rural zone
- The aerial or antenna must be for the purpose of receiving television or radio signals, which includes community band or two-way radio

The Tweed DCP similarly restricts aerials to one per property for private use but does not place any restrictions on height or setback from a property boundary. This allows aerial / antennae to be considered above 1.8m high or closer to a boundary within a development application.

However, given there are no additional restrictions placed on aerial / antennae, the need to control this development in the DCP Part A1 is limited.

A wider range of 'outbuilding' development such as balconies, decks, pergolas, cabanas, rainwater tanks and shade structures is defined in the Code SEPP as complying than in the DCP A1.

The following table provides a summary of DCP Part A1 provisions and the related CODE SEPP provisions.

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Carports</b>	Carports cannot be wider than one car space width or 4m where another means of undercover parking is provided	<i>Exempt development</i> Must not have an area of more than 25m <sup>2</sup> for lots greater than 300m <sup>2</sup> . Not have a floor area of greater than 20m <sup>2</sup> for lots less than 300m <sup>2</sup> .	<i>Exempt development</i> Not have a floor area of more than 50m <sup>2</sup> for a lot larger than 300m <sup>2</sup> in a rural or rural living (large lot residential) zone Not have a floor area of greater than 20m <sup>2</sup> for lots less than 300m <sup>2</sup> .	The Code SEPP for exempt development permits a carport 5x5m, essentially a double sized carport, without the need for development consent for urban lots and a larger car port area for rural lots. Therefore, requiring a DA for single width carports (4m) is inconsistent with the Code SEPP.
	Maximum of 2 carport spaces stacked down the site	Must not be more than 1 carport per lot or separate occupation of premises on the lot	Must not be more than 1 carport per lot or separate premises on the lot	The Code SEPP does, however, require that a carport is located 1m behind the building line and no higher than 3m.
	Double carports may only occur on very steep sites or where there is no other parking solution			The DCP A1 could, if appropriate, provide development controls and design principles beyond the requirements of the Code SEPP, i.e. for carports that are not behind the building line, greater than 3m in height, greater in floor area or less than 900mm from a boundary.
	Carports must not necessitate a driveway additional to the driveway to established parking	Located not to reduce vehicular access to, parking or loading to and from the lot	Located so it does not to reduce vehicular access to, parking or loading to and from the lot	
	Design and materials must be in keeping with the main dwelling	If metal must be low reflective factory pre-coloured materials	If metal must be low reflective factory pre-coloured materials	It is considered appropriate to retain provision for carports in DCP A1 but to revise controls to allow double carports.
	Must not be enclosed on any side	Must have 2 or more sides open and not less than one third of its perimeter open	Must have 2 or more sides open and not less than one third of its perimeter open	
	Cannot have rooms within the roof			
	For new dwellings carports cannot be erected between the street alignment and the front building line. The minimum setback behind the front building alignment is 1m	Must be located at least 1m behind the front building line of any road frontage	must be located at least 1m behind the front building line of any road frontage	

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Carpports</b>		Must not be higher than 3m above ground level (existing) or if attached to an existing single storey dwelling not be higher than the roof gutter line	Must not be higher than 3m above ground level (existing) or if attached to an existing single storey dwelling not be higher than the roof gutter line	
		Must be at least 900mm from each lot boundary	Must be at least 900mm from each lot boundary	
		Must be installed so roof water is disposed of into existing stormwater drainage	Must be installed so roof water is disposed of into existing stormwater drainage	
		If connected to a fascia, to be installed in accordance with engineers specifications	If connected to a fascia, to be installed in accordance with engineers specifications	
		Must be located at least 1m from any registered easement, sewer main or water main	Must be located at least 1m from any registered easement, sewer main or water main	
		If within bushfire prone land must be of non-combustible materials	If within bushfire prone land must be of non-combustible materials	
<b>Fences/gates</b>				
Front and return	1.5m maximum height	<b><i>Exempt development and complying development</i></b>  1.2m maximum height or if on a sloping site not more than 1.5m at each step	<b><i>Exempt development and complying development</i></b>  Not higher than 1.8m above ground level (existing) or if on a sloping site not more than 2.2m above ground level at each step	The DCP provides additional provisions beyond the Code SEPP that address issues of local character, materials and access.  The Code SEPP covers requirements for basic urban and rural fencing as exempt development. It also provides less restrictive controls under complying development.  The DCP does provide additional controls that may apply to a DA beyond exempt and complying development and thus there is a need to maintain fencing provisions in the DCP, particularly in relation to materials to fences which exceed 1.5m in height.
	Maximum 600mm solid fence height. Above 600mm openness ratio of 60%	Open style - minimum aperture of 25mm  Under complying development a fence may be solid to not more than 600mm high and any solid portion may not be more than 250mm wide. The fence must be open for at least 50% for two-thirds of the area of the fence.	Masonry sections associated with an entrance gate to a boundary fronting a public road must not extend more than 3m from either side of the gate	

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
Front and return	May be solid to 1.5m if on an arterial road			Locally solid wall, colourbond and timber front fences have the potential to significantly impact on streetscape, especially on corner allotments. It is suggested that the controls for corner lots be further detailed and strengthened.
	A solid fence higher than 600mm may be considered where topography necessitates a retaining wall			
	Reflect character of the dwelling			
	Constructed of materials compatible with the house and with other fences and walls within the streetscape			
	Return fences to be the same height and design as front fences			
	No colourbond or timber paling except where integrated into the design theme consistent with the character of the dwelling and streetscape and incorporates appropriate articulation for allowing for landscaping	Must not be solid metal or chain wire, electrical or barbed wire	May be post and wire or post and rail. If electrical must be in accordance with <i>AS 3014:2003 Electrical Installations - electric fences</i>	
	Controls also apply to secondary street frontages			
	Not to impede stormwater run-off	Not direct the flow of water onto an adjoining property	Not direct the flow of water onto an adjoining property. If on flood control lot - not redirect or interrupt flow of surface water	
		If in koala habitat area to be constructed in accordance with any Council policy		
	Not to obstruct water meter reading			
	If on bush fire prone land to comply with Planning for Bushfire Protection	If within bushfire prone land to be constructed of non-combustible material or hardwood.		



**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
Rear and side (behind building line)	2.0m maximum height	<i>Exempt development and complying development</i>  1.8m maximum height for timber, metal or light weight materials or if on a sloping site not more than 2.2m at each step	<i>Exempt development and complying development</i>  Not higher than 1.8m above ground level (existing) or if on a sloping site not more than 2.2m above ground level at each step	The DCP provides additional provisions beyond the Code SEPP that address additional height and corner lots.  The Code SEPP covers requirements for basic urban and rural fencing as exempt development. It also provides less restrictive controls under complying development.
	No chain wire to exceed 1.2m in height	1m maximum if masonry or chain wire  No electrical or barbed wire	May be post and wire or post and rail. If electrical must be in accordance with <i>AS 3014:2003 Electrical Installations - electric fences</i>	The DCP provides additional controls that may apply to a DA beyond exempt development, so is a need to maintain fencing provisions in the DCP, particularly in relation to fences which exceed 1.8m in height.
	May be paling, metal or colourbond	If metal must be of low reflective material		Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit and additional provisions.
	Not to impede stormwater run-off	Direct the flow of water onto an adjoining property	Not direct the flow of water onto an adjoining property. If on flood control lot - not redirect or interrupt flow of surface water	
	Controls for front fences and walls also apply to secondary street frontages on corner lots			
		If in koala habitat area to be constructed in accordance with any Council policy		Return of side fences to be set back 1.0m from front building line.
		If in bushfire prone land to be constructed of non combustible material or hardwood.		
		If in rural living (large lot residential) may be post and wire or post and rail		

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
	Separate controls for tennis courts and Greenbank Island			<p>Despite the requirement in the DCP A1 for Council approval for all fences on Greenbank Island, the provisions under exempt development can override need for Council approval where the provisions of the Code SEPP can be met.</p> <p>Additional controls relating to height and material may still be required for Greenbank Island where fences do not meet the exempt or complying criteria of the Code SEPP.</p> <p>The Code SEPP does not provide fencing requirements for tennis courts under the exempt development and it is appropriate that these controls be retained.</p>
<b>Swimming pools, spas</b>	<i>Note: Spas are not provided for under complying development, however, portable spas are included in exempt development.</i>			
	Outside edge of the pool concourse or coping must be set back at least 1m from side or rear boundary and the waterline must be 1.5m from these boundaries	<b>Complying development</b> poolwater line must be setback at least 1m from a side or rear boundary	<b>Complying development</b> poolwater line must be setback at least 1m from a side or rear boundary	<p>The Code SEPP for complying development allows a setback of 1m to the waterline requiring a DA for a pool that is has a greater setback than required for complying development is inconsistent unless it addresses situations of greater impact.</p> <p>Consideration should be given to amending the DCP to be consistent with this and to include relevant provisions beyond the requirements of the Code SEPP, for example use of a wall of a dwelling as part of the pool fencing.</p>
	Pools and spas to be surrounded by child resistant barrier in accordance with standards	Refers to Swimming Pools Act for child resistant barriers	Refers to Swimming Pools Act for child resistant barriers	
		Decking around swimming pool,must not be more than 600mm above existing ground level	Decking around swimming pool,must not be more than 600mm above existing ground level	

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Swimming pools, spas</b>		Coping around the pool must not be more than 1.4m above ground level or 300mm wide if the coping is more than 600mm above ground level	Coping around the pool must not be more than 1.4m above ground level or 300mm wide if the coping is more than 600mm above ground level	
	To comply with requirements of BASIX			
	To have a suitable means of drainage and disposal of overflow	Water to be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main	Water to be discharged in accordance with an approval under the Local Government Act 19093 if the lot is not connected to a sewer main	
	Filters and pumps enclosed to minimise noise	Pumps must be housed in a soundproof enclosure	Pumps must be housed in a soundproof enclosure	
	Wall of dwelling may form part of child resistant barrier as long as there is no window or door through which access might be gained			
	Pools are not to be located forward of the building line except where private open space may only be accommodated in this area	Must be located behind the setback area from a primary road or in the rear yard	Must be located behind the setback area from a primary road or in the rear yard	There is the potential to allow greater flexibility for the location of pools within the front setback, subject to a range of development requirements. This would enable pools to be located to maximise solar access where north or east is to the front. In addition, this might enable some protection of the rear yard vegetated zone and minimise noise conflicts with neighbours. Greater flexibility for pools in front yards could be associated with requirements for fencing around front yards. A pool requires a safety fence to 1.2m or 1.8m when on a boundary, resulting in 1.8m fences to the front yard when a pool is installed.

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Swimming pools, spas</b>	Cannot be located in the deep soil zone			<p>A pool may be built under the Code SEPP with no regard for the required deep soils zone. This creates a conflict as the location of a pool is generally to the rear yard to maximise solar access so it is likely that pools under complying development will commonly be located within the same area required for deep soil zone. Notwithstanding, it is considered that pools requiring a DA should not be allowed within the deep soil zone.</p> <p>This reinforces the need for more flexibility of deep soil zone locations as outlined in discussion paper 3 - Landscaping.</p> <p>The DCP A1 allows additional provisions to guide the design of pools which should be retained when a DA is required.</p>
<b>Tennis Courts</b>				
	Lighting is to be limited to between 7am and 10pm and designed to shield upward and outward spill	<b>Exempt development</b> Not applicable to urban zones	<b>Exempt development</b> May be on a lot greater than 1ha in a rural or rural living zone May not have lighting	<p>The Code SEPP makes no provisions under exempt or complying development for tennis courts in urban zones.</p> <p>It is therefore appropriate to retain requirements for tennis courts</p>
	Lighting to comply with Australian standards			
	To accommodate drainage requirements			
	To be located behind the primary building frontage		Located behind the building line of any frontage or in the rear yard	
	May not be located within the deep soil zone			
			For domestic purposes only	
			Not more than 1 per lot	

<b>Current key ancillary envelope controls</b>				
	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
			Not require more than 600mm cut and fill below or above ground level (existing)	
<b>Roofs, dormers skylights</b>	<i>Note: Skylights, roof windows and ventilators in Code SEPP - no provisions for dormer windows.</i>			
	Skylights must not reduce the structural integrity or involve structural alterations	Not involve work that reduces the structural integrity	Not involve work that reduces the structural integrity	<p>The DCP provides no significant provisions beyond the Code SEPP. The Code SEPP covers requirements for skylights and roof windows as exempt development. The DCP does not provide additional controls that may apply to a DA beyond exempt development so there may be little need to maintain skylights and roof windows provisions in the DCP, with the exception of roof forms below.</p> <p>Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.</p> <p>The Code SEPP exempt development does not contain provisions for roof forms therefore it may be appropriate to maintain roof design provisions for a DA.</p>
	Skylights must be adequately water proofed	Any opening created must be adequately weather proofed	Any opening created must be adequately weather proofed	
	Skylights must be installed to manufacturers instructions			
		Not be more than 2% of the roof area	Not be more than 2% of the roof area	
		Located 900mm from each lot boundary or wall separating attached dwellings	Located 900mm from each lot boundary or wall separating attached dwellings	
		If located on bushfire prone land adequately sealed or protected to prevent entry of embers	If located on bushfire prone land adequately sealed or protected to prevent entry of embers	
	Relate roof design to the desired built form by articulating the roof, providing eaves, using compatible roof forms, materials, slopes			

<b>Current key ancillary envelope controls</b>				
	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Minor elements addressed in the DCP A1 and the Code SEPP</b>				
<b>Aerials and antennae</b>				
	Maximum of 1 per single dwelling house	<i>Exempt development</i> maximum of 1 per dwelling or per separate occupation on the lot	<i>Exempt development</i> maximum of 1 per dwelling or per separate occupation on the lot	The DCP A1 provides no significant provisions beyond the Code SEPP. The Code SEPP covers requirements for aerials as exempt development.  The DCP does not provide additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain aerial provisions in the DCP A1. Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
	Domestic use only	Is only for the purpose of receiving television or radio signals in connection with community band or two way radio	Is only for the purpose of receiving television or radio signals in connection with community band or two way radio	
		Must be at least 900mm from each lot boundary	Must be at least 900mm from each lot boundary	
		Must not be higher than 1.8m above the highest point of the roof	Must not be higher than 1.8m above the highest point of the roof	
		Must be located in the rear yard		
<b>Air Conditioning</b>				
	Design controls relating to noise (not to exceed 5dB(a)),	<i>Exempt development</i> design to not exceed 5dB(A) during peak times	<i>Exempt development</i> design to not exceed 5dB(A) during peak times	The DCP A1 provides no significant provisions beyond the Code SEPP. The Code SEPP covers requirements for air conditioning as exempt development.
	Must not reduce structural integrity, weatherproofing, aesthetics	Design to not reduce the structural integrity of the building or fire resistance level of a wall	Design to not reduce the structural integrity of the building or fire resistance level of a wall	
	Air conditioning unit is not be visible from the street	Must not be on a wall of a building that faces the primary road frontage or forward of the building line to the primary road	Must not be on a wall of a building that faces the primary road frontage or forward of the building line to the primary road	The DCP does not provide additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain air conditioning provisions in the DCP A1. Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
		Must be at least 450mm from each boundary lot	Must be at least 450mm from each boundary lot	
		Not higher than 1.8m above ground level	Not higher than 1.8m above ground level	
<b>Aviaries</b>	Note: fowl and poultry houses are separately addressed			
	Domestic purposes only	<i>Exempt development</i> domestic purposes only and not more than 2 per lot	<i>Exempt development</i> domestic purposes only and not more than 2 per lot	The Code SEPP provides significantly more detailed requirements to the DCP A1.

<b>Current key ancillary envelope controls</b>				
	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Aviaries</b>	Located minimum of 10m from an adjoining dwelling house located in the rear yard and no closer to the front of the property than 900mm behind the buildings front elevation	Must be in the rear yard and at least 900mm from each side and rear boundary in any other zone	Must be 20m from the road boundary and 5m from a lot boundary in a rural zone	The Code SEPP covers requirements for aviaries as exempt development. The DCP A1 provides limited additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain aviary provisions in the DCP.  Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
	Must be structurally sound			
		Floor area of no more than 10m <sup>2</sup>	Floor area of no more than 30m <sup>2</sup>	
		Not be higher than 2.4m	Not be higher than 3m	
		Must have an impervious floor	Must have an impervious floor	
		Constructed so roofwater is disposed of without nuisance to adjoining owners	Constructed so roofwater is disposed of without nuisance to adjoining owners	
		Low reflective material in a residential zone		
		If in a bushfire prone area and less than 5m from a dwelling must be non combustible material	If in a bushfire prone area and less than 5m from a dwelling must be non combustible material	
<b>Barbecue areas</b>				
	Domestic use only	<b>Exempt development</b> not used for commercial purposes	<b>Exempt development</b> not used for commercial purposes	The DCP A1 provides no significant provisions beyond the Code SEPP. The Code SEPP covers requirements for barbecue areas as exempt development.  The DCP does not provide additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain barbecue area provisions in the DCP.  Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
	Minimum of 900mm from a property boundary and with consideration to adjoining properties	A minimum of 450mm from each lot boundary	A minimum of 450mm from each lot boundary	
	Located to the rear yard or no closer to the street than the front building elevation	Must be behind the front building line of any road frontage		
		Not have an area more than 4sqm	Not have an area more than 4sqm	
		Not more than 1.8m above ground level (existing)	Not more than 1.8m above ground level (existing)	

<b>Current key ancillary envelope controls</b>				
	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Clothes lines</b>				
	Located in rear yard or no closer to the street than the front elevation	<i>Exempt development</i> must be behind the building line of any road frontage	<i>Exempt development</i> must be behind the building line of any road frontage	The Code SEPP covers requirements for clothes lines as exempt development.
	If to the side of the dwelling not to be visible (may be screened) from all dwellings and the street			The DCP A1 provides limited additional controls that may apply to a DA beyond exempt development and thus controls relating to clothes lines could be retained in the DCP. However, the impacts of the installation of a clothes line are considered minor.
<b>Flagpoles</b>				
	Must be structurally sound and wholly within the property	<i>Exempt development</i>	<i>Exempt development</i>	The Code SEPP covers requirements for flagpoles as exempt development.
		Must not be higher than 6m above ground level (existing)	Must not be higher than 6m above ground level (existing)	The DCP A1 does not provide additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain flagpole provisions in the DCP. Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
		Must not be more than 90mm in diameter	Must not be more than 90mm in diameter	
		Must be located minimum 3m from each side and rear boundary	Must be located minimum 3m from each side and rear boundary	
		Must not be more than 1 per development lot	Must not be more than 1 per development lot	
		Any flag must not have an area of greater than 2.5m <sup>2</sup> and must not be used for advertising	Any flag must not have an area of greater than 2.5sqm and must not be used for advertising	



**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>letterboxes</b>				
	Maximum height of 1.2m	<i>Exempt development</i> Not higher than 1.2m above ground level (existing)	<i>Exempt development</i> Not higher than 1.2m above ground level (existing)	The Code SEPP covers requirements for letterboxes as exempt development.  The DCP A1 provides limited additional controls that may apply to a DA beyond exempt development and thus there may be no need to maintain letterboxes provisions in the DCP.  Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit.
	To include numbering corresponding to the dwelling	To be visible from the road alignment and have appropriate numbering visible from the road alignment	To be visible from the road alignment and have appropriate numbering visible from the road alignment	
	To be structurally sound and integrated with the design of the dwelling using similar materials and finishes			

**Current key ancillary envelope controls**

	<b>Tweed DCP Part A1</b>	<b>Code SEPP for non-rural areas - (some additional restrictions might apply)</b>	<b>Code SEPP for rural areas - (some additional restrictions might apply)</b>	<b>Recommendation</b>
<b>Ground mounted satellite dishes</b>	Note: communication dishes (radio and satellite) in the Code SEPP			
	Limit of 1 per dwelling house on lots <5,000m <sup>2</sup> and not to be visible from a public place	<i>Exempt development</i> limit of 1 per dwelling or separate occupation of premises on the lot	<i>Exempt development</i> limit of 1 per dwelling or separate occupation of premises on the lot	The Code SEPP covers requirements for communication dishes as exempt development.
		Must be located in the rear yard	Must be located in the rear yard	The DCP A1 does provide limited additional controls that may apply to a DA beyond exempt development, in relation to a maximum height and materials visible from the roof. It may be appropriate to maintain communication dishes controls in the DCP A1.
	Maximum height 2.4m	Maximum height of 1.8m above ground (existing)	Maximum height of 1.8m above ground (existing)	
	Minimum of 900mm from a property boundary	A minimum of 900mm from each boundary	A minimum of 900mm from each boundary	
		Maximum diameter of 1.8m	Maximum diameter of 1.8m	
<b>Roof mounted satellite dishes</b>	Note: communication dishes (radio and satellite) in the Code SEPP			Proposals that require a DA (do not meet exempt requirements) would then be assessed on merit and, if considered appropriate, the maximum height and material requirements.
	Limit of 1 per dwelling house on lots <5,000m <sup>2</sup> and coloured to blend with the roof	Limit of 1 per dwelling or separate occupation of premises on the lot	Limit of 1 per dwelling or separate occupation of premises on the lot	
	No higher than the ridgeline	Not be higher than 1.8m above the highest point of the roof	Not be higher than 1.8m above the highest point of the roof	
	Structurally stable			
	Suitably coloured to blend in with the building			
		Not have a diameter of more than 900mm	Not have a diameter of more than 900mm	
<b>Outdoor lighting</b>				
	Located to avoid light spill to living and sleeping areas of the dwelling and to be confined to the source property	Not addressed on the Code SEPP exempt provisions	Not addressed on the Code SEPP exempt provisions	The DCP provides provisions beyond the Code SEPP in relation to security and outdoor lighting and thus there may be need to maintain outdoor lighting provisions in the DCP A1.  This may be included within the general dwelling controls rather than ancillary development.

Since the introduction of the DCP Part A1 in 2008, the State Government released the State Environmental Planning Policy - Exempt and Complying Code, known as the Code SEPP, which commenced in January 2009. The CODE SEPP makes provision for a range of minor development to be undertaken as either exempt (where no consent is required) or complying (a faster consent process where it is demonstrated a range of criteria is met).

The CODE SEPP is designed to address minor forms of development where it is considered there is likely to be minimal impact. The Code SEPP applies to a greater range of ancillary development than is regulated in the DCP A1 and has largely superseded the need for regulating these minor forms of development within the DCP A1.

Minor forms of development identified within the Code SEPP provide the acceptable development standards for exempt development. Where these standards may not be met, then a development application (DA) will be required and will be assessed on its merits.

This approach is suitable for most ancillary development, however, for some forms of ancillary development the DCP A1 provides additional standards that would apply to a DA where the Code SEPP criteria cannot be met. These standards provide additional criteria to guide the assessment of ancillary development under a DA and should be maintained.

Additional development standards and design principles are recommended to be included in DCP A1 for carports, fences, swimming pools and spas.

The DCP A1 provisions for aerials and antennae, air conditioning units, aviaries, barbecue areas, clotheslines, flagpoles, letterboxes, and outdoor lighting are all adequately controlled through the standard requirements of the Code SEPP and thus do not need to be included in the external building elements design controls in the DCP A1.

## Summary

<p>The main issues arising from the ancillary development provisions?</p>	<p>Variations in the definitions of ‘ancillary development’ and ‘outbuildings’ may create confusion between the interpretation of exempt and complying development and what standards apply when a DA is required.</p>
	<p>Some ancillary development is now regulated by the Housing Code SEPP and as such DCP A1 does not need to duplicate these.</p>
	<p>Front fences are occurring above 1.5m . If this is considered to be acceptable by the community and industry, what standards should be applied to the materials, design, landscaping and streetscape presentation of these fences.</p>
	<p>Corner lots and north facing lots may require specific criteria for ancillary development in order to address the issues of solar access and two street frontages on fences, pools, carports and other ancillary development.</p>
	<p>Double carports are being built forward of the building line and where there is already garaging on site. If this is considered to be acceptable by the community and industry controls will need to be updated to guide this form of development.</p>
<p>What are the key options for making amendments to the residential housing code Part A1?</p>	<p>Apply standardised definitions and interpretation of ‘ancillary development’ and ‘outbuildings’ between the Code SEPP and the Residential and Tourist Development Code DCP A1.</p>
	<p>Remove ancillary development standards from the Residential and Tourist Development Code DCP A1 which are similarly regulated by the Code SEPP.</p>
	<p>Retain and strengthen design standards for carports, fences and swimming pools, whilst allowing some flexibility, where not inconsistent with standards for development permitted under exempt or complying development within the Code SEPP.</p>
	<p>Develop specific standards for corner lots and north facing lots in order to maximise the outcomes of solar orientation and addressing two street frontages.</p>
	<p>Provide greater flexibility to allow double carports and carports to other locations on the site.</p>
	<p>Provide greater flexibility to allow pools to front and side yards as well as rear yards.</p>

**DP 6 Ancillary development**

Detach along dotted line

Agree	Disagree	Comments

Detach along dotted line

Following is a survey form seeking your opinion on the issues raised within this discussion paper. This may be detached and mailed to Council as addressed.

Alternatively this survey form may be completed more conveniently and quickly on line at:

**[www.yoursaytweed.com.au/tweedhousing](http://www.yoursaytweed.com.au/tweedhousing)**

How do you 'agree' with the following statements?

The DCP A1 definitions of ancillary development and outbuildings should be consistent with those of the Housing Code SEPP.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Pools should be permitted in front and side yards as well as rear yards.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Specific controls addressing solar access and fencing two street frontages are required for corner sites and where pools are provided to a front or side yard.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Double carports are acceptable forward of the front building line.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Maximum heights for front fencing should be higher than the currently permitted 1.5m.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Front fencing should use a mix of materials integrated with the house design and incorporate landscaping to be more visually pleasing from the street.

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
strongly disagree	disagree	undecided	agree	strongly agree
Additional comments:				
<hr/>				
<hr/>				

Detach along dotted line

Detach along dotted line

**AFFIX  
POSTAGE  
STAMP**

Attention:  
Planning Reform Unit  
DCP A1 Single Dwelling Review  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

FOLD

FOLD

Phone No \_\_\_\_\_ email \_\_\_\_\_  
Address \_\_\_\_\_  
Name \_\_\_\_\_

If you would like to be kept informed of other discussion papers please provide contact details (optional)

Background information

<input type="checkbox"/>	I am a property owner	<input type="checkbox"/>	number of years lived in the area
<input type="checkbox"/>	I am a local resident	<input type="checkbox"/>	Number of years in the industry
<input type="checkbox"/>	I am in the building industry	<input type="checkbox"/>	I am an architect



## **How can I have a say?**

We encourage you to review the discussion paper, consider the issues, review the provided examples and options and provide feedback to inform the drafting of amendments to DCP A1 Part A.

**All documentation and a survey form is available on-line during the consultation period, at:**

**[www.yoursaytweed.com.au/tweedhousing](http://www.yoursaytweed.com.au/tweedhousing)**

**You are encouraged to fill out this online survey**

A survey form has also been included in this discussion paper. You may simply fill out the survey form, fold up seal and post back to Council as addressed.

Alternatively you are invited to make a more detailed written submission and either mail to:

Attention:  
Planning Reform Unit  
DCP A1 Single Dwelling Review  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

or email to :

[planningreforms@tweed.nsw.gov.au](mailto:planningreforms@tweed.nsw.gov.au)

## **Want to know more?**

All documentation related to the DCP A1 Part A review is available on Council's website, at:

[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Should you require any further information, please contact Council's Planning Reform Unit on 6670 2562.



Customer Service | 1300 292 872 | (02) 6670 2400

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

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