

Residential Flat Building Code



City of Ryde

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PLEASE NOTE: The reference to the Section 94 Plan has been superseded by the adoption of the Section 94 Contributions Plan No. 1 (21 October 1998).

Residential Flat Building Code

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Residential Flat Building Code

1 Introduction

This Code constitutes Council’s policy in respect of the design criteria for the development of residential flat buildings (other than villa homes within the Residential ‘A’ zone) within the City of Ryde. The Villa Homes Code provides the criteria for villa home development within Residential ‘A’ zones throughout the City.

Council wishes to encourage a high standard of design of residential flat development within the City which is both in harmony and scale with adjoining development. The landscape treatment of the site should be complementary, both aesthetically and practically, to the proposed development and to the surrounding area generally.

The design, layout and orientation of the development should be such as to give maximum privacy for occupants. Council will also take into consideration privacy between adjoining sites. This aspect will be considered on the individual circumstances of the sites involved.

This Code was adopted for consideration under the terms of Clause 34(4) of the Ryde Planning Scheme Ordinance by Council on 14 July 1987 and should be read in conjunction with the various environmental planning instruments applying to the land.

It is advisable to discuss development applications with staff from Council’s Development & Building Services Division prior to submission, since amendments to applications may require readvertising of the proposal.

2 Basic Objectives of the Code

- 2.1 To encourage a high architectural and landscape standard for residential flat development throughout the City.
- 2.2 To preserve and enhance the existing residential amenity of the City.
- 2.3 To regulate the physical characteristics of residential flat development in order to preserve the character of the area within which the development is to be carried out.
- 2.4 To ensure maximum privacy, sunlight and air, both within and without the site.
- 2.5 To ensure adequate provision is made for the parking of residents’ and visitors’ vehicles within the limits of the site.

The provisions of this Code should be interpreted within the context of the above objectives. Compliance with the minimum requirements as set down in this Code does not necessarily mean that an application will succeed as each application will be considered on its merits.

Council may vary requirements in this Code where, due to unique site considerations, the variance of such requirements would yield a better planning solution for the development of the site.

3 Definitions

In this Code the terms used have the meaning ascribed to them in the Environmental Planning and Assessment Act, 1979 and the Ryde Planning Scheme Ordinance. The following definitions are of particular significance or are additional to those in the Ordinance;

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

“small dwelling” means a dwelling designed and constructed with 1 bedroom or a bed sitting room;

“medium dwelling” means a dwelling designed and constructed with 2 bedrooms;

“large dwelling” means a dwelling designed and constructed with 3 or more bedrooms;

“habitable room” means any living room, and includes all rooms intended or adapted for the purpose of sleeping, eating or cooking, but excludes a pantry, laundry, bathroom and water closet;

“height”, in relation to a building, means the distance measured vertically of any external wall of the building from any point on the wall which is 3 metres above the level of the topmost floor in the building to natural ground level abutting the wall immediately below that point;

“landscaped area” means that part of the site area not occupied by any building or buildings, except for swimming pools or open air recreation facilities, which part is predominantly landscaped by way of planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, parking areas or drying yards;

“parking space” means an unobstructed area suitable for parking of a motor vehicle, being an area having dimensions of:

- (a) not less than 5.5 metres by 2.5 metres, where there is no wall, fence, post or other obstruction situated on, or within 0.5 metres outside, either of the 2 longest sides of the space which, in the opinion of the Council, would interfere with the opening of the doors or a motor vehicle parked on the space; or
- (b) in any other case, not less than 5.5 metres by 3 metres

and to which proper vehicular access is provided;

“residential flat building” means a building containing 2 or more dwellings;

“residential flat building class A” means a residential flat building containing 2 dwellings and includes buildings commonly known as duplex flats, maisonettes or semi-detached cottages;

“residential flat building class B” means a residential flat building containing 2 or more dwellings in a group such as are commonly known as group houses, town houses, terrace buildings and the like, but does not include villa homes, and which have the following characteristics:

- (a) a functional private courtyard attached to each dwelling; and
- (b) each dwelling having its own separate entrance which opens directly to the outside of the building;

“site area” means the area of land to which an application for consent relates, excluding therefrom any land upon which the development to which the application relates is not permitted by or under the terms of any environmental planning instrument;

“storey” means a floor other than:

- (a) a floor used principally for storage; or
- (b) a floor used wholly or partly for parking;

“villa homes” means a single storey residential flat building containing 2 or more dwellings in a group arranged so that each dwelling has attached private open space and separate access from an unbuilt upon portion of the site;

In respect to villa homes:

“single row development” means a building which contains no more than one dwelling between the side boundaries of the allotment at the front alignment of the building;

“dual row development” means a building which contains 2 dwellings between the side boundaries of the allotment at the front alignment of the building, and which is commonly known as “twin” or “U-shaped” development.

4 Minimum Site Requirements

A residential flat building shall not be erected on any allotment unless the allotment complies with the following requirements:

4.1 Residential Flat Buildings Class A

4.1.1 Main or County Road frontage

Minimum Area:	840m ²
Minimum Frontage:	27m

4.1.2 Frontage to any other road

Minimum Area:	610m ²
Minimum width at the front alignment of the building:	18m

4.2 Residential Flat Buildings (other than residential flat buildings class A or villa homes)

4.2.1 Main or County Road frontage

Minimum Area:	840m ²
Minimum Frontage:	27m

4.2.2 Frontage to any other road

Minimum Area	840m ²
Minimum width at the front alignment of the building:	24m

4.3 Villa Homes

4.3.1 Single Row Developments

Minimum Area:	1000m ²
Minimum Width:	20m

4.3.2 Dual Row Developments

Minimum Area:	1000m ²
Minimum Width:	40m

4.4 General

In exceptional circumstances Council may exercise its discretion to vary the minimum site requirements under State Environmental Planning Policy No. 1 – Development Standards. In this regard it will be necessary for the applicant to submit with the development

application a written objection that compliance with the particular development standard is unreasonable or unnecessary in the circumstances of the case, specifying the grounds of that objection.

Every effort should be made to consolidate properties which:

- 1 do not comply with these minimum site requirements, with adjoining undeveloped properties, zoned for residential flat development, to form sites which comply with the minimum requirements; or
- 2 with properties which would be isolated by a development proposal, in a situation where the isolated property would not comply with those requirements.

5 Type of Residential Flat Buildings Permissible

Within the following zones the only types of residential flat buildings permissible (other than housing for aged or disabled persons) are:

Zone 2(a1)	:	residential flat buildings class A or B
Zones 2(b1) & 2(b2)	:	residential flat buildings class A or B and villa homes

“Walk up” type residential flat buildings are not permissible within the above zones.

There is no restriction on the nature of residential flat buildings permissible within the other residential flat zones.

6 Density

The *maximum* number of dwellings which can be erected on a particular site shall be calculated in accordance with the density requirements contained in Table 1.

This number is calculated by ensuring that the sum of the site area for each small, medium or large dwelling proposed, stipulated in the Table, does not exceed the site area of the allotment on which the building is proposed to be erected.

The number of small dwellings in any development shall not exceed 50% of the total number of dwellings on site.

It should be noted that a calculation based on the figures in Table 1 gives the maximum permissible density. However, other requirements of the Code such as setbacks from boundaries, height of buildings, parking, landscaped area requirements and site constraints may result in a lower density being, in fact, achieved.

TABLE 1: DENSITY		
Zone No.	Dwelling Type	Site Area (m²) per dwelling
2(a1)	Small, Medium, Large	565
2(b1)	Small Medium Large	130 180 270
2(b2)	Small Medium Large	100 150 220
2(c1), 2(c2), 2(c3)	Small Medium Large	100 160 220
2(c4)	Small Medium Large	90 120 170
2(c5)	Small Medium Large	70 100 130
2(d1)	Small Medium Large	140 196 268
2(d2)	Small Medium Large	135 196 262
2(d3)	Small Medium Large	91 137 183
2(d4)	Small Medium Large	90 133 178
2(d5)	Small Medium Large	76 111 152
2(d6)	Small Medium Large	45 58 90
2(d7)	Small Medium Large	45 57 90
2(e)	Small, Medium, Large	300

7 Height of Buildings

A residential flat building shall not exceed the number of storeys and height contained in Table 2.

TABLE 2: BUILDING HEIGHT		
Zone No.	Maximum No. of Storeys	Maximum Height in metres
2(a1)	2	6
2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(d1), 2(d2), 2(d3)	2	8
2(c4), 2(d4)	3	10
2(c5)	3	11
2(d5), 2(d6), 2(d7)	8	24

8 Setbacks

8.1 Front, Side and Rear Setbacks

The minimum setback for a residential flat building from a front rear and side boundary, shall be in accordance with the setbacks contained in Table 3.

TABLE 3: SETBACKS					
No. of Storeys	Front Setback (in metres)			Side and Rear Setback (in metres)	
	From Main or County Road		From any other road	From property boundary	From 2nd street boundary
	with vehicular access	without vehicular access			
1	12	9	8	3	4.5
2	12	9.5	9.5	4.5	5.5
3	12	11	11	6	8
4	12.5	12.5	12.5	7.5	10.5
5	14	14	14	9	13
6	15.5	15.5	15.5	10.5	15.5
7	17	17	17	12	17
8	18.5	18.5	18.5	13.5	18.5

Notwithstanding the above, residential flat buildings shall not be erected within 18m of the alignment of the proposed Ryde Castlereagh Expressway between Lane Cove Road and Alma Road, with that area not being used for any purpose other than landscaping, and residential flat buildings should maintain a setback of 30m to Epping Road.

Where the side and/or rear boundary of a property adjoins a public reserve, public pathway or the like, that side and/or rear setback, may at Council's discretion, be reduced to 3m.

8.2 Encroachments on Setbacks

Residential flat buildings should be designed so as to produce irregular elevations. In order to achieve this, Council may allow a variation to the front, side and rear setbacks prescribed in Table 3.

8.2.1 Front Setbacks

No encroachments will be permitted on the setback required to Main or County Roads specified in Table 3.

In respect of residential flat buildings on properties fronting a road other than a Main or County Road, a portion of an external wall or a balcony may, at Council's discretion, be permitted to stand closer to the front boundary specified in Table 3 provided:

- (a) the encroachment on the specified setback does not exceed
0.5m – 1 storey building,
1.5m – 2 or 3 storey building;
- (b) the portion of the external wall, excluding balconies, so set back does not exceed 50% of the total length of the front elevation;
- (c) the setback of the remainder of the external wall being such, that the unbuilt upon area between the building and the front boundary, calculated on the specified setbacks, is maintained;
- (d) the portion of the external wall and/or balconies so set back takes into consideration the location of structures on adjoining properties to ensure that the general streetscape and adequate visual privacy is maintained;
and
- (e) balconies are not enclosed to a height of greater than 1.2m.

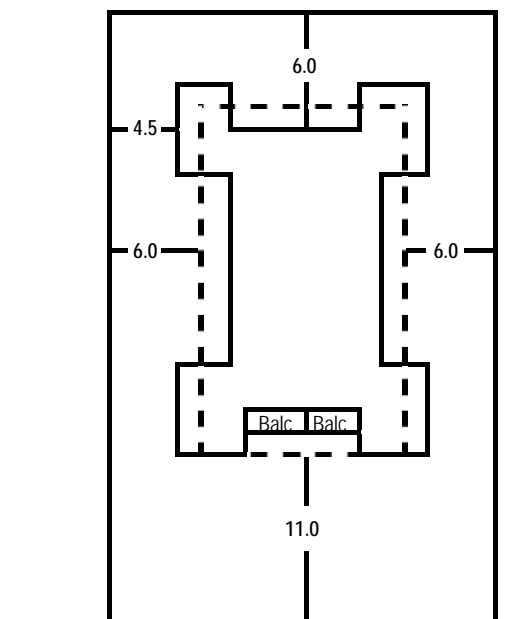
8.2.2 Side and Rear Setbacks

A portion of an external wall or a balcony may, at Council’s discretion, be permitted to stand closer to the adjacent side and/or rear boundary than that specified in Table 3 provided:

- (a) the portion of the external wall and/or balcony so set back does not encroach more than 25% on the specified setback;
- (b) a minimum setback of 3m is maintained;
- (c) the portion of the external wall, excluding balconies, so set back does not exceed 50% of the total length of the wall adjacent to the respective boundary;
- (d) the setback of the remainder of the external wall being such, that the unbuilt upon area between the building and the boundary, calculated on the specified setbacks, is maintained;
- (e) the portion of the external wall and/or balcony so set back takes into consideration the location of structures on adjoining properties to ensure adequate visual privacy is maintained; and
- (f) balconies are not enclosed to a height of greater than 1.2m.

DIAGRAM A

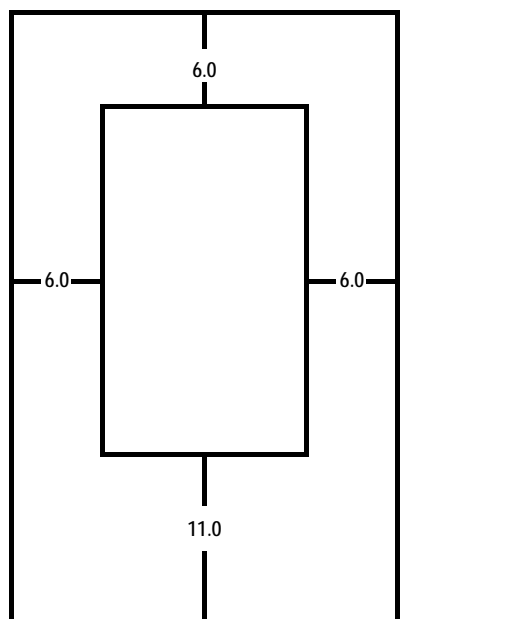
Building with encroachments



STREET

DIAGRAM B

Building controlled by the prescribed setback.



ALIGNMENT

8.3 Internal Setbacks

Windows of habitable rooms should not be located less than 10m from windows of habitable rooms of adjacent dwellings, on the site or on adjoining properties, unless overlooking is prevented by the type or location of windows, or by permanent screening between windows to the satisfaction of Council.

9 Balconies

A balcony should be provided to each dwelling with a residential flat building. Balconies may be dispensed with in residential flat buildings class A or class B or villa homes. Balconies are not to be enclosed to a height greater than 1.2m.

10 Parking

10.1 Quantity

Residential flat developments (other than units for aged persons, villa homes and developments on land to which Ryde Local Environmental Plan No. 15 applies) shall provide on-site car parking at the following rates:

- (a) For properties within 400m of Victoria Road, Epping Road or a Railway Station:
 - 1.0 car space per one bedroom dwelling;
 - 1.2 car spaces per two bedroom dwelling;
 - 1.6 car spaces per three bedroom dwelling; and
 - 1.0 car spaces per four dwellings for visitor parking.

- (b) For other properties:
 - 1.0 car space per one bedroom dwelling;
 - 1.4 car spaces per two bedroom dwelling;
 - 1.6 car spaces per three bedroom dwelling; and
 - 1.0 car spaces per four dwellings for visitor parking.

The total number of parking spaces will be taken to the highest whole number.

Parking in a tandem formation may be permitted for up to 50% of dwellings to which 2 car spaces are to be allocated.

10.2 Design of Parking Areas

All parking spaces should be sited behind the front building line. Parking spaces shall not be provided in the front elevation of the building.

All parking spaces provided on ground level shall comprise either uncovered parking spaces or carports, which are suitably screened from roads, public reserves and public places.

Parking spaces having direct access to a laneway may be permitted, at Council’s discretion, providing such spaces are located a minimum of 8m from the far side of the laneway.

All parking spaces and manoeuvring areas shall be designed so vehicles may freely enter and leave the property in a forward direction.

All parking areas shall be drained, by gravity, to Council’s stormwater drainage system.

10.3 Uncovered Parking Spaces

The depth of a parking space shall not be less than 5.5m. The width of the parking space is dependent upon the width of the manoeuvring lane and shall be in accordance with the following minimum requirements:

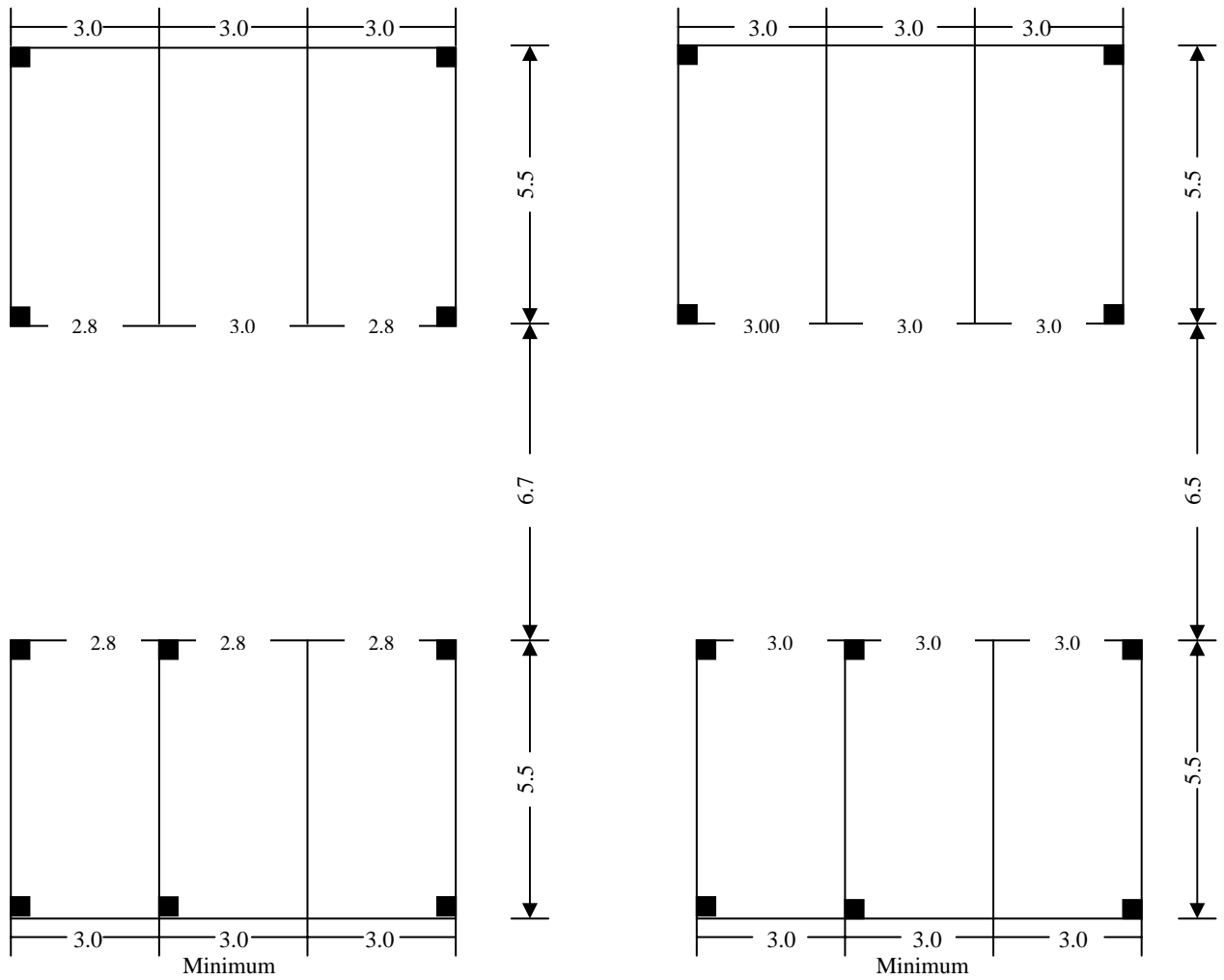
Clear Width of Space (metres)	Clear Width of Manoeuvring Lane (metres)
2.5	7.0
2.6	6.7
2.7	6.4
2.8	6.1
more than 2.8	6.0

10.4 Covered Parking Spaces

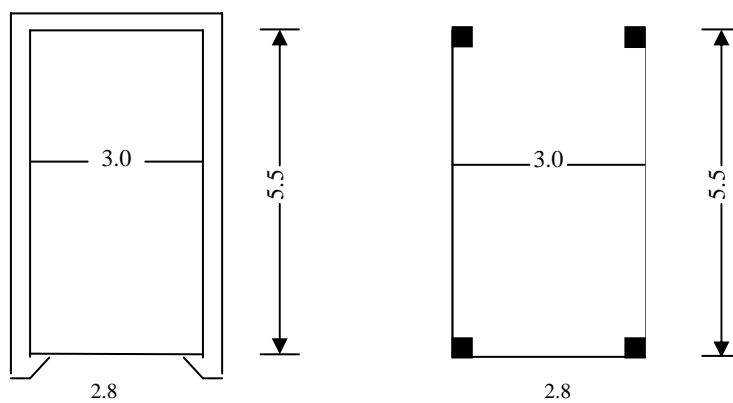
The minimum clear width of all undercover parking spaces shall be 3m with a minimum clear manoeuvring lane of 6.5m. Spaces shall have a depth of at least 5.5m and a clear height of 2.2m.

Notwithstanding the above requirements, the width between columns of a parking space may be reduced to 2.8m provided the manoeuvring land is increased to a width of at least 6.7m and the parking space has a clear width of 3m at the location where the opening of car doors would be likely to occur within the space.

DIAGRAM C – Parking Layouts



Parking Under Buildings



Garage

Carport

Where covered parking spaces, other than those under buildings, are proposed within a development those spaces should be provided in the form of carports, as opposed to garages, in order to maintain an openness of design. Such structures should be in architectural sympathy with the overall design of the development.

10.5 Parking under Buildings

All parking areas located beneath a residential flat building shall be located such that:

- (a) a clear ceiling height of 2.2m is maintained;
- (b) the ceiling height does not exceed an average of 1.5m above natural ground level along the appropriate elevation;
- (c) The ceiling height of the parking area does not exceed 2.1m above natural ground level at any point; and
- (d) where the parking area encroaches within the specified setback in Table 3, the height of the roof of the parking area does not exceed 0.75m above natural ground level at the boundary with adjoining property.

Consideration may be given to an averaging of the requirements of (b) and (d) within the specified setback area, where it can be demonstrated that such a variation would not have any adverse impact on the amenity of adjoining properties by loss of privacy, overshadowing or the visual impact of the area between buildings on the adjoining properties.

All parking areas under buildings shall be ventilated, either naturally or by mechanical means, in accordance with Council's standards.

10.6 Driveways

All driveways within the property, where not used as manoeuvring area, shall have a minimum clear width of 4 metres and a minimum pavement width of 3 metres. Greater widths may be required, at Council's discretion, depending on the number of dwellings served.

The maximum grade of any driveway shall be 1 in 6. Suitable transitional grades to Council's satisfaction shall be required at changes of grade.

All driveways are to be suitably paved. Preference should be given to natural or earth-coloured paving materials. The extent of driveways should be minimised to avoid excessive amounts of hard paved surfaces. Details regarding all hard paved areas will be required to be submitted to and approved by Council prior to the release of Building Approval.

Driveways should be designed so as to reduce the visual impact of large paved areas viewed from the street, with driveways meandering to provide pockets of landscaping to eliminate the "gun barrel" effect of driveways.

10.7 Off-street Loading Facilities

Residential flat buildings which have access to a Main or County Road shall provide a space for the temporary standing of trades and goods vehicles within the front setback area, clearly signposted to Council's satisfaction. This space can be provided as a visitor's space, provided that the space has a minimum dimension of 3.5m x 6m and a minimum manoeuvring area 7m wide.

10.8 Visitor Parking – Location

Consideration should be given to the location of visitor car parking spaces in order that any security which may be required for residents' parking can be installed without impeding access to visitors' parking.

11 Landscaping

11.1 Quantity

The minimum landscaped area within each development shall be calculated in accordance with the landscaping requirements contained in Table 4.

Areas with a clearance of less than 1.3m, such as areas under balconies, shall be excluded from landscaped area.

TABLE 4: LANDSCAPED AREA		
Zone No.	Dwelling Type	Minimum landscaped area (m²) per dwelling
2(a1)	Small, Medium, Large	280
2(b1)	Small	65
	Medium	90
	Large	135
2(b2)	Small	50
	Medium	75
	Large	110
2(c1), 2(c2), 2(c3)	Small	50
	Medium	60
	Large	90
2(c4)	Small	30
	Medium	50
	Large	70

TABLE 4: LANDSCAPED AREA		
Zone No.	Dwelling Type	Minimum landscaped area (m²) per dwelling
2(c5)	Small	30
	Medium	40
	Large	50
2(d1), 2(d2)	Small	75
	Medium	104
	Large	145
2(d3)	Small	43
	Medium	60
	Large	86
2 (d4)	Small	45
	Medium	62
	Large	88
2(d5)	Small	46
	Medium	67
	Large	93
2(d6), 2(d7)	Small	25
	Medium	30
	Large	45
2(e)	Small, Medium, Large	120

11.2 Landscaping Treatment

Landscaping should be an integral part of the overall design of the development.

The whole of the allotment external to buildings should be landscaped to Council's satisfaction in accordance with a plan to be submitted and approved prior to the release of Building Approval and completed prior to the occupation of the development or issue of a Certificate of Classification. This plan is required to be prepared by a qualified Landscape Architect and show details of all existing landscape features, including trees proposed to be removed. It is Council's policy to preserve existing trees of landscape significance, wherever possible.

The landscaping treatment should:

- (a) ensure that trees and shrubs have an informal and softening effect on the development and the overall environment, with trees and shrubs planted in sufficient numbers and scale to achieve this aim;

- (b) screen poor views;
- (c) give privacy to occupants and neighbouring properties; and
- (d) be easily maintained.

11.3 Private Landscaped Area

Each dwelling within a residential flat building class A or B or villa homes shall have at least one area of private landscaped open space attached to and accessible from the dwelling. The private open space shall have a minimum area of 30m² and provided to Council's satisfaction.

Private landscaped areas located within the front building line shall only be delineated by landscaping or low fencing consistent with other similarly situated fencing in the locality. It will be necessary for pedestrian access to be available to these areas, other than through the dwelling for the purposes of servicing and maintenance. This access should be paved and at least 1 metre wide and may be provided via a garage.

11.4 Common Landscaped Area

A portion of the landscaped area should be provided behind the front building line as communal open space. Preferably this space should be so located to provide dwellings within the development with an internal aspect.

12 Contribution for Public Service and Public Amenity

12.1 Local Open Space Facilities

All development which results in increased residential accommodation will generate an increased demand for local open space facilities by the future residents of the development.

This demand is to be satisfied through the acquisition and embellishment of certain land for open space purposes identified in Council's draft "*Open Space and Recreation Facilities Plan*". Residential flat buildings which create an increased demand for local open space will be required to make an appropriate cash contribution toward the local open space acquisition and embellishment program.

Council has adopted "*Section 94 Contributions Plan No. 1*" which indicates the manner by which open space contributions are levied.

The contribution amount applicable to residential flat buildings is based on the number of additional dwellings derived from the development and is determined by using the following formula:

Population Increase

Attributable to Development X \$3,602 - 30%

Where ***Population Increase Attributable to Development*** is based on occupancy ratios of 3.0 persons per dwelling for dwelling houses and 1.9 persons per dwelling for residential flat buildings and is determined by subtracting the estimated population prior to development from the estimated population following development.

Full information concerning the determination, administration and financial accounting of contributions is contained in “*Section 94 Contributions Plan No. 1*”.

12.2 Local Road Facilities

It will be necessary for the developer to construct kerb and gutter, paved road shoulders and footpaving where such facilities do not exist across the entire street frontage of the land adjacent to the proposed development, in order to protect the carriageway from damage by the discharge of surface water, or, alternatively, to protect any property from the flow of stormwater from a public road. This work is to be carried out in accordance with the requirements of Council’s Engineering Services Division.

12.3 Stormwater Drainage Facilities

Contributions for stormwater drainage may be required in respect of developments proposed on land north of Epping Road and west of Macquarie University.

Refer to Part 3 of Council’s “*Section 94 Contributions Plan No. 1*” regarding the details of contributions for stormwater drainage facilities in this area.

13 General Requirements

13.1 Materials

Details of all finished surface materials, including colour and texture to be used in construction are to be submitted to Council for approval prior to the release of Building Approval. Preference should be given to materials with natural textures and colouring.

13.2 Fencing

The site is to be fenced in accordance with a plan indicating the height, the type of material and construction and extent of all fencing is to be approved prior to construction.

A wall, fence or kerb shall be constructed along the front alignment of the property. Fences within the front setback shall not be of paling construction or exceed 1m in height. Boundary fences should not exceed 1.8m in height.

13.3 Clothes Drying Facilities

Adequate clothes drying facilities shall be provided for each dwelling. These facilities can be provided either in the form of mechanical dryers or external clothes lines. Where external clothes lines are provided, they shall be suitably screened from view from any street, public place or adjoining property.

Clothes line accommodation shall be provided at the rate of 7.5m of line/dwelling.

13.4 Noise

Buildings should be designed so as to minimise noise transmission between dwellings and between the development and that adjoining. Buildings are to comply with the requirements of Part F5 of the Building Code of Australia (Noise Transmission & Insulation).

Walls and ceilings should be adequately insulated, both thermally and acoustically. All water supply, sewerage and sullage drainage facilities must be insulated to the satisfaction of Council against the unreasonable transmission of sound between dwellings.

All noise producing plant such as ventilation equipment, swimming pool motors, air conditioners and the like are to be acoustically treated to the satisfaction of the Director of Environmental Health and Property Services in order to ensure that no noise nuisance is likely to arise.

13.5 Services

- (a) All water services are to be in copper or another non-corrosive material.
- (b) All drainage pipes, except downpipes, are to be concealed in ducts.
- (c) All power and telephone lines shall be underground from the street alignment. All developments should have sufficient electricity capacity to accommodate the likely future needs of the occupants of that development.
- (d) All dwellings are to be connected by gravity flow to the Water Board sewer to the satisfaction of the Council and the Board before occupation. It will be necessary for the applicant to submit written evidence from the Water Board, prior to the release of Building Approval, that satisfactory arrangements have been made for the provision of water and sewerage facilities for the properties being developed north of Epping Road. In the case of properties zoned 2(d1) to 2(d7) inclusive, it will be necessary for such evidence to be submitted prior to the issue of Development Consent.
- (e) Only one external television antenna shall be provided for each residential flat building with multiple point connections for each dwelling.

- (f) An outdoor lighting system for the illumination of all common vehicular and pedestrian accessways is to be provided to the satisfaction of Council for all developments.

13.6 Consolidation of Allotments

Where more than one allotment is involved in the development, consolidation of such allotments into one allotment shall be completed prior to the occupation of the building or issue of a Certificate of Classification.

13.7 Strata Subdivision

If Strata subdivision is to occur, each Strata Lot is to comprise a dwelling and at least 1 car space. Car spaces are not to be given separate Strata Lot numbers. All visitors' spaces are to be included in common property.

All private landscaped area attached to a dwelling shall be identified on the Strata Plan as forming part of the lot of the appropriate dwelling unit.

All common landscaped areas, drying areas, driveways, visitors' car parking spaces and the like, shall be included on the Strata Plan as common property.

13.8 Appurtenant Buildings

The site coverage of appurtenant buildings shall comply with the requirements of the Local Government (Approvals) Regulation 1993. The design of appurtenant buildings should be in keeping with the architectural treatment of the overall development with the location and design of such structures ensuring no adverse impact on the amenity of adjoining properties by overshadowing or loss of visual amenity.

14 Engineering Requirements

14.1 Service Alterations

All mains, services, poles, etc. of public utility which require alteration shall be altered at the applicant's cost. The restoration of disturbed road or footway areas shall be at the applicant's expense.

14.2 Splay Corners

At the junction of 2 public roads, a splay corner 5m x 5m shall be dedicated to the public for road purposes, the legal and survey costs being borne by the Council.

14.3 Excavated Material

All material excavated from land or roads owned by, or vested in Council or lands in which Council has an interest, shall be removed, hauled and dumped as directed by Council's Director of Engineering Services within a radius of 5km.

14.4 Vehicle Crossings

A separate application shall be lodged for prior approval to all proposed entrances and crossings, the locations, design and construction of which shall conform to the requirements of Council, and, where applicable, to the Roads and Traffic Authority and the Police Department. Kerbs are not to be returned to the alignment line. Crossings shall be constructed in reinforced concrete, in accordance with the specifications and requirements of Council's Director of Engineering Services. Bridge and pipe crossings are not permitted.

14.5 Restoration Works

All necessary restoration work is to satisfactorily join with adjacent properties and shall conform to the new development construction. The extent of the works shall be determined by Council's Director of Engineering Services.

14.6 Earthworks and Retaining Walls

Where the height of cut or fill is greater than 600mm above or below the adjoining property, an approved retaining structure is to be constructed.

14.7 Setbacks for Walls or Batters

Where retaining walls or batters over 600mm in height are to be erected along the boundaries of the property and would injure the amenity of the adjoining property, they shall be setback from the boundary a distance of at least equal to the height of the wall or batter. All cases will be treated on their merits.

14.8 Works Adjacent to Public Roads

Where the ground level of the development is higher or lower than the ultimate footpath level at the property alignment line, adequate precautions are to be taken (either by means of approved retaining structures or approved batters constructed entirely on the subject property) to support the soil of the subject land or public road.

14.9 Loading Bays/Docks

Loading docks shall be located in such positions that loading or unloading vehicles do not stand on any public road, footway, laneway or service road and that vehicles entering and departing from the dock area move ‘front first’ at all times.

14.10 Car Parking Areas

Car parking areas shall be constructed in accordance with Council’s publication “Engineering Requirements for Development Projects”.

14.11 Vehicular Access Roads and Areas

Access ways through car parking areas for purposes other than parking shall be constructed in accordance with Council’s publication “Engineering Requirements for Development Projects” and where separate ingress and egress are required, they shall be separated by a distance of not less than 9m where possible.

14.12 Construction in the vicinity of Drainage Easements or Piped Drains

Buildings and structures are to be kept clear of natural watercourses, piped drains or drainage easements in which Council has an interest. Special conditions regarding foundations etc. will be imposed by the Director of Engineering Services where such structures are to be erected near to piped drains and watercourses.

14.13 Stormwater Drainage originating within the site of the Development

Roof and stormwater drainage shall be trapped within the property and piped to the nearest adequate Council underground drainage system or discharged in accordance with the requirements set out in Council’s publication “Engineering Requirements for Development Works” and shall be constructed to the satisfaction of the Council’s Director of Engineering Services and shall be dealt with at the time of the Building Application. No stormwater or seepage waters shall flow onto or across public roads or adjacent private property. Where seepage is in evidence, adequate subsoil cut-off drains shall be provided and the discharge piped to Council’s drainage system. Where stormwater is likely to flow across a public road due to the construction of a driveway, or for any other reason, a suitable grating for the full width of the opening shall be provided.

14.14 Gravity Disposal of Roof and Surface Water

Where gravity flow of roof and surface water originating on the site is not possible to the street frontage of the property, written evidence shall be produced that an easement for drainage has been created for the gravity flow of roof and surface water originating on the site to the requirements and satisfaction of the Director of Engineering Services. Such evidence is to be produced to Council prior to the release of the Building Application.

14.15 Kerb and Gutter Works

The applicant shall, at his own expense, construct kerb and gutter and paved road shoulders where same does not exist across the entire frontage of the land adjacent to the proposed development, in order to protect the carriageway from damage by the discharge of surface water or, alternatively, to protect any property from the flow of stormwater from a public road; this work shall be carried out according to the requirements of the Director of Engineering Services.

14.16 Footpath Paving and Construction

The applicant shall, at his own expense, construct concrete footpath paving across the entire frontage of the development. All work shall be carried out to the requirements and satisfaction of the Director of Engineering Services.

14.17 Footway Works

The applicant shall at his own expense excavate or fill the footway in the public road adjacent to the proposed development so that the level of the footway at the property line will be 100mm above the level of the centre line of the road or top of kerb as applicable and the costs of adjusting any services that may be affected shall be borne by the applicant. All work shall be carried out in accordance with the requirements and specifications of the Director of Engineering Services.

14.18 Advice to the Applicant concerning condition of Existing Roads, Gutters, Footways, etc

Where road shoulders, kerbing and guttering or footpath paving is not constructed, it will be necessary for the developer, at his own expense, to provide the road shoulder, kerbing and guttering and footpath paving, as the case may be, adjacent to the property.

14.19 General

Special engineering conditions may be imposed, where applicable, on any development. For example, Council may require the dedication of a strip of land for road widening purposes, construction of half width road pavement or an all weather access road, piping of a watercourse and subsequent dedication of a drainage easement over it, or submission of plans to the Roads and Traffic Authority or Police Department for approval of access driveways.

15 Health Requirements

15.1 Garbage Storage Areas

- 1 The storage area is to consist of a brick or other approved masonry structure with a concrete floor and is to be sufficient to screen garbage carts therein from view.
- 2 The minimum width of storage space per cart is 700mm. The minimum depth of storage space per cart is 750mm. The minimum internal height of storage space where a roof is provided is 1200mm.
- 3 A roof is not required on the storage area if the area is adequately screened by other means. A roof will generally be required where developments exceed 1 storey in height and where occupants can look down on the storage area.
- 4 Whilst Council's general policy in respect of structures within the building line remains restricted to 1066mm in height, in the case of garbage storage areas only this restriction is varied to 1300mm. Anyone wishing to provide a storage area in excess of this height should make special application to Council for consideration on the merits of the individual case.
- 5 Where storage is provided for 2 banks of carts facing each other, a minimum distance of 1 metre is required between the rows. Similarly, if one row of carts requires a screen wall in front of it, such wall must be at least 1 metre away from the area occupied by the carts. Access to the storage area should be from the side or rear so that the area is screened from the street.
- 6 The floors of storage areas and minimum 1 metre wide access paths to the front boundary of the property must be in concrete or other approved material, suitably graded and drained.
- 7 There must be no steps up or down, either in the storage area or in the approaches thereto, and the floors of storage areas and the access paths must be on the same level as the adjoining footpath/nature strip.
- 8 No part of the storage area is to be more than 15 metres from the kerb in front of the property.

- 9 Storage space should be provided at the rate of 1 space for every 2 flats or home units, and 1 space for each town house or villa home, unless other arrangements are specifically called for in Development or Building Consents.
- 10 The location and landscape treatment of the garbage storage area is to be incorporated into the landscape plan which has to be submitted and approved prior to release of the building consent.
- 11 Discussions on the design and location of garbage storage areas should be held with Council staff before design commences.

15.2 Incinerators

The installation of incinerators is prohibited. This applies to both incinerators incorporated in the building for the destruction of garbage and those installed in yard areas to dispose of papers, garden rubbish, etc.

15.3 Garbage Shutes

The installation of garbage shutes within buildings is prohibited.

16 Building Requirements

The following Building Regulations apply to the erection of residential flat buildings:

- 16.1 The working drawings and specifications are to be prepared in accordance with the provisions of the Local Government Act and Regulations, the Building Code of Australia, and the relevant Standard Specifications and Codes. It should be noted, however, that the Building Code or regulations applicable at the time of submission of the building application are the ones to be complied with.
- 16.2 The building shall be of the fire-resisting construction required by the Building Code of Australia, Section C.
- 16.3 The ceiling of the topmost or only storey shall have a resistance to the incipient spread of fire to the space between the ceiling and the roof covering of not less than 1 hour as determined by the standard fire test (Building Code of Australia Specification C1.1 Part 3.5, 4.1 and 5.1). Upon completion of this work, the builder or sub-contractor is to submit a certificate to Council stating the ceiling system installed and to the effect that all work has been carried out in accordance with the manufacturer's specifications.

- 16.4 All stairways to be constructed strictly in accordance with the Building Code of Australia Part D2.1, 2.2 and 2.3 and where such stairways are designed with roof lights or dormer windows, brickwork forming the stairwell is to be constructed up to the underside of the roof timbers and these timbers to be provided with a ceiling of 1 hour fire rated material.
- 16.5 Structural Engineer’s details, prepared and certified by a practising Structural Engineer, for all reinforced concrete and structural work, to be submitted to Council before work commences. (Building Code of Australia, Part B1). Certification of the work as erected to be submitted to Council before occupation and/or final inspection.
- 16.6 All windows shall be so constructed that the exterior face can be cleaned entirely from the interior of the building as required by the NSW Building Code of Australia Appendix NSW G1.101. Where the concessions set out in NSW G1.101(b)(ii) are to be applied, complete details are to be submitted to Council with the building application.
- 16.7 Glazing to be installed in the building as required by AS 1288-1989.
- 16.8 Walling of masonry constructed from burnt clay and shale bricks; sand lime (calcium silicate) bricks and concrete bricks shall be designed and erected in accordance with Australian Standard 3700 – 1988 “SAA Masonry Code”. The applicant must advise Council at the time of submission of the building application of the compressive strength, transverse strength and average transverse strength of the bricks allowed for in the design calculations. All walling of masonry must comply with the provisions of the Building Code of Australia Specification A2.3. Where the building contains more than three storeys and/or the brickwork is structural brickwork, certificates relative to the compressive and transverse strength of the bricks used in the building shall be submitted to Council, together with a certificate from a practising Structural Engineer to the effect that the brickwork as erected complies with the provisions of AS 3700- 1988 “SAA Masonry Code” before final inspection or occupation of the building.
- 16.9 Vertical control joints to be provided in accordance with the requirements of AS 3700-1988 “SAA Masonry Code”.
- 16.10 Unreinforced concrete block masonry to comply with the provisions of AS 3700-1988 “SAA Masonry Code”.
- 16.11 Balustrades to be securely tied or bonded into the walls of the building.
- 16.12 No sanitary drainage or water supply lines shall be affixed in exposed positions on the external walls of any multi-storey building, other than the necessary vertical soil pipe or pipes on rear or side elevation, together with venting as required by

the Water Board regulations and any such exposed pipes shall be of natural copper or suitably treated to blend with the external walls of such buildings. Roof water drainage will be permitted on wall surfaces.

- 16.13 Facilities and room sizes in residential buildings to comply with the Building Code of Australia Part F2 and F3.
- 16.14 Wherever in these conditions, plans and/or details are required, such plans and/or details must be submitted in duplicate; to facilitate the dealing with the building application, Council requires the submission of 4 copies of the initial architectural plans.
- 16.15 Where in any room in a building natural lighting by means of windows is not provided to a standard equivalent to that required by Building Code of Australia Part F4.1 to F4.4 for rooms mentioned therein, a system of artificial lighting shall be provided to all rooms intended to be occupied by any person for any purpose and all corridors, lobbies, internal stairways and other spaces intended for internal movement or egress. Ventilation shall be provided in accordance with the provisions of the Building Code of Australia Part F4.5 to F4.7. Where a system of mechanical ventilation is required, full details of any proposed system must be submitted to Council for consideration and approval under Building Code of Australia Part F4.5(b)(ii).
- 16.16 Solid construction up to a height of 1000mm above floor level shall be provided to the internal face of the external wall at all stair landings.
- 16.17 It is suggested that walls or part walls (sub-floor area to ground floor level) which would otherwise be blank should be constructed with architectural features in the form of windows, contrasting brickwork, grill blocks (vermin-proofed), exposed aggregate, ashlar, sandstone or suitable wall facing material. The extent of such architectural feature to be not less than 10 per centum of the area of the wall in which they occur.
- 16.18 Suitable and adequate storage space to be provided in each flat for the use of the occupants.
- 16.19 Details of all hoardings with any necessary application form to be submitted to Council for approval and the hoardings are to be erected prior to demolition work being commenced and to be maintained in good order and condition throughout the period of time required for construction work. A temporary gutter and footpath crossing is to be provided in accordance with the detail prepared by the Engineering Services Division. The temporary crossing is to be provided before any demolition site works or construction is commenced and maintained in good order and condition until construction work has been completed.

- 16.20 The requirements for fire fighting services and appliances for buildings are set out in Section E of the Building Code of Australia and must be complied with with respect to the installation of hose reels, hydrants, an approved automatic sprinkler system, an automatic fire alarm system and gas or foam type fire extinguishing systems. Note that Ministerial Specification No. 10 must be complied with.
- 16.21 Certificates under the provisions of Section 172 of the Local Government Act, 1993 will only be issued with respect to the building, or portion of the building, for which the application is made and the prescribed fees have been paid provided nothing in Section 172 prevents the issue of such certificate.
- 16.22 The building, or any portion of the building, shall not be used or occupied until a Certificate of Classification has been issued in accordance with Clause 45 of the Local Government (Approvals) Regulation 1993.
- 16.23 A Certificate of Classification in accordance with Clause 46 of the Local Government (Approvals) Regulation 1993 is to be applied for and the appropriate fee paid (where applicable) upon completion of the building. Where it is proposed to allow the occupation of an incomplete building, application must be made to Council for permission to occupy the building and also to apply for a Certificate of Classification and the appropriate fee paid. Clause 48 provides that where a Certificate of Classification has been issued for part of an incomplete building and if Council approves the occupation of a further part of the building, it shall revoke that certificate and issue a further Certificate of Classification in accordance with Clause 48 covering all parts of the building for which the approval to occupy has been given by Council; again the appropriate fee is to be paid (where applicable). A building shall not be used for a purpose not specified in the Certificate of Classification or for which it is required that a Certificate of Classification be issued, unless the building complies with the requirements of the Act, Ordinances and Codes applicable to the new purpose and proposed use of the building.
- 16.24 The submission to Council of a Survey Plan certified by a registered surveyor indicating the proposed reduced level of the ground/first floor prior to installing floor timbers/forming up for concrete.
- 16.25 The hanging of washing on balconies is expressly forbidden and the owners of the buildings are to include in all tenancy agreements clauses to prevent this occurring.
- 16.26 The building shall be constructed to comply with the Building Code of Australia Part F5 (Noise Transmission & Insulation).
- 16.27 In a class 2 building a required window that faces a boundary of an adjoining allotment or a wall of the same building or another building on the allotment must comply with the Building Code of Australia Part F4.2(c).

- 16.28 Details of the method of stormwater drainage to be submitted to Council for approval with the building application (Building Code of Australia Part F1).
- 16.29 Written evidence to be obtained from the Water Board to the effect that sewerage facilities will actually be available to the site, and this document must be on Council's files before any building approval will be issued.
- 16.30 Building materials, spoil and equipment are not to be stored, placed or deposited on any public road or footpath.
- 16.31 All retaining walls are to be designed and certified by a practising Structural Engineer and where such retaining walls are adjacent to other properties, adequate provision is to be made for drainage to prevent flooding or other injurious effect to such other properties.
- 16.32 The submission of a Certificate of Survey setting out the boundaries of the site and the actual situation of the building on the site. Such certificate shall be furnished at the earliest stage (which stage shall be specified by the Council when giving its approval in the particular case) at which the actual location of the building on the site may be established.
- 16.33 The area surrounding the building work being reinstated to Council's satisfaction upon completion of that work.
- 16.34 The requirements for fire fighting services and appliances for buildings are set out in Section E of the Building Code of Australia and must be complied with with respect to the installation of hose reels, hydrants, an approved automatic sprinkler system, an automatic fire alarm system and gas or foam type fire extinguishing systems. Note that Ministerial Specification No. 10 must be complied with.
- 16.35 Emergency power source to be installed in accordance with AS 2293.1-1987.
- 16.36 Adequate protection to be provided to adjoining properties and particular attention shall be given to Clause 32, 33 and 34 of the Local Government (Approvals) Regulation 1993.
- 16.37 The requirements of the NSW Fire Brigades to be complied with in relation to the design and provision of any fire fighting appliances considered by them to be necessary.
- 16.38 The provisions outlined within the Building Code of Australia Part C1.10 are to be noted and observed.
- 16.39 Emergency lighting to be provided throughout those portions of the premises specified in the Building Code of Australia Part E4.2.

- 16.40 The building, or any portion of the building, shall not be used or occupied until a Certificate of Classification has been issued in accordance with Clause 45 Local Government (Approvals) Regulation 1993.
- 16.41 The report of the NSW Fire Brigades required by Clause 30 of the Local Government (Approvals) Regulation 1993 shall be obtained by Council before the issue of a Certificate of Classification where applicable.
- 16.42 The provision for escape, the construction of exits to be strictly in accordance with the provisions of the Building Code of Australia Section D.
- 16.43 All rooms (including bathrooms, laundries and water closets) shall have windows in an external wall wherever possible. Such windows shall comply with the Building Code of Australia Part F4.
- 16.44 Adequate provision to be made for the disposal of garbage in accordance with Clause 64 of the Local Government (Approvals) Regulation 1993 and details of these provisions to be submitted to Council for approval before construction commences.
- 16.45 Closets for employees to be provided to the standard prescribed by the Building Code of Australia Table F2.1 class 2.
- 16.46 The provisions of Clause 27 of the Local Government (Approvals) Regulation 1993 (Certification of Essential Services) are to be complied with.

17 Information to Accompany a Development Application

A plan showing the location of the proposed development and its relation to neighbouring developments must accompany each Development Application. This plan should show the approximate size and location of neighbouring buildings on all sides of the development and the approximate location of any windows in facing side walls.

Four copies of plans and elevations to a scale of 1:100 (or a suitable scale) are required to be submitted. These are to show:

- 1 sufficient dimensions to accurately calculate the area of the site to be covered by the building(s), internal room sizes and the floor area of each dwelling (and courtyard sizes, where applicable);
- 2 the off-street car parking arrangements proposed showing the location of individual car parking spaces and access driveways, including the manoeuvring space throughout, suitably dimensioned;

- 3 the proposed grades of driveways;
- 4 a survey plan to a scale of 1:100 certified by a Registered Surveyor of the property showing:
 - (a) the area and dimensions of the land;
 - (b) the contours of the land at 0.5 metre intervals;
 - (c) all existing trees and shrubs having a height in excess of 3 metres or a girth greater than 0.5 metres with the estimated height shown (each tree or shrub is to be indicated by a letter or number for reference purposes);
 - (d) details of existing natural ground levels and proposed finished levels of the site and buildings including accurate existing and proposed spot levels at all corners of property boundaries; and
 - (e) details of ground floor levels of all adjoining residential buildings.

In cases where the owner(s) of the land to which the application relates is not the applicant, the authority of the owner(s) is to be submitted.

A separate Building Application will be required to be submitted after the issue of Development Approval.

Code adopted Council Minute No. 134, dated 14 July 1987
This copy updated January 1995.
Issued June 2000