

## ***Division 10 - Dual Occupancy***

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### **6.10.1 Introduction**

- (1) This division contains the provisions for the Dual Occupancy Code, that incorporates -
  - (a) Compliance with the Dual Occupancy Code (section 6.10.2);
  - (b) Overall Outcomes of the Dual Occupancy Code (section 6.10.3);
  - (c) Specific Outcomes and Probable Solutions applicable to Assessable Development (section 6.10.4).

### **6.10.2 Compliance with the Dual Occupancy Code**

- (1) Development that is consistent with the specific outcomes of section 6.10.4 complies with the Dual Occupancy Code.

#### **Note -**

Planning Scheme Policy 8 - Housing will assist in achieving the specific outcomes within the Dual Occupancy Code.

### **6.10.3 Overall Outcomes of the Dual Occupancy Code**

- (1) The overall outcomes are the purpose of the Dual Occupancy Code.
- (2) The overall outcome sought for the Dual Occupancy Code is the following -
  - (a) to ensure the use -
    - (i) provides a greater range of housing types to the community;
    - (ii) is designed and sited to provide for a high quality living environment;
    - (iii) maintains a high standard of residential amenity;
    - (iv) complements the character of the surrounding area.

### 6.10.4 Specific Outcomes and Probable Solutions applicable to Assessable Development

Assessable Development			
Specific Outcomes		Probable Solutions	
<b>Dual Occupancy</b>	<p><b>S1.</b></p> <p><u>Location -</u></p> <p>(1) The use is located -</p> <ul style="list-style-type: none"> <li>(a) in an area with convenient access to a centre, community services and facilities;</li> <li>(b) within close proximity to public transport.</li> </ul>	<p><b>P1.</b></p>	<p>(1) No probable solution identified.</p> <p><b>Note -</b></p> <p>Refer to the relevant zone code to establish if the use is consistent with that zone.</p>
	<p><b>S2.</b></p> <p><u>Site Size and Density -</u></p> <p>(1) The use is on a lot that is consistent with the amenity of the locality and is sufficient in size to provide for the needs of the housing type proposed.</p>	<p><b>P2.</b></p>	<p>(1) The use complies with -</p> <ul style="list-style-type: none"> <li>(a) the lot size and frontage criteria for the use as detailed in Part 9 - Schedule 5 - Lot Sizes, Table 1 - Use Lot Size;</li> <li>(b) the density as detailed in the relevant zone code.</li> </ul>
	<p><b>S3.</b></p> <p><u>Site Layout and Building Design -</u></p> <p>(1) Layout and design enhances built form of the surrounding streetscape by -</p> <ul style="list-style-type: none"> <li>(a) contributing to the establishment of an attractive streetscape in new areas;</li> <li>(b) ensuring the use addresses the street frontage;</li> <li>(c) reducing building bulk by a combination of verandahs, recesses and variations in building form and materials;</li> <li>(d) ensuring building height and site coverage is consistent with the predominant height and scale of surrounding properties;</li> <li>(e) ensuring setbacks complement the existing streetscape and maximise private open space areas, solar access and provide for service areas.</li> </ul>	<p><b>P3.</b></p>	<p>(1) The use complies with the following requirements -</p> <ul style="list-style-type: none"> <li>(a) complies with the building height, site coverage and setbacks - detailed in Table 1 - Building Siting and Design Requirements;</li> <li>(b) addresses the street by presenting the front door and/or habitable room windows to the street;</li> <li>(c) for corner lot dual occupancies - each have a different street frontage;</li> <li>(d) for detached dual occupancy where there is an existing dwelling unit or for a new detached dual occupancy -                             <ul style="list-style-type: none"> <li>(i) the dwelling units are positioned so that an entry statement is viewed from the street;</li> <li>(ii) the dwelling units have consistent building materials;</li> <li>(iii) the minimum separation distance between dwelling units is 5 metres;</li> </ul> </li> </ul> <p><b>Note -</b></p> <p>The separation distance between the detached dwelling units does not contain garages, carports sheds or similar structures.</p>

Assessable Development	
Specific Outcomes	Probable Solutions
	<ul style="list-style-type: none"> <li>(e) for dual occupancy attached to an existing dwelling unit -                             <ul style="list-style-type: none"> <li>(i) the design maintains the appearance of a single dwelling house to the street;</li> <li>(ii) a communal driveway is provided;</li> <li>(iii) additional enclosed car accommodation is setback from the front building façade;</li> </ul> </li> <li>(f) for new attached dual occupancy -                             <ul style="list-style-type: none"> <li>(i) the use does not incorporate a mirror image design;</li> <li>(ii) the design maintains the appearance of a single dwelling house to the streetscape.</li> </ul> </li> <li>(g) solar access to habitable rooms and private open space of adjoining dwelling units -                             <ul style="list-style-type: none"> <li>(i) is not reduced to less than 3 hours between 9am and 3pm on June 21; or</li> <li>(ii) where existing overshadowing by building and fences is greater than this, sunlight is not further reduced by 20 percent.</li> </ul> </li> </ul> <div style="background-color: #cccccc; padding: 5px; margin-top: 10px;"> <p><b>Note -</b></p> <p>For the purposes of this code, the term 'attached' does not mean by a covered breezeway or like structure. To assist in achieving the specific outcome, refer to Planning Scheme Policy 8 - Housing, specifically the section dealing with Site Development Plan, Site Analysis Plan and Streetscape Analysis.</p> </div>
<p><b>S4.</b></p> <p><u>Visual Privacy -</u></p> <p>(1) Privacy between dwelling units on the site and adjoining sites is achieved by effective building design and the location of windows and outdoor open space areas to prevent overlooking into habitable rooms or private open space areas.</p> <div style="background-color: #cccccc; padding: 5px; margin-top: 10px;"> <p><b>Note -</b></p> <p>The effective location of windows and balconies to avoid overlooking is</p> </div>	<p><b>P4.</b></p> <p>(1) The use complies with the following -</p> <ul style="list-style-type: none"> <li>(a) where habitable room windows are directly adjacent to habitable rooms of the neighbouring dwelling unit and are within a distance of 6 metres and within an angle of 45 degrees, privacy is protected by -                             <ul style="list-style-type: none"> <li>(i) sill heights being a minimum of 1.5 metres above floor level; or</li> </ul> </li> </ul>

Assessable Development			
Specific Outcomes		Probable Solutions	
	<p>preferred to the use of screening devices. Where these are used, they should be integrated with the building design and have minimal negative affect on the resident's or adjoining neighbour's amenity - refer to Diagram 1 and 2.</p>		<ul style="list-style-type: none"> <li>(ii) providing fixed translucent, such as frosted or textured glazing, for any part of the window below 1.5 metres above floor level; or</li> <li>(iii) providing fixed external screens;</li> </ul> <p>(b) where incorporating screening devices, they are -</p> <ul style="list-style-type: none"> <li>(i) solid translucent screens; or</li> <li>(ii) perforated panels or trellises that have a maximum of 25 percent openings, with a maximum opening dimension of 50mm and that are permanently fixed and durable;</li> <li>(iii) offset a minimum of 300mm from the face of the building;</li> </ul> <p>(c) outlook from windows, balconies, stairs, landings, terraces and decks and other private areas, is obscured or screened where a direct view is available into the private open space of another dwelling unit by -</p> <ul style="list-style-type: none"> <li>(i) providing screening devices as detailed above in P4.(1)(a) and (b); or</li> <li>(ii) existing or new planted landscaping that will achieve a minimum of 2 metres or greater in height at maturity.</li> </ul>
S5.	<p><u>Acoustic Amenity -</u></p> <p>Siting and design achieves a high level of amenity for occupants by minimising impacts from noise generating areas, such as streets, driveways, car parking areas and private open space areas.</p>	P5.	<p>No probable solution identified.</p> <p><b>Note -</b></p> <p>Shared walls between dwelling units are constructed in accordance with the noise transmission and insulation requirements of the <i>Building Code of Australia (1996)</i>.</p>
S6.	<p><u>Landscaping -</u></p> <p>(1) Landscape design contribute to a pleasant, safe and attractive living environment by -</p> <ul style="list-style-type: none"> <li>(a) retaining existing mature trees;</li> <li>(b) using species that are native to the area;</li> </ul>	P6.	<p>(1) The use incorporates the following landscaping -</p> <ul style="list-style-type: none"> <li>(a) 2 metre planted area along the length of any public road frontage;</li> <li>(b) 15 percent of the site is planted/grassed landscaping,</li> </ul>

Assessable Development			
Specific Outcomes		Probable Solutions	
	<ul style="list-style-type: none"> <li>(c) ensuring privacy, surveillance and amenity;</li> <li>(d) enhancing to climatic conditions;</li> <li>(e) not blocking or interrupting overland flowpaths.</li> </ul>		<p>rather than hardstand, in addition to the open space area;</p> <ul style="list-style-type: none"> <li>(c) fences forward of the building frontage are not more than -                             <ul style="list-style-type: none"> <li>(i) 1.2 metres in height above ground level where of solid construction; or</li> <li>(ii) 1.8 metres in height above ground level where the fence is at least 30 percent transparent - refer to Diagram 3;</li> </ul> </li> <li>(d) front fences that exceed 10 metres in length are articulated or detailed to provide visual interest;</li> <li>(e) where the side or rear boundaries adjoin open space / parkland, fences are a maximum of 1.2 metres in height;</li> <li>(f) where the front fence is lower than the side boundary fence, it is tapered to the maximum height of the side boundary fence at or behind the front building line;</li> <li>(g) internal fences do not exceed 1.2 metres in height.</li> </ul>
<p><b>S7.</b></p>	<p><u>Open Space Design -</u></p> <ul style="list-style-type: none"> <li>(1) Open space -                             <ul style="list-style-type: none"> <li>(a) includes a clearly designated private open space area that provides privacy for residents;</li> <li>(b) is a useable size and dimension;</li> <li>(c) is a suitable slope;</li> <li>(d) is directly accessible from the main living area;</li> <li>(e) is capable of receiving sufficient sunlight;</li> <li>(f) is located behind the building frontage, and where above ground protect the privacy of adjoining and nearby properties - refer to Diagram 4.</li> </ul> </li> </ul>	<p><b>P7.</b></p>	<ul style="list-style-type: none"> <li>(1) Open space consists of -                             <ul style="list-style-type: none"> <li>(a) 20 percent of the site at ground level;</li> </ul> </li> </ul> <div style="background-color: #cccccc; padding: 5px; margin: 5px 0;"> <p><b>Note -</b> This area may contain private open space areas that are at ground level.</p> </div> <ul style="list-style-type: none"> <li>(b) each dwelling unit is provided with a designated private open space area that -                             <ul style="list-style-type: none"> <li>(i) at ground level - is a minimum of 25m<sup>2</sup> with a minimum dimension of 4 metres;</li> <li>(ii) where additional private open space is provided above ground, it is a minimum of 10m<sup>2</sup> with a minimum dimension of 2.5 metres;</li> <li>(iii) is directly accessible from the main living area;</li> <li>(iv) receives at least 3 hours of sunlight between 9am and 3pm on June 21 over 100</li> </ul> </li> </ul>

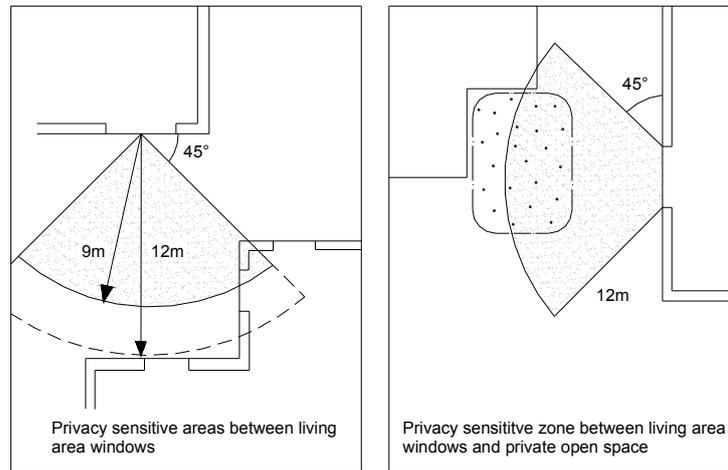
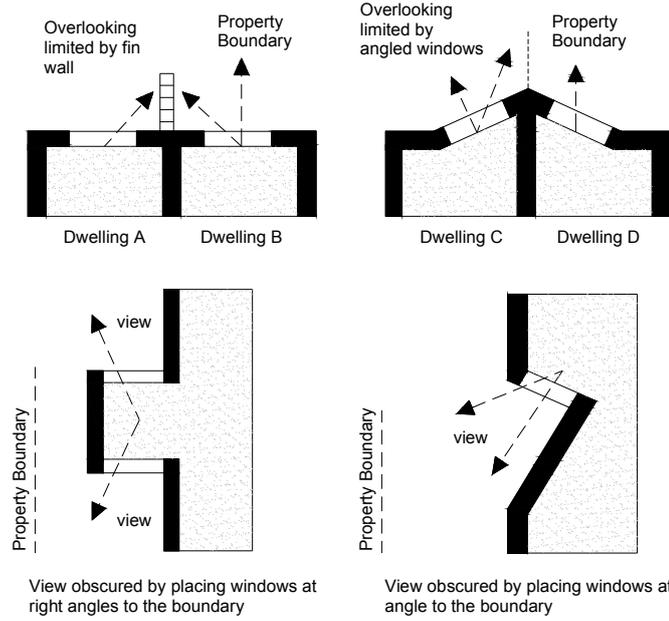
Assessable Development			
Specific Outcomes		Probable Solutions	
			<p>percent of the area;</p> <ul style="list-style-type: none"> <li>(v) is orientated within 20 degrees of north;</li> <li>(vi) the finished level of the private open space area is not steeper than 1 in 14.</li> </ul> <p><b>Note -</b></p> <p>In circumstances where the land gradient is unsuitable to provide the required private open space at ground level, above ground level decks and balconies may constitute a higher proportion of the total required private open space area.</p>
<b>S8.</b>	<p><u>Access and Parking -</u></p> <ul style="list-style-type: none"> <li>(1) Vehicle parking and access -                             <ul style="list-style-type: none"> <li>(a) is safe and convenient for residents and visitors;</li> <li>(b) has an appropriate number of car parking spaces to cater for residents and visitors;</li> <li>(c) does not dominate the streetscape or building form when viewed from the street;</li> <li>(d) is compatible with the overall building design in terms of height, roof form, detail, materials and colour;</li> <li>(e) incorporates landscaping to minimise the expanse of hard surfaces;</li> <li>(f) are clearly distinguished from pedestrian entries and paths through design, finish or location;</li> <li>(g) are surfaced with materials that provide stormwater infiltration or designed to drain to adjacent landscaped areas, other than turning areas;</li> <li>(h) have clearly defined manoeuvring areas.</li> </ul> </li> </ul>	<b>P8.</b>	<ul style="list-style-type: none"> <li>(1) The use complies with -                             <ul style="list-style-type: none"> <li>(a) the car parking space criteria detailed in Part 9 - Schedule 1 - Access and Parking - Table 1 - Minimum On-Site Vehicle Parking Requirements;</li> <li>(b) garages are located behind the front building façade;</li> <li>(c) in the case of a two storey building, the garage is recessed beneath the upper storey by at least 1.2 metres;</li> <li>(d) the garage opening does not exceed 6 metres in width or 50 percent of the frontage width, whichever is less;</li> <li>(e) the maximum straight alignment of a driveway is 12 metres;</li> <li>(f) driveway materials are non-slip and include brick, clay or concrete pavers, exposed aggregate, stamped pigmented concrete, bitumen or permeable materials;</li> <li>(g) the maximum slope of a driveway does not exceed 1 in 6;</li> <li>(h) the building setback accommodates a tandem car park space per dwelling unit on the driveway within the property boundary.</li> </ul> </li> </ul>
<b>S9.</b>	<p><u>Safety and Security -</u></p> <ul style="list-style-type: none"> <li>(1) Site layout, building design and lighting -                             <ul style="list-style-type: none"> <li>(a) maximises safety and security of residents;</li> <li>(b) provides for casual</li> </ul> </li> </ul>	<b>P9.</b>	<ul style="list-style-type: none"> <li>(1) Maximise safety and security by -                             <ul style="list-style-type: none"> <li>(a) including lighting to dwelling unit entries, car parking areas and pedestrian accessways that complies with the</li> </ul> </li> </ul>

Assessable Development			
Specific Outcomes		Probable Solutions	
	surveillance of the street.		<p>provisions of <i>Australian Standard 4282: 1997 - Control of the obtrusive effects of outdoor lighting</i>;</p> <p>(b) allowing visitors who approach the front door to be seen without the need to open the door.</p> <p><b>Note -</b></p> <p>To assist in achieving S9. refer to Planning Scheme Policy 16 - Safer By Design.</p>
<b>S10.</b>	<p><u>Service Facilities -</u></p> <p>(1) Service facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.</p> <p>(2) Waste storage -</p> <p>(a) incorporates two wheelie bins per unit stored external to the garage in the curtilage of each unit and screened from view;</p> <p>(b) ensures wheelie bins are able to be wheeled to kerbside for collection without passing over steps, through dwelling areas, including garage.</p>	<b>P10.</b>	<p>(1) Service facilities and structures -</p> <p>(a) include open air clothes drying facilities with a minimum of 10m<sup>2</sup> provided in a sunny, ventilated and convenient location that are screened from view from the street, and internal driveways;</p> <p>(b) locate air conditioning equipment behind the front building line;</p> <p>(c) provide waste and recycling bin storage areas capable of accommodating two bins per dwelling unit and sited more than 6 metres from the primary road frontage;</p> <p>(d) provide storage space to achieves the following minimum requirements -</p> <p>(i) lockable external accessible area of 3m<sup>2</sup>;</p> <p>(ii) height of 2.1 metres;</p> <p>(iii) screened from public view.</p> <p><b>Note -</b></p> <ul style="list-style-type: none"> <li>■ This space may form part of a garage.</li> <li>■ Storage areas are exclusive of private open space areas.</li> </ul> <p>(2) No probable solution identified.</p>

**Table 1 - Building Siting and Design Requirements**

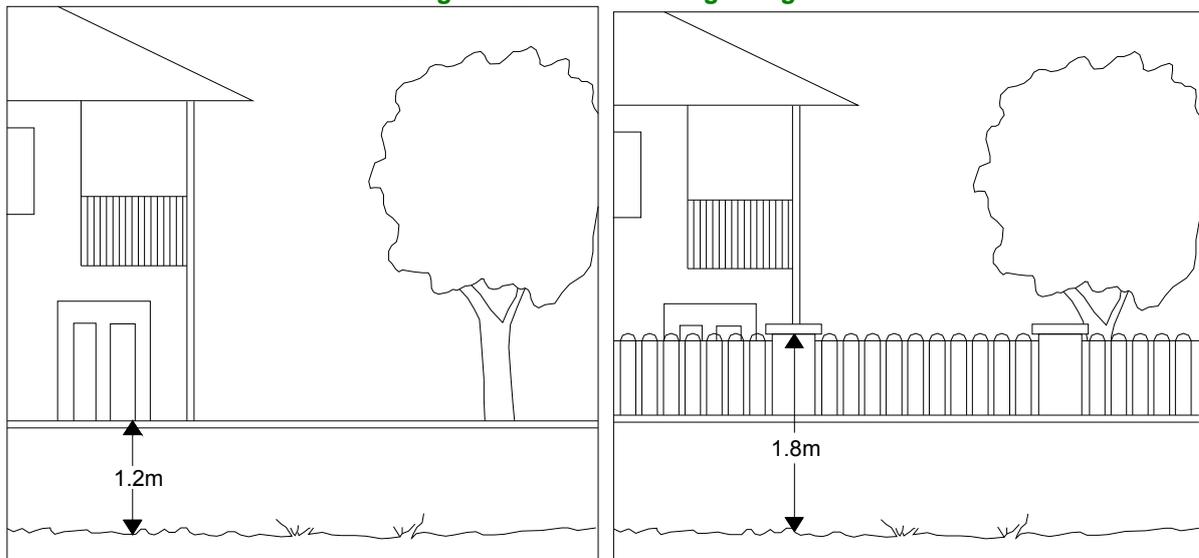
Standard	Requirement
<b>Building Height</b>	(1) A maximum of - <ul style="list-style-type: none"> <li>(a) 8.5 metres above ground level; or</li> <li>(b) as specified in the applicable zone code;</li> <li>(c) floor levels above ground level are determined according to slope -                             <ul style="list-style-type: none"> <li>(i) land with a gradient of 5 percent or less, does not exceed a maximum height of 3.5 metres when measured from ground level to the floor of the highest habitable room;</li> <li>(ii) land with a gradient greater than 5 percent, does not exceed a maximum height of -                                     <ul style="list-style-type: none"> <li>a. 5.1 metres when measured from ground level to the floor of the highest habitable room;</li> <li>b. 3 metres when measured from ground level to the floor of the lowest habitable room</li> </ul> </li> </ul> </li> </ul>
<b>Site Coverage</b>	(1) A maximum of - <ul style="list-style-type: none"> <li>(a) 50 percent; or</li> <li>(b) as specified in the relevant zone code</li> </ul>
<b>Front Setback</b>	(1) Is a minimum of 6 metres, except for a corner lot where - <ul style="list-style-type: none"> <li>(a) on the primary street frontage - 6 metres;</li> <li>(b) on the secondary frontage - 3 metres; or</li> </ul> (2) In areas where a front setback is established the use is located between the setbacks of other dwelling units in the street
<b>Side Setback</b>	(1) Where the building is - <ul style="list-style-type: none"> <li>(a) less than 4.5 metres in height - 1.5 metres; or</li> <li>(b) between 4.5 metres and 7.5 metres in height - 2 metres; or</li> <li>(c) greater than 7.5 metres in height - 2 metres plus 0.5 metres for every 3 metres or part thereof by which the building exceeds 7.5 metres;</li> </ul> (2) Where open space is located in the side setback - a minimum of 4 metres for the extent of private open space
<b>Rear Setback</b>	(1) A minimum of 2 metres; or                     (2) Where open space is located in the rear setback - a minimum of 4 metres for the extent of the open space
<b>Built to Boundary</b>	(1) Walls are located on the southern side of the lot to improve solar access with the northern setback increased to a minimum of 2 metres, or as required by the front setback;                     (2) The built to boundary wall - <ul style="list-style-type: none"> <li>(a) is a maximum of 15 metres in total length with a maximum length of 9 metres without articulation;</li> <li>(b) articulation is consistent with the side and rear setback criteria above;</li> <li>(c) has no windows or openings to the boundary;</li> <li>(d) is an average height of 3 metres;</li> <li>(e) is a maximum height of 3.5 metres</li> </ul>

**Diagram 1 - Design techniques to avoid overlooking**



**Diagram 2 - Situations where screening is required**

**Diagram 3 - Front fencing design**



**Diagram 4 - Design for private open space**

