



Development Control Plan No. 14

Dual Occupancy Development

Development Control Plan No. 14 was adopted by Council on 10 December 1992 and came into force on 22 December 1992.

Latest Revision:

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1. INTRODUCTION

This Development Control Plan applies to all dual occupancy development in the City of Canterbury.

The purpose of this Plan is to establish **objectives** and provide **design requirements** for dual occupancy development. These **objectives** have been established so that dual occupancy development:

- is of a high standard of design
- provides an attractive streetscape
- offers a choice of accommodation for residents, and
- enhances and protects the amenity of residential areas.

The **design requirements** provide suggestions on how the objectives might be achieved in most cases.

2. PREPARING YOUR DEVELOPMENT APPLICATION

Council's **Development Application Guide** (DA Guide) will provide you with specific details of the information required to be submitted with your application.

This includes, but is not necessarily limited to:

- Site Analysis Plan
- Detailed architectural plans, including elevations, sections, etc.
- Statement of Environmental Effects
- Survey Plan
- Landscaping Concept Plan
- Shadow Diagrams
- Soil and Water Management Plan
- BASIX Certificate

The Development Application Guide also contains a checklist that you must complete before you submit your application. This checklist will help to ensure that you have provided all the information required so that your application can be processed in an efficient manner.

3. STEPS TO LODGING A DEVELOPMENT APPLICATION

STEP 1 READ THIS CODE

This booklet sets the objectives for dual occupancy developments. It is necessary for proposals to satisfy these objectives for Council approval to be granted.

STEP 2 CHOOSE YOUR CONSULTANTS

Contact an architect, designer, surveyor, engineer and landscape architect to work with you on the project.

STEP 3 PREPARE A SITE ANALYSIS

A *site analysis* must be prepared to consider the characteristics of the site and its surrounds (Refer to the DA Guide).

STEP 4 PREPARE DRAFT PLANS

With the site analysis in mind, draft plans can be prepared.

STEP 5 TALK TO COUNCIL

Make an appointment to discuss your proposal with the relevant planning officer. The pre-lodgement meeting allows the opportunity to discuss your site analysis, draft plans and the objectives of this Plan with the Council officers that will be assessing your proposal.

The pre-lodgement meeting is very important. It will minimise delays in the processing of your application, and provide an opportunity to discuss areas of uncertainty.

STEP 6 TALK TO YOUR NEIGHBOURS

It is recommended that you consult with your neighbours before formally lodging your Development Application with Council. By taking into account the concerns of your neighbours early, you can avoid delays in the processing of your application.

STEP 7 PREPARE FINAL PLANS

With the matters discussed at the pre-lodgement meeting in mind, your architect can now prepare a detailed design proposal.

STEP 8 SUBMIT YOUR APPLICATION

Once prepared, you should formally lodge your proposal to Council with a completed development application form, and pay the relevant fee. Your application **must** include **all** of the information required by the DA Guide

4. DEFINITIONS

For the purpose of this Development Control Plan:

- “Car Space”** includes any garages, carports or open hard stand areas available for the parking of vehicles.
- “Dual Occupancy”** means two dwellings (whether or not attached) on one allotment of land.
- “Dwelling”** means a room or number of rooms occupied or used, or so constructed or adapted so as to be capable of being occupied or used, as a separate household.
- “Floorspace”** means the sum of the areas of each floor of a building where the area of each floor includes all wall thicknesses, ducts, vents, staircases (counted once between floor levels), as measured at a height of 1400 millimetres above each floor level, excluding:-
- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls; and
 - (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts; and
 - (c) carparking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access thereto; and
 - (d) space for the loading and unloading of goods up to 35 square metres; and
 - (e) Terraces and balconies with outer walls less than 1400 millimetres high.
- “Floorspace Ratio”** means the proportion of floorspace of a building relative to the site area of the land on which the dual occupancy is proposed.
- “Ground Level”** is defined as either natural ground level or any artificially formed ground level, whichever is the lower.
- “Height”** in relation to a building, means the vertical distance measured between ground level at any point at which the building is sited, and the ceiling of the topmost floor of the building above that point.

- “Granny (or garden) Flat”** means a dwelling in a dual occupancy development which has a floorspace of no more than 90 square metres and contains no more than two bedrooms, where subdivision is not permitted.
- “Landscaped Open Space”** means that part of the site not occupied by any building or buildings (except swimming pools or open air recreation facilities) which is predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site, but does not include that part of the site area used for driveways and parking areas.
- “Large Dwelling”** means a dwelling with floorspace more than 90 square metres or a dwelling that contains more than two bedrooms or rooms capable of being converted to bedrooms.
- “Medium Dwelling”** means a dwelling with floorspace between 60 square metres and 90 square metres which contains no more than two bedrooms, or rooms capable of being converted to bedrooms.
- “Natural Ground Level”** means the existing ground level of the land before any site filling, excavation or building work commences.
- “Small Dwelling”** means a dwelling with floorspace up to 60 square metres and which contains one bedroom or a room capable of being converted to a bedroom.

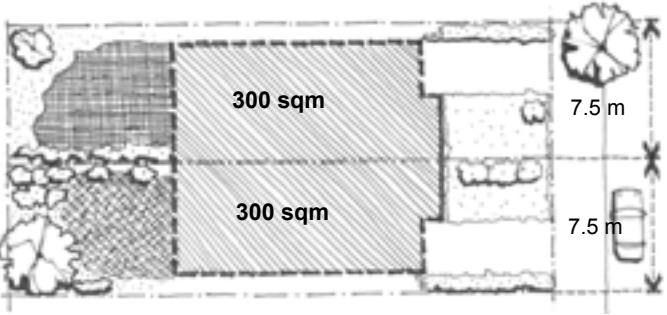
5. DESIGN ELEMENTS

Each of the design elements within this Plan contains **objectives** and **design requirements**. The **design requirements** provide suggestions on how the **objectives** might be achieved in most cases. However, in some instances other solutions may need to be applied to achieve the **objectives**. These solutions may involve greater or less requirements than the **design requirements** stated in this Plan.

5.1 SITE REQUIREMENTS

<i>Objective</i>	<i>Design Requirements</i>
<p>a. To allow dual occupancy development on sites that can provide a good living environment for occupants and neighbours.</p>	<p>a. The minimum site area for dual occupancy development is 600 square metres (for both attached and detached dwellings).</p> <p>Note:</p> <p><i>Amendment 8 to this DCP changed the minimum site area for dual occupancy development from 460 sqm to 600 sqm. This amendment does not apply to development applications that were lodged, but not determined, before 1 November 2005.</i></p> <p>b. The minimum site width for dual occupancy development is 15 metres, measured along the entire length of the lot. This requirement does not apply to development for granny or garden flats.</p> <p>c. Irregular shaped sites will be considered on their individual merits.</p> <p>d. For the purposes of this plan, any parts of an irregular or wedged shaped site with a width of less than 15 metres, measured parallel from the street, will be excluded from the site area and floor space ratio (FSR) calculations.</p> <div data-bbox="826 1518 1066 1720" style="text-align: center;"> </div> <p>Fig. 1 Common type of wedge shaped lot. The hatched area will be excluded from site area and floor space ratio calculation.</p> <p>e. Dual occupancy developments on battleaxe sites (either existing or newly created) will not be permitted.</p>

5.2 SUBDIVISION

<p><i>Objective</i></p> <p>a. To allow the subdivision of dual occupancy developments only where each dwelling has sufficient site area and reasonable access to a public road.</p> <p>Note:</p> <p>Subdivision proposals must comply with the dual occupancy development approval. The development must be completed before the subdivision plans are released by Council.</p>	<p><i>Design Requirements</i></p> <p>a. Each allotment proposed to be created as a result of the subdivision of a dual occupancy development must have:</p> <ul style="list-style-type: none">- a minimum area of 300 square metres;- a minimum width (measured along the entire length of the allotment) of 7.5 metres; and- direct frontage to and access from a public road. <p>Note:</p> <p><i>Amendment 8 to this DCP changed the minimum lot size for dual occupancy development from 230sqm to 300 sqm. This amendment does not apply to development applications that were lodged, but not determined, before 1 November 2005.</i></p> <p>b. The strata subdivision of dual occupancy developments is not permitted.</p> <p>c. The subdivision of any dual occupancy development involving the creation of a battleaxe allotment will not be permitted.</p> <p>d. The subdivision of dual occupancy development involving a granny (or garden) flat will not be permitted.</p> <p>e. The subdivision of dual occupancy development that proposes to create an allotment of land with direct frontage and vehicular access to a laneway will not be permitted.</p>  <p>Fig. 2 Subdivision must comply with minimum lot size and width requirements.</p>
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5.3 GRANNY (OR GARDEN) FLATS

<p><i>Objective</i></p> <p>a. To allow development for the purposes of a granny (or garden) flat in circumstances where the subdivision of dual occupancy development is otherwise not permitted under the provisions of this DCP.</p>	<p><i>Design Requirement</i></p> <p>a. The granny (or garden) flat must not have a floor space greater than 90 square metres and contain no more than two bedrooms.</p>
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5.4 FLOOR SPACE RATIO

<p><i>Objectives</i></p> <p>a. To ensure that dual occupancy developments maintain an appropriate residential character and visual bulk.</p> <p>b. To allow appropriate sized dwellings for residents.</p>	<p><i>Design Requirement</i></p> <p>a. The maximum total floor space ratio of dwellings in a dual occupancy development is 0.5:1.</p> <p>Note: On irregular shaped sites, the maximum floor space ratio may not be achievable.</p>
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5.5 BUILDING HEIGHT

Objectives

- To ensure that the height of the proposed development is compatible with the existing streetscape.
- To ensure that the rear dwelling is not visually prominent from the street.
- To avoid overlooking of neighbouring properties.

Design Requirements

- The maximum height of a detached dual occupancy development, measured to the ceiling of the topmost floor is:
 - 7.2 metres for the front dwelling; and
 - 3.6 metres for the rear dwelling.

Note:

For the purposes of this section:

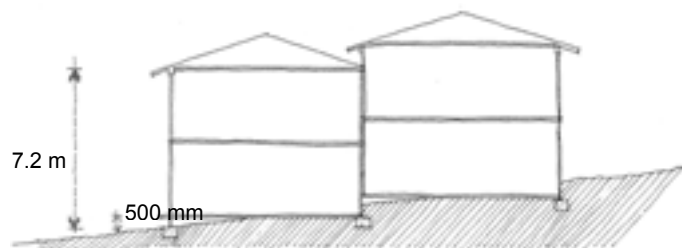
- Height is measured above ground level at any point along the development.
- Ground level is defined as either natural ground level or any artificially formed ground level, whichever is the lower.



Street

Fig. 3 Maximum building heights for detached dual occupancy development.

- For an attached dual occupancy, the maximum height is 7.2 metres.



(See Fig. 5 for details)

Fig. 4 Maximum building height for attached dual occupancy development.

- For development on corner lots, both dwellings, whether attached or detached, may be permitted to be built to a maximum height of 7.2 metres.

- d. The finished ground floor level can be no more than 500mm above ground level. This may not apply to situations where basement car parking is proposed to be provided in accordance with Section 5.9(k).

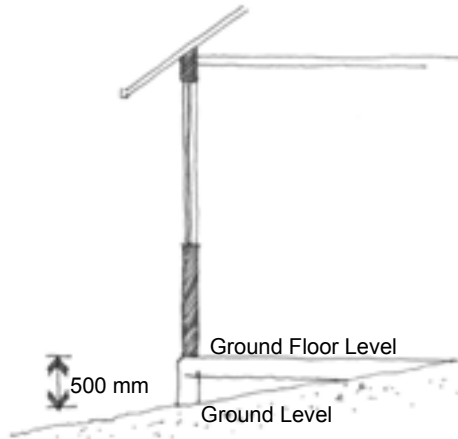


Fig. 5 The finished ground floor level can be no more than 500mm above ground level.

- e. A maximum of 300mm fill can be placed on a site. Any proposal involving the placement of fill will be assessed based on its impacts on privacy, overshadowing and amenity.

5.6 SETBACKS

<p><i>Objectives</i></p> <p>a. To ensure that the setbacks of the proposed development are compatible with the setbacks in the existing streetscape.</p> <p>b. To provide adequate separation between buildings to:</p> <ul style="list-style-type: none">- minimise overshadowing;- allow adequate solar access;- provide visual and acoustic privacy; and- provide for areas of open space.	<p><i>Design Requirements</i></p> <p>FRONT</p> <p>a. The minimum front setback should be:</p> <ul style="list-style-type: none">- 6 metres for single storey; and- 7.5 metres for two storeys. <p>b. The front setback should take account of specific site circumstances, the impact on adjoining premises, and the streetscape.</p> <p>c. Unroofed first floor balconies:</p> <ul style="list-style-type: none">- must not encroach upon the 6-metre ground floor setback line; and- should not occupy more than 50% of the width of the building. <p>Note:</p> <p>Departure from this requirement may be permitted for allotments with a width of less than 15.5 metres, where it can be demonstrated that the extent of the departure is very minor and does not adversely impact on the streetscape.</p> <p>CORNER LOTS</p> <p>a. For the second dwelling on corner allotments, the minimum setback from the secondary street frontage is 3 metres for the ground floor and 4.5 metres for the second storey.</p> <p>b. Any second storey balconies facing the secondary street frontage must not encroach upon the 3-metre setback line mentioned in (a) above, and must not occupy more than 50% of the width of the building elevation facing the street.</p>
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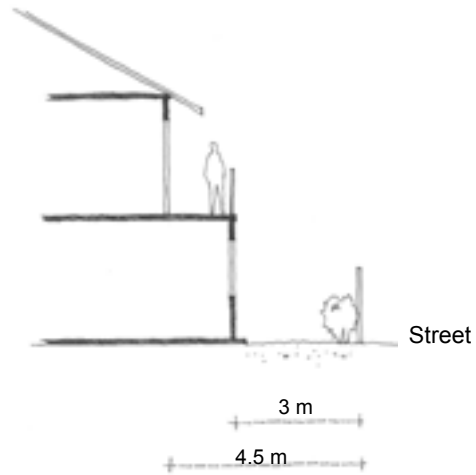


Fig. 6 Setbacks from secondary street frontage for corner allotments.

SIDE

- a. Buildings should be setback from the side boundary:
 - 1 metre for single storey; and
 - 1.2 metres for two storeys.
- b. There should be a minimum distance of 0.675 metres between the eaves/gutter and the allotment boundary.

REAR

- a. Buildings should be setback a minimum of 5 metres from the rear boundary.
- b. Where the property is a corner lot or adjoins a public area or road, a 5 metre rear setback may not be necessary. In such cases, site circumstances including adjoining building lines and building orientation, provision of private open space, potential for overlooking and overshadowing need to be considered.

5.7 EXTERNAL DESIGN

<p><i>Objective</i></p> <p>a. To ensure that the external appearance of the dual occupancy development is of a high visual quality and enhances the streetscape and surrounding development.</p>	<p><i>Design Requirements</i></p> <p>a. The design of new dwellings must be compatible with the existing residential development in terms of the streetscape features, including setbacks, height, bulk and scale, roof pitch, building materials and colours.</p> <p>Materials and external finishes (including colours) should:</p> <ul style="list-style-type: none">▪ Generally complement the existing character of the locality.▪ Provide diversity and interest in new development.▪ Minimise the use of high contrasting colour schemes.▪ Use a variety of complementing materials. <p>b. The front elevation of dwellings must address the street.</p> <p>c. The front elevation must not be dominated by garages. (Depending on site circumstances, the size of dwellings may need to be less than 125 square metres to achieve this requirement.)</p> <p>d. The front elevation should not include external stairs to the second storey.</p> <p>e. Where an extension to an existing dwelling is proposed, the design should be compatible with the existing dwelling. Upgrading of the existing dwelling may be required.</p> <p>f. Where an extension to an existing dwelling is proposed, the design should allow the dual occupancy to be easily converted to one dwelling.</p>
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5.8 OPEN SPACE

<p><i>Objectives</i></p> <ul style="list-style-type: none">a. To provide adequate and useable open space for residents.b. To ensure that private open space areas relate to the living areas of dwellings.	<p><i>Design Requirements</i></p> <ul style="list-style-type: none">a. The private open space for each dwelling must be provided behind the front building setback requirement.b. The minimum amount of private open space required is:<ul style="list-style-type: none">30 square metres for each small dwelling;50 square metres for each medium dwelling;and55 square metres for each large dwelling, or 50% of the floorspace of the dwelling, whichever is the greater.c. The private open space is to be functional in terms of both its dimensions and location. At least 80% of the required private open space must have a dimension of at least 5 metres, measured in any direction.d. Private open space areas are to be directly accessible from the main living areas of the dwellings.e. Open space areas should be located to maximise solar access.f. Open space areas should be designed to minimise overlooking by, and of, adjoining properties.g. Existing shrubs and trees should be retained and incorporated into the overall landscape design for the site. <p>Note: Council has a Tree Preservation Order which requires Council's consent to remove or lop certain trees.</p>
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5.9 CAR PARKING

<p><i>Objectives</i></p> <ul style="list-style-type: none">a. To ensure that resident parking is adequate, convenient, and designed to encourage use.b. To ensure that car parking is integrated into the design of the dwellings and does not dominate the streetscape.c. To ensure that parking for each dwelling has independent access.	<p><i>Design Requirements</i></p> <ul style="list-style-type: none">a. For each dwelling with 125 square metres floorspace or less, at least 1 car space must be provided.b. For each dwelling with more than 125 square metres floorspace, at least 2 car spaces must be provided.c. All covered car spaces must be located behind the front setback requirement.d. The second car space, if required, may be provided forward of the building line, but only where it is an open, uncovered space.e. Garages and carports must not occupy more than 50% of the width of each dwelling. <p>Note:</p> <p>Departure from this requirement may be permitted for allotments with a width of less than 15.5 metres, where it can be demonstrated that:</p> <ul style="list-style-type: none">- The extent of the departure is very minor and does not adversely impact on the streetscape; and- Garage structures do not dominate the front façade of the development. <ul style="list-style-type: none">f. The residents of each dwelling must have unrestricted vehicle access to their parking areas.g. Driveways should have a minimum width of 2.7 metres, and should be incorporated into the overall landscape design for the site.h. The area of sealed driveway should be minimised.i. For new developments where driveways adjoin the site boundary, a landscaping strip with a minimum 600mm bed width should be provided.j. Basement car parking is prohibited.
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	<p>k. Notwithstanding (j) above, provision of basement car parking on sloping, corner lots may be permitted where the site characteristics warrant such a design solution, and if the proposal achieves the following performance criteria:</p> <ul style="list-style-type: none">- The basement parking accommodates a maximum of 2 car spaces per dwelling;- Excavated areas are minimised;- The slope of the site is utilised so that the visual impact of the garage entry on the streetscape is minimised; and- The garage contains a single entry and does not present a three-storey appearance to the street and maintains the existing streetscape character in the immediate locality. <p>Note:</p> <p>Satisfactory basement parking will only be achieved where the slope of the site is such that the entry to the car parking spaces can be integrated into the design of the building and the landform.</p>
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5.10 PRIVACY

<i>Objectives</i>	<i>Design Requirements</i>
<p>a. To provide adequate visual and acoustic privacy for residents and their neighbours.</p> <p>b. To avoid overlooking of living areas and private open space areas.</p>	<p>a. A privacy plan must be submitted with all proposals, detailing how the privacy objectives are achieved.</p> <p>b. Windows and balconies must not allow direct and close views into neighbouring properties.</p> <p>c. The direct overlooking of neighbouring windows and private open space areas should be avoided by:</p> <ul style="list-style-type: none"> - offsetting windows from existing windows in neighbouring dwellings; - sill heights being a minimum of 1.6 metres above floor level; - the use of translucent glass in windows; - privacy screens, planting and fences to prevent overlooking. <div data-bbox="730 1122 1248 1619" style="text-align: center;"> <p>The figure contains three diagrams. The top-left diagram, labeled 'Off set windows', shows two rectangular buildings. The window on the taller building is positioned further to the side than the window on the shorter building. The top-right diagram, labeled 'Splay windows', shows a window with a wide horizontal opening, indicated by arrows pointing outwards from the window frame. The bottom diagram, labeled 'Screening', shows two buildings with a tree or a fence placed between them to block the view.</p> </div> <p>Fig. 8 Locating windows to limit overlooking.</p> <p>d. Dwellings close to high noise sources should be protected by sound insulation measures. In some circumstances, an acoustic report may be required.</p>

5.11 FRONT FENCES

<p><i>Objectives</i></p> <p>a. To ensure front fencing is integrated with the streetscape and contributes positively to the street character.</p> <p>b. To ensure front fences are integrated with landscape and dwelling design.</p>	<p><i>Design Requirements</i></p> <p>a. Solid front fences (or fences on street frontages) forward of the building line must be no higher than 1.2 metres.</p> <p>b. The height of front fences may be increased to 1.8 metres where the fence has openings that make it at least 50% transparent.</p> <p>Note: Solid front fences up to 1.8 metres in height may be considered where the site fronts a major road or other sources of undesirable noise.</p>
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5.12 DRAINAGE

<p><i>Objectives</i></p> <p>a. To ensure that stormwater drainage is provided in a safe, convenient, and environmentally responsible manner.</p> <p>b. To ensure that drainage does not cause damage or nuisance flows to adjoining properties.</p>	<p><i>Design Requirements</i></p> <p>a. The drainage system is to be designed in accordance with provisions listed in Table 1 below and Council's Stormwater Management Manual Specification 9 – A Guide for Stormwater Drainage Design.</p> <p>b. Methods to control erosion and siltation during construction must be implemented in accordance with the Soil and Water Management Plan. (Refer to Section 2 of this DCP and Council's DA Guide).</p>				
	Table 1				
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;"><i>Development Types</i></th> <th style="text-align: center;"><i>Design Requirements</i></th> </tr> </thead> <tbody> <tr> <td>Dual occupancy development that falls to the street, with an impervious area less than 70% of total site area</td> <td>Drain to the kerb and gutter or directly to Council's stormwater system (such as a pit or pipe in the road). All stormwater runoff must be collected and discharged through a silt arrester pit prior to leaving the site.</td> </tr> </tbody> </table>	<i>Development Types</i>	<i>Design Requirements</i>	Dual occupancy development that falls to the street, with an impervious area less than 70% of total site area	Drain to the kerb and gutter or directly to Council's stormwater system (such as a pit or pipe in the road). All stormwater runoff must be collected and discharged through a silt arrester pit prior to leaving the site.
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	<p>Dual occupancy development that falls to the street, with an impervious area greater than 70% of total site area</p>	<p>Drain to the kerb and gutter or directly to Council's stormwater system (such as a pit or pipe in the road) through an on-site detention system in accordance with Section 5 of the Stormwater Management Manual Specification 9 – A Guide for Stormwater Drainage Design.</p>
	<p>Dual occupancy development that falls to the rear</p>	<p>Applicants are to investigate all possible alternative solutions for drainage of the site by gravity and provide details of those investigations.</p> <p>Where an easement over a downstream property is the only possible gravity solution, applicants are to make genuine attempts to negotiate an easement over all possible downstream properties to drain the site. In this regard, a 'genuine' attempt must include an offer of compensation. Evidence of genuine attempts to negotiate and obtain an easement must be submitted with a development application.</p> <p>In the event that the applicant cannot obtain an easement, and all possible drainage solutions have been exhausted, Council, at its discretion, may approve a pump-out system.</p> <p>Refer to Clause 8 of Specification 9 – A Guide for Stormwater Drainage Design for specific details.</p>

6. SECTION 94 CONTRIBUTIONS

Council requires that contributions be paid to meet the increase in demand for public amenities and services as the result of the development.

The contributions are levied under Section 94 of the Environmental Planning and Assessment Act, 1979, and **must** be paid to Council **prior** to the release of the Construction Certificate.

Please refer to Council's Section 94 Contributions Plan for specific details on the fees payable.

No contribution is payable where the development involves a small dwelling.

7. CALCULATION SHEET

To be submitted with dual occupancy development application

	<i>Required</i>	<i>Proposed</i>
Site Area		
- Minimum site area	600 sqm	.....
- Minimum site width	15 metres	.....
Subdivision		
- Minimum lot size	300 sqm	.....
- Minimum width	7.5 metres	.....
Granny (or Garden) Flat		
- Maximum floor area	90 sqm	.....
- Number of bedrooms	2 bedrooms	.....
Floor Space Ratio	0.5:1	.....
Building Height		
- Front dwelling	7.2 metres	.....
- Rear dwelling (detached)	3.6 metres	.....
- Maximum height of ground floor level above ground level	500mm	.....
- Maximum fill	300mm	.....
Setbacks		
Front		
- Single storey	6 metres	.....
- Two storeys	7.5 metres	.....
Secondary street frontage (corner site)		
- Ground level	3 metres	.....
- Second storey	4.5 metres	.....
Side		
- Single storey	1 metre	.....
- Two storeys	1.2 metres	.....
- Distance between eaves/gutters and lot boundary	0.675 metres	.....
Rear	5 metres	.....

Open Space

Small dwelling		30 sqm	.....
Medium dwelling		50 sqm	.....
Large dwelling	greater of 55 sqm or 50% of floorspace		.....
Minimum dimension 5 x 5 metres		80%%

Annexure 1: History of Amendments

This DCP was adopted by Council on 10 December 1992 and came into force on 22 December 1992.

In the table below is outlined a history of amendments with a brief description of the main changes.

Amendment No	Description	Date of adoption	Date came into force
1	Amended to enable levying of developer contributions on all dual occupancy development	23/12/93	5/1/94
2	New subdivision requirements and new minimum rear setback	26/10/95	8/11/95
3	Comprehensive review	12/2/98	26/2/98
4	Replacement of energy efficiency and solar access requirements	24/8/00	4/9/00
5	Minor administrative and interpretative changes	24/1/02	1/3/02
6	Minor changes relating to setbacks, building height, prohibiting basement garage and garage widths	10/6/04	25/6/04
7	Performance criteria added relating to external materials, finishes, colours, and including BASIX requirements.	14/10/04	28/10/04
8	Minimum site area for dual occupancy has been increased to 600sqm (regardless of whether attached or detached)	14/7/05	1/11/05

