

PART C RESIDENTIAL DEVELOPMENT

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~~C1 DWELLING HOUSE AND DUAL OCCUPANCY
DEVELOPMENT~~ LOWER DENSITY HOUSING
DEVELOPMENT

This Part applies to any alterations and additions to, and all new single dwelling house, dual occupancy, terrace, semi-detached dwelling houses development in the Waverley LGA.

Objectives

- (a) To ensure that the scale of ~~dwelling houses and dual occupancy~~ lower density forms of housing development is appropriate for allotment sizes and other dwellings in the vicinity.
- (b) To ensure that development does not significantly detract from the amenity, privacy and views of other dwellings and public view corridors.
- (c) To ensure that Council has regard to the principles of ecologically sustainable development when assessing applications.
- (d) To ensure that new development and alterations and additions to existing dwelling house, dual occupancy, semi-detached dwelling house, and terrace development is sympathetic in bulk, scale and character with other dwellings in their vicinity.
- (e) To encourage dwelling house, dual occupancy, semi-detached dwelling house, and terrace development to have high design standards.

1.1 HEIGHT

The maximum building height and maximum wall height are two of the most important design elements that influence the overall appearance of residential buildings and character of a streetscape. The maximum building height standards are identified by Clause 4.3 and the Height of Buildings Map in WLEP 2012.

Achieving the maximum building height may not be appropriate in all cases and should not be considered as prescribed or allowable regardless of circumstance. Amenity or streetscape impacts may mean that a lower height or additional setbacks are warranted. Therefore nothing in this part restricts Council's ability to require the height of a building to be less than the maximum height as specified in the LEP.

Maximum heights in the LEP are the absolute standard however not all development types are appropriate to achieve the maximum height. For example, it may not be acceptable that a laneway development achieves the overall maximum height based on the LEP standard. For this reason, each development type has different height control expectations as outlined in the following sections:

- Dwelling Houses – Part C1, Section 1.1.
- Secondary Dwellings and Ancillary Buildings – Part C1, Section 1.7.
- Laneway Development – Part C2, Section 1.8.
- Local Village Centres – Part E3.

~~Flat roof dwelling houses can potentially have a greater impact on neighbouring properties than pitched roof dwelling designs. As such, the proposed height of a flat roof dwelling must not preclude the achievement of standards relating to overshadowing, building orientation topography, privacy and views as specified elsewhere in this DCP.~~

Objectives

- (a) To provide a hierarchy of height controls to further inform the maximum height standard in the LEP for various development types e.g. dwellings, secondary structures, laneway development and **semi-detached dwelling houses**.
- (b) To ensure the height and scale of development relates to the topography and street character.
- (c) To ensure the height and scale of development does not unreasonably impact on views enjoyed by neighbouring and nearby properties.
- (d) To ensure that the height and scale of development does not result in unreasonable overshadowing of neighbouring and nearby properties.
- (e) To minimise loss of views from and overshadowing of public places.
- (f) To ensure excavation does not add to the overall bulk of the dwelling.

1.1.1 Flat roof dwelling houses

Flat roof dwelling houses can potentially have a greater impact on neighbouring properties than pitched roof dwelling designs. As such, the proposed height of a flat roof dwelling must not preclude the achievement of standards relating to overshadowing, building orientation topography, privacy and views as specified elsewhere in this DCP.

Controls

- (a) For a building with a flat roof the maximum overall building height is 7.5m above existing natural ground level.

1.1.2 External Wall Height

Controls

- (a) For a building with a pitched roof the maximum external wall height is 7m above existing natural ground level (refer to Figure 1), **except as determined in Control (b) below.**
- (b) **Where it is permissible for dwellings to be built to a maximum height of 12.5m under WLEP 2012, the external wall height will be determined by a merit assessment of the design of the building and its relationship to adjoining dwellings.**
- (c) Buildings on steep sites are to be stepped down to avoid high columns, elevated platforms and large undercroft areas (refer to Figure 2).

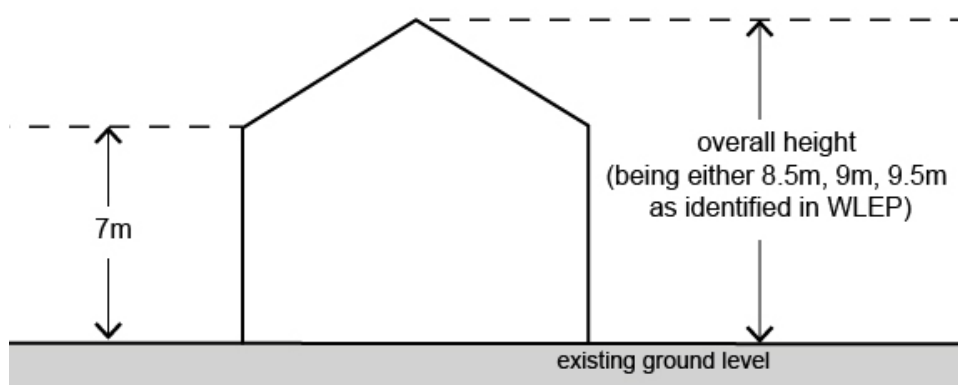


Figure 1 How to measure external wall height for dwelling houses with pitched roofs

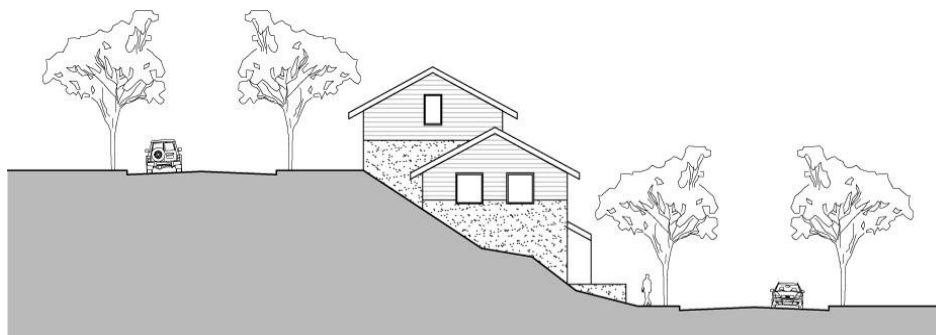


Figure 2 Dwelling houses are to step down steep sites

1.2 SETBACKS

Setbacks influence the size and shape of buildings and ensure that their bulk and appearance in the streetscape and relationship to adjoining properties is appropriate to the locality.

Uniformity in setbacks provides rhythm and character to residential streets, retains views and glimpses of local and distant landmarks and provides access to the rear of properties.

Setbacks also provide amenity to existing and proposed housing through the maintenance and provision of privacy, ventilation, solar access and views. Setbacks generally increase as the building height increases.

Objectives

- (a) To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.
- (b) To ensure that the amenity of rear yards, their function as private open space and their visual and landscape contribution to the surrounding area is protected and enhanced.
- (c) To accommodate flexibility in the siting of buildings, where appropriate.
- (d) To ensure the siting of buildings is consistent with surrounding buildings and does not visually detract from the streetscape.
- (e) To ensure significant views and view corridors available from the public domain are retained.
- (f) To ensure significant views from existing properties are considered as part of the local context of any development. Refer to Section 1.12 – Views.

1.2.1 Front and rear building lines

Controls

- (a) New buildings and extensions to existing buildings are to extend no further than the predominant front and rear building lines of buildings in its vicinity (refer to Figures 3 and 4).
- (b) The predominant rear building line is determined by the average setbacks of the existing main buildings on adjoining properties either side of the subject site (generally 3 to 4 dwellings) and is determined separately on the ground floor and first floor level.

In most circumstances development at first floor level and above shall be setback from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties (refer to Figure 4).

- (c) Where it is proposed to build beyond the predominant front and/or rear building line, then greater consideration must be given to the following;
 - (i) Compliance with applicable development standards, including Floor Space Ratio and Building Height;

- (ii) Compliance with the landscaped and open space controls;
- (iii) Compliance with side setback controls;
- (iv) Emergence of a new front and/or rear building alignment beyond the dwellings either side of the subject site (note that any reliance on an emerging front and/or rear building alignment as a precedent can only be justified where the emerging alignment is itself based on compliant development with respect to building height, FSR and side setback controls);
- (v) Location and retention of existing significant vegetation;
- (vi) Visual aspect of the bulk and scale as viewed from the private open space and living areas of adjoining properties;
- (vii) Acceptability of amenity impacts on adjacent properties with regard to solar access, and visual and acoustic privacy;
- (viii) Views available from the subject site and adjoining properties including an assessment against the Land and Environment Court “Tenacity” Planning Principle;
- (ix) In areas of heritage significance, the importance of preserving the front portion of the building by providing an additional setback from the front building line.

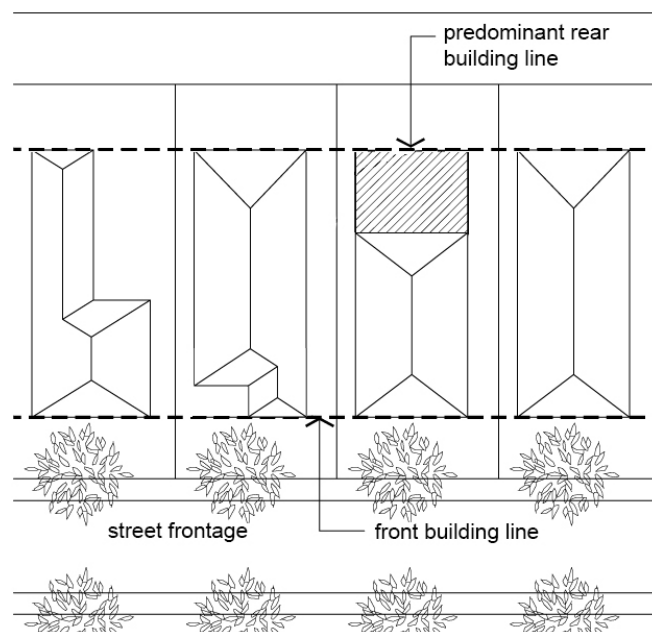


Figure 3 Example of front building line and predominant rear building line on irregular shaped lots

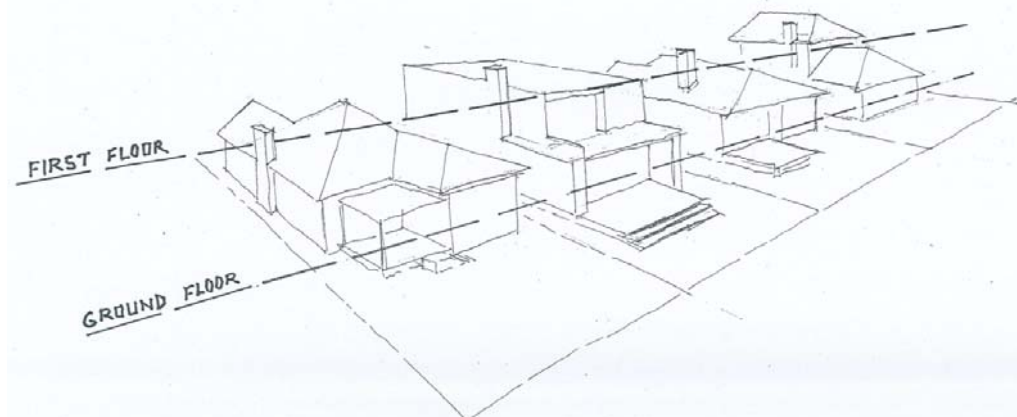


Figure 4 Example of ground and first floor level predominant rear building lines

1.2.2 Side Setbacks

- (a) Comply with the minimum setbacks as follows:

Height (in storeys)	Side setback (min.)
1-2 storeys (height up to 8.5-9.5m in accordance with maximum height building standard in clause 4.3 of WLEP 2012)	900mm
The maximum height building standard in clause 4.3 of WLEP 2012	1200mm
3 storeys (height up to 9.5-12.5m in accordance with maximum height building standard in clause 4.3 of WLEP 2012)	1500mm

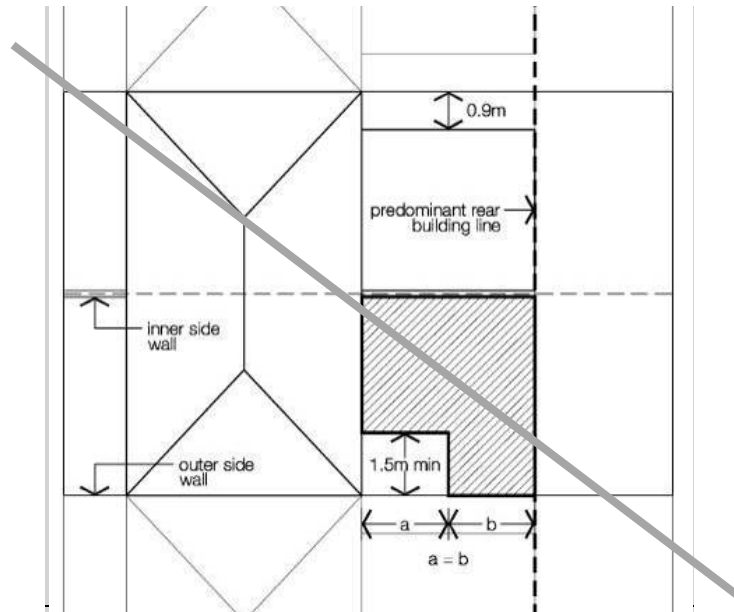
Table 1 Minimum side setbacks

Note

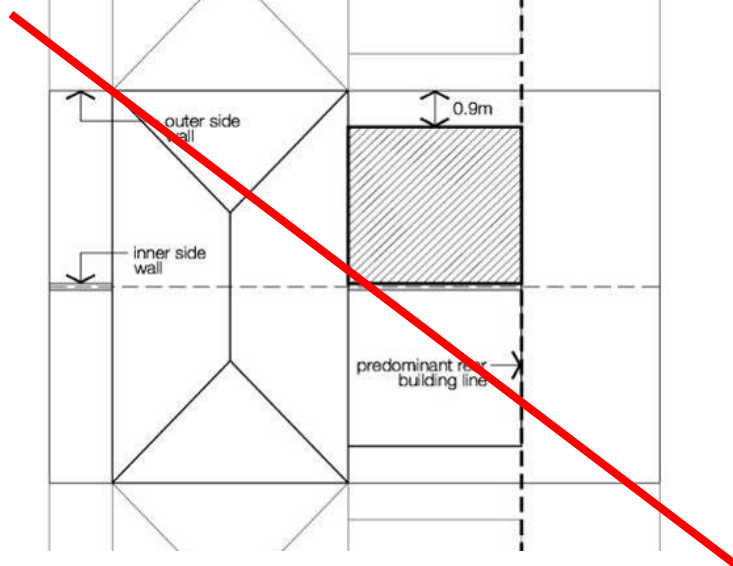
- Where a 2 storey residential building exceeds the maximum height building standard in Clause 4.3 of the WLEP 2012, the side setback of the building is to be 1200mm.
- The side setbacks may be reduced if the proposed dwelling or alteration adjoins another dwelling without a setback along the shared boundary. This applies only to that section of the boundary which the neighbouring dwelling is built to.
- Council may require setbacks to be increased to maintain adequate solar access to adjoining properties, in particular properties to the south in respect to development on allotments that run in an east-west direction or to the subject building.

~~1.4.3 Additional controls for semi-detached dwellings and terraces~~ (MOVED to 1.5)

- (a) ~~The common (or party) wall between a pair of semi-detached dwellings or terraces can be built with no side setback along the common boundary where it abuts an existing wall to the neighbouring property or where it can be reasonably expected that a wall to the neighbouring property would be constructed in the future.~~
- (b) ~~The extension should not encroach beyond the predominant rear building line and no openings are permitted in the side wall with nil setback (refer to Figure 7).~~
- (c) ~~The outer side wall of the building (i.e. the wall that is not a shared wall or party wall), should be set back a minimum of 900mm from the outer side boundary (refer to Figure 7).~~
- (d) ~~Part of the outer side wall may be built to the outer side boundary where a courtyard will (or can) be created with the adjoining property. The wall on this boundary should generally be a maximum of 2.1m in height.~~



~~Image moved to Section 1.5 – Figure 3~~ Example of rear extension to semi-detached dwelling



~~Image deleted - Figure 8~~ Example of rear extension to semi-detached dwelling which may provide no setback

1.4.4 Additional controls for dual occupancy dwellings- (MOVED to 1.4)

- (a) The siting of the rear component of a dual occupancy development, where designed as detached front and rear dwellings, shall ensure that the rear gardens of adjoining properties maintain adequate solar access, privacy and outlook and are not unreasonably impacted upon by building bulk and scale.
- (b) A detached dual occupancy building shall have a minimum 3.5m setback from the rear boundary.

1.2 EXCAVATION (MOVED TO 1.15)

Excavation can have a detrimental effect on the local environment, neighbouring properties and streetscape.

Where excavation is proposed to exceed 3m in depth, is at or near cliff faces or on sloping sites that have a slope of 25% or more, a geotechnical report which addresses the stability of the site and surrounding properties must be submitted. The geotechnical report must confirm that the site is suitable for the proposed development and must list any relevant conditions. Please refer to Part A – Submission Requirements for additional information.

- (a) To minimise cut and fill on sloping sites and to encourage good quality internal environments including direct natural light and direct natural ventilation, any habitable room of a dwelling must have at least one external wall fully above existing ground level with necessary glazing and openings for light and air (refer to Figure 3).
- (b) Fill shall not be used to raise the ground level.
- (c) Excavation is not permitted within 900mm of side boundaries and shall only occur within the building footprint except where access to a basement car park is required.
- (d) Excavation should not add to the visual bulk and scale of the building.
- (e) Excavation should not result in the loss of naturally occurring sandstone.
- (f) Excavation for garaging within sandstone walls facing the street must be minimised to preserve as much of the original wall as possible.
- (g) Development should accommodate stormwater detention tanks and storage systems within the excavated area.

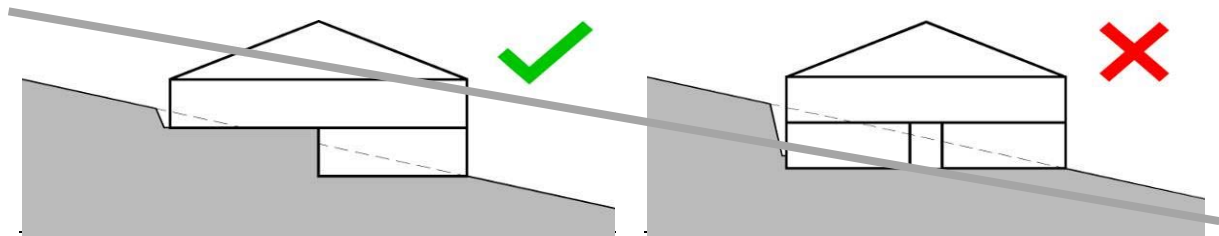


Image moved to Section 1.15 – Figure 4 Habitable rooms are to have at least one external wall entirely above existing ground level

~~1.3 DUAL OCCUPANCY DEVELOPMENT (MOVED TO 1.4)~~

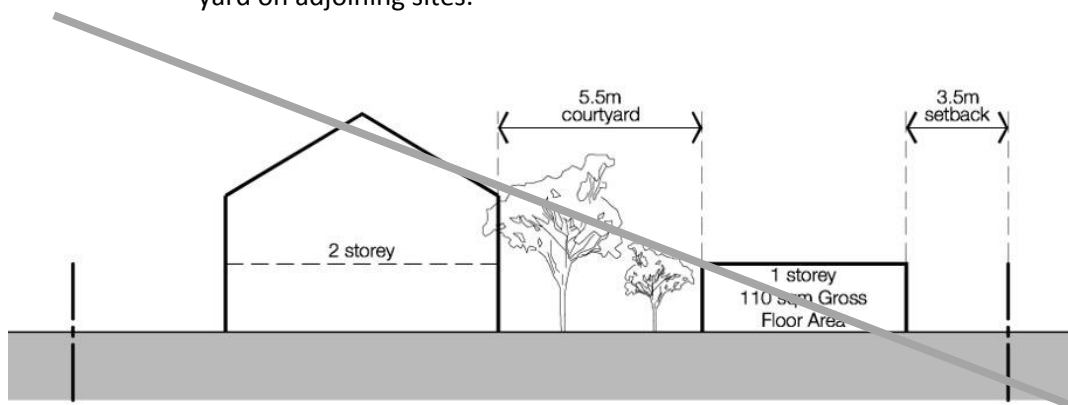
~~The objectives and controls in this section aim to facilitate an acceptable size and bulk of dual occupancy development that maintains a satisfactory relationship with adjoining development and the wider street context.~~

~~Objectives~~

- ~~(a) To ensure that the size and bulk of dual occupancy development is in character with surrounding development and streetscape.~~
- ~~(b) To ensure that the size and bulk of new buildings and alterations and additions to existing buildings do not result in unreasonable impacts on neighbouring properties.~~

~~Controls~~

- ~~(a) Where dual occupancy development is proposed the allotment size is to have an area of:
 - ~~(i) 450m² or more where the two dwellings are attached; or~~
 - ~~(ii) 600m² or more where the two dwellings are detached.~~~~
- ~~(b) In the case of a detached dual occupancy, any second building is restricted to a single storey and to a maximum gross floor area of 110m² (refer to Figure 4) and must not exceed the maximum FSR for the site.~~
- ~~(c) In the case of a detached dual occupancy, the second dwelling is restricted to a maximum external wall height of 3m measured from natural ground level (refer to Figure 4).~~
- ~~(d) The second dwelling should typically be located in the rear yard, except in cases where there is a pattern of larger secondary structures within the front yard on adjoining sites.~~



~~Image moved to Section 1.4 - Figure 5 Requirements for a detached dual occupancy~~

1.3 STREETScape AND VISUAL IMPACT

In general, development should complement the existing character of the streetscape in terms of scale, architectural style and materials.

Where buildings of contemporary and non-traditional architectural styles are proposed, they should not diminish the established character of a street or area.

Objectives

- (a) To encourage and facilitate new **dwelling house, dual occupancy, semi-detached dwelling house, and terrace development** of a high architectural and aesthetic standard, that acknowledges and responds to the architectural style and character of the existing built environment.
- (b) To encourage alterations and additions to existing semi-detached dwelling houses to maintain design integrity and ensure that they visually present as pairs or groups of dwellings.
- (c) To allow contemporary architectural styled alterations and additions to semi-detached dwellings where appropriate, without diminishing the integrity and character of the streetscape.

Controls

- (a) New development should to be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. Aspects to be considered include:
 - (i) Height and bulk;
 - (ii) Setbacks;
 - (iii) Landscaping; and
 - (iv) Architectural style and materials.
- (b) The bulk, scale and proportions of new buildings shall be consistent with the predominant character of the surrounding buildings.
- (c) **New windows are to be proportionate and of a similar design to existing windows of the dwelling.**
- (d) Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling house.
- (e) Consideration must be given to the aesthetic appearance of any building or work when viewed from a public place including park, reserve, beach or from the ocean.
- (f) Alterations and additions should maintain the established setting of the building in terms of significant landscaping and topography.
- (g) Existing verandahs and balconies fronting the street are not to be enclosed unless the applicant can demonstrate that this is appropriate to the style of the dwelling.

~~1.3.1 Additional controls for semi-detached and attached dwelling houses~~ (MOVED to 1.5)

- (a) ~~Upper levels of semi-detached dwellings (including alterations & additions and new semi-detached dwellings) should:~~
 - (i) ~~Be designed to allow for an addition of similar design, scale and bulk to the adjoining (attached) semi.~~

- ~~(ii) Be setback from the front of the existing roof structure so that the additional storey does not dominate the appearance of the pair when viewed from the street.~~
- ~~(iii) Be either designed to complement the existing character of the pair of semi-detached dwellings or, if a modern design, be setback so as to not visually dominate or detract from appearance of the pair when viewed from the street.~~
- ~~(b) First floor level additions or extensions should not result in the creation of a blank dividing wall along the boundary between semi-detached dwellings and are to be located behind the front roof hip of the existing semi-detached dwelling.~~
- ~~(c) Upper level balconies at the front and side of semi-detached dwellings are generally not appropriate.~~

~~1.3.2 Additional controls for terrace style dwelling houses~~ (MOVED to 1.5)

- ~~(a) Where there is a mix of 1 and 2 storey terrace style dwelling houses within a terrace group, additions to one of the single storey terrace style dwelling houses may be acceptable if the new storey reflects the character and detail of the ground floor facade.~~
- ~~(b) Extensions to the rear of an existing single storey terrace dwelling house are to be no higher than the existing ridge.~~
- ~~(c) In the case of attic conversions, the main roof envelope of the existing dwelling house should remain intact and any dormers should be proportional in size and scale with the existing roof.~~

1.4 DUAL OCCUPANCY DEVELOPMENT

The objectives and controls in this section aim to facilitate an acceptable size and bulk of dual occupancy development that maintains a satisfactory relationship with adjoining development and the wider street context.

Objectives

- (a) To ensure that the size and bulk of dual occupancy development is in character with surrounding development and streetscape.
- (b) To ensure that the size and bulk of new buildings and alterations and additions to existing buildings do not result in unreasonable impacts on neighbouring properties.

Controls

- (a) Where dual occupancy development is proposed the allotment size is to have an area of:
 - (i) 450m² or more where the two dwellings are attached; or
 - (ii) 600m² or more where the two dwellings are detached.
- (b) In the case of a detached dual occupancy, any second building is restricted to a single storey and to a maximum gross floor area of 110m² (refer to Figure 5) and must not exceed the maximum FSR for the site.
- (c) In the case of a detached dual occupancy, the second dwelling is restricted to a maximum external wall height of 3m measured from natural ground level (refer to Figure 5).
- (d) The second dwelling should typically be located in the rear yard, except in cases where there is a pattern of larger secondary structures within the front yard on adjoining sites.

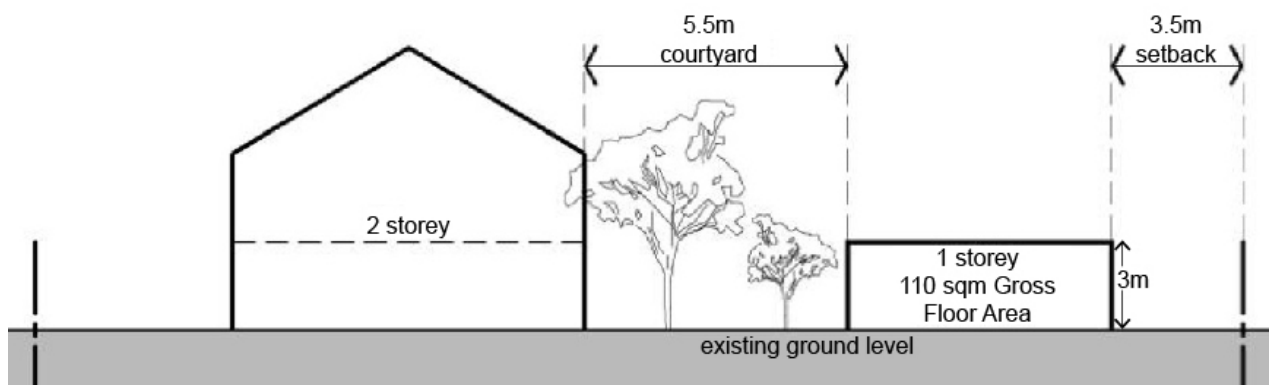


Figure 5 Requirements for a detached dual occupancy – figure updated

1.4.1 Rear Setback (moved from 1.2)

- (a) The siting of the rear component of a dual occupancy development, where designed as detached front and rear dwellings, shall ensure that the rear gardens of adjoining properties maintain adequate solar access, privacy and outlook and are not unreasonably impacted upon by building bulk and scale.
- (b) A detached dual occupancy building shall have a minimum 3.5m setback from the rear boundary (refer to Figure 5).

1.5 SEMI-DETACHED DWELLINGS & TERRACE STYLE DEVELOPMENT

Semi-detached residences are subject to demand for greater accommodation within first floor additions. This is often associated with expectations that first floor additions are able to extend over the whole of the existing ground floor of a semi. When designing a first floor addition to a semi it is important to maintain the aesthetic qualities and cohesion of semi-detached residences. Additions need to respond to the style and form of the existing semi design and also allow for the overall form to cohesively address the streetscape.

~~The detrimental impact that first floor additions may have upon the cohesion and aesthetic qualities of semi-detached residences and related streetscape settings is exacerbated by expectations that first floor additions are able to extend over the whole of the existing ground floor and be constructed in styles and forms unrelated to the original residence and the existing design of semi-detached residences.~~

The objectives and controls in this section aim to guide the cohesion of semi-detached, dwellings and terrace style development, particularly for first floor additions and related streetscapes. For further background in regards to the evolution and historical context of these forms of housing, please refer to Council's "History of Semi-detached Dwelling Designs in Waverley."

Objectives

- (a) Any alterations and additions to single dwelling house, dual occupancy, terrace, and semi-detached dwelling houses development need to visually read as a holistic part of the existing dwelling from the streetscape.
- (b) Overall materiality and detailing of design elements such as roof features, garages and car ports is to be of a high quality and reference existing architectural features where present.

Controls

1.5.1 First floor additions for semi-detached dwellings

- (a) All first floor additions are to maintain the original style and massing of the attached residential pair and appear as a secondary element to the dominant form of the overall dwelling (refer to Figure 6).

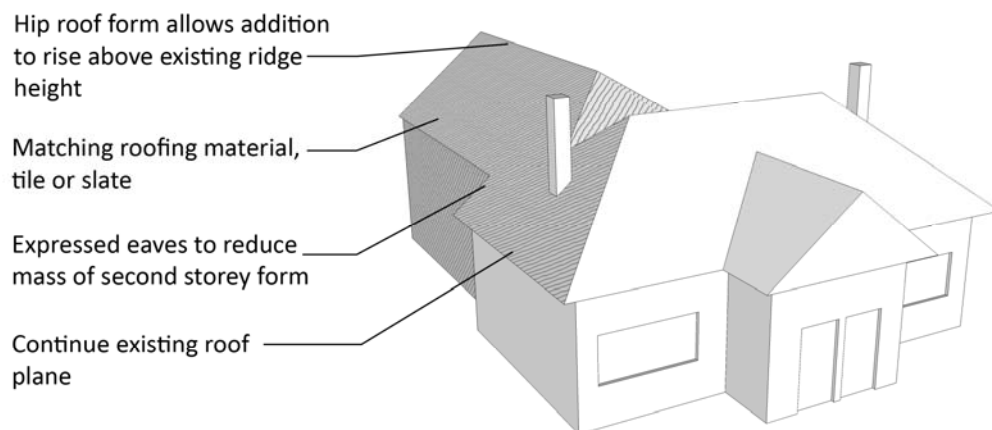


Figure 6 First floor addition perspective and roof plan

- (b) Where first floor additions are of contemporary or differing style these are to be secondary to the core form and style of the semi-detached residential pair (refer to Figure 7).

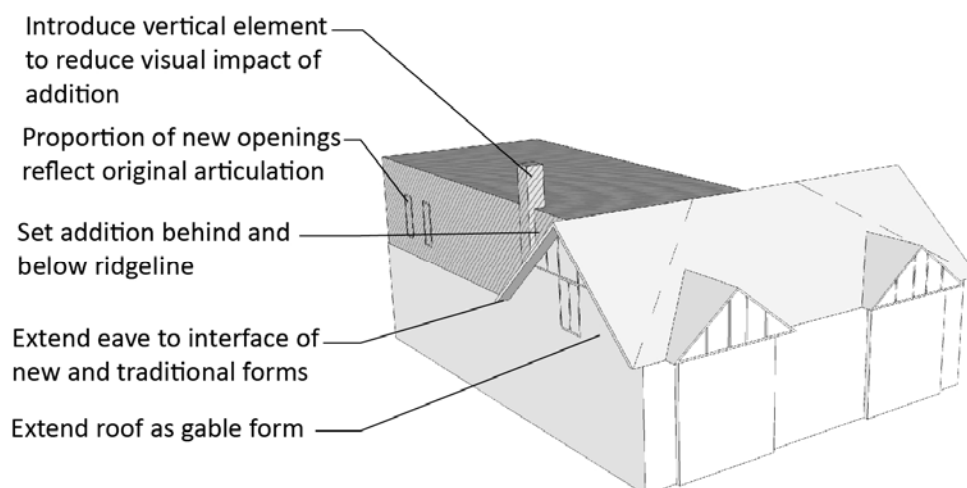


Figure 7 Secondary contemporary first floor addition

- (c) All first floor additions are to provide a high standard of design at the interface with the attached residence (refer to Figure 8) and a unifying design element such as a column is to be incorporated to allow a gradual transition between forms.

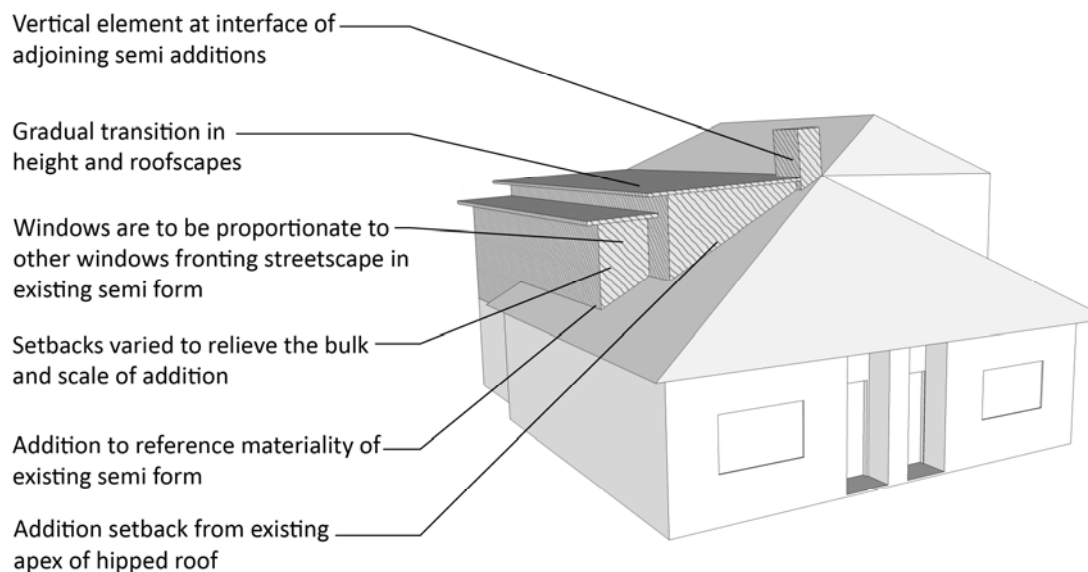


Figure 8 first floor addition interface with attached residence

- (d) In the unlikely situation that the proposed first floor addition projects forward of the existing ridgeline or apex of a hipped roof, and this proposal can be substantiated on design, streetscape, and impact reasons, the width of additions is to be limited and to retain substantial elements and extent of the existing roof form contiguous with the attached residence (refer to Figure 9).

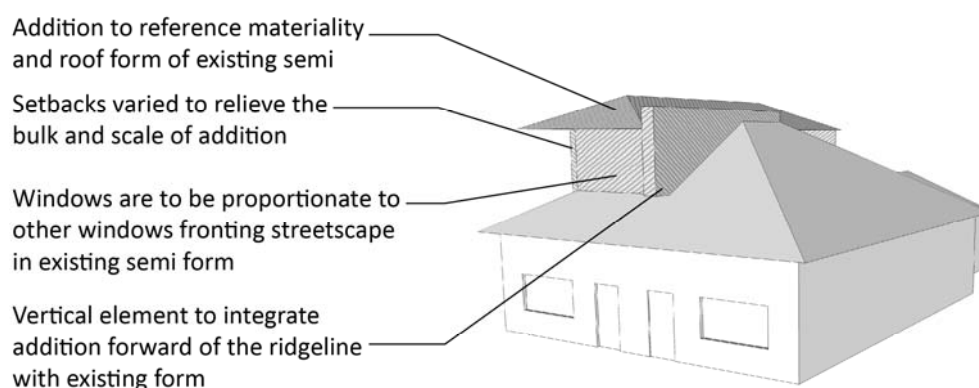


Figure 9 First floor addition projecting forward of existing ridgeline

- (e) Where first floor additions project forward of the existing ridgeline or apex of a hipped roof to both residences in a semi-detached pair, strong emphasis on cohesion of the adjacent additions is to be provided in the additions and detailing (refer to Figure 10).

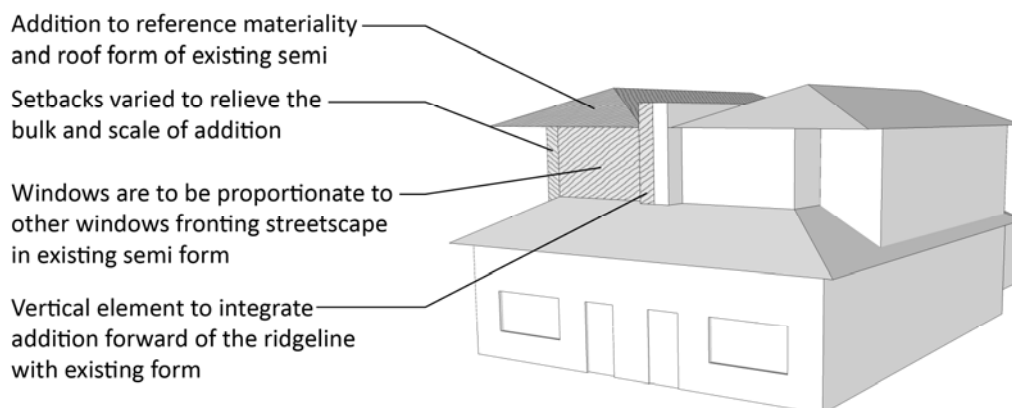


Figure 10 First floor addition projecting forward of existing ridgeline of semis pair

- (f) Where existing semi-detached residences have tall existing roof forms, additions forward of the apex or ridge are to be limited to dormers or gables projecting from attic additions within the existing roof (refer to Figure 11).

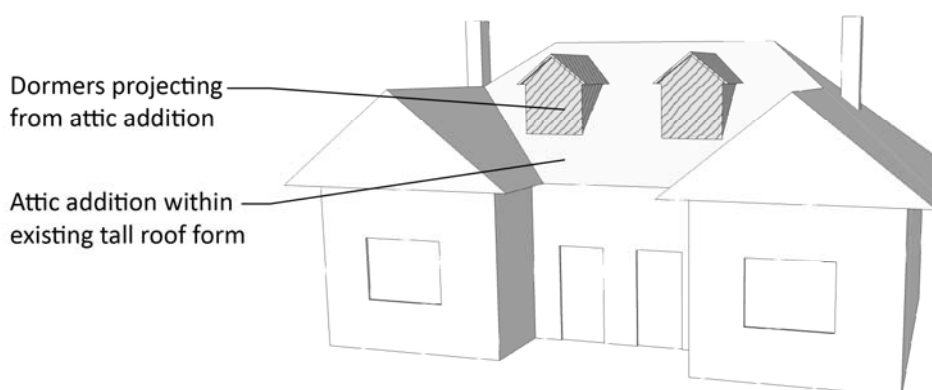


Figure 11 Additions to tall existing roof forms forward of the apex or ridge

- (g) Where existing semi-detached residences have gable fronted roof forms, such as those designed in the California Bungalow style, first floor additions are to be setback from the existing gable and are not to exceed the height of the existing ridgeline unless they closely match the roof form, pitch and roof tiling (refer to Figure 12).

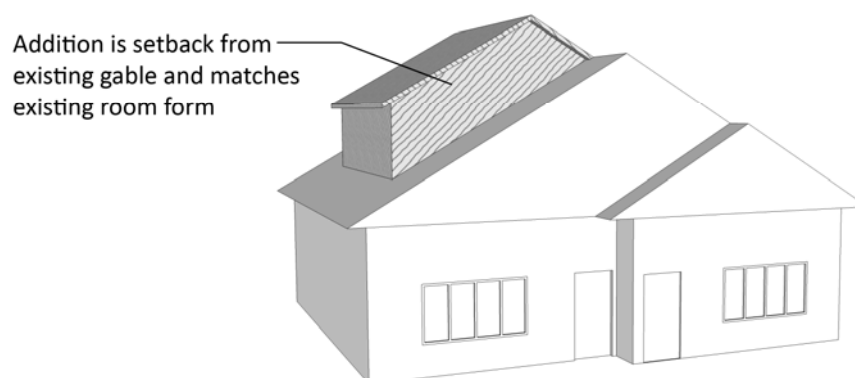


Figure 12 First floor additions with matching gable roof forms

- (h) Where contemporary flat or low pitched roof forms are proposed to first floor additions, designs must demonstrate a high standard of integration with the semi-detached residential pair rather than dominate the existing form (refer to Figure 13).

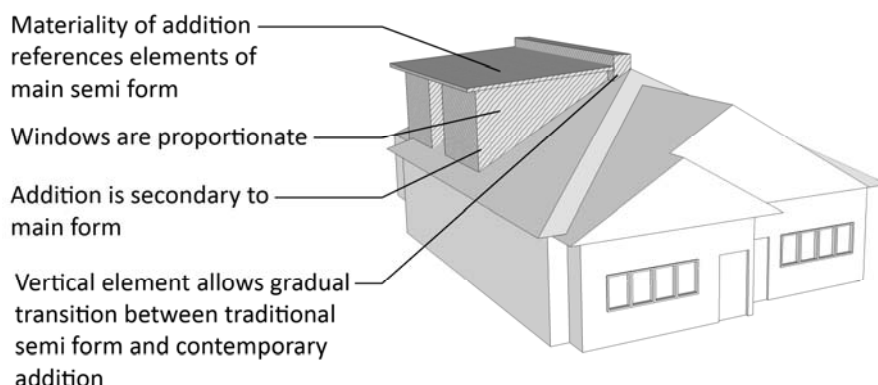


Figure 13 Contemporary first floor addition

1.5.2 Side setback and courtyard design controls for terraces (moved from 1.2)

- (a) The common (or party) wall between a pair of terraces can be built with no side setback along the common boundary where it abuts an existing wall to the neighbouring property or where it can be reasonably expected that a wall to the neighbouring property would be constructed in the future.
- (b) The outer side wall of the building (i.e. the wall that is not a shared wall or party wall), should be set back a minimum of 900mm from the outer side boundary (refer to Figure 19).
- (c) Part of the outer side wall may be built to the outer side boundary to create an internal courtyard where a courtyard will (or can) be created with the adjoining property. The wall on this boundary should generally be a maximum of 2.1m in height. Refer to Figure 19.
- (c) Internal courtyards must have a minimum 1.5m dimension.
- (d) No openings are permitted for walls built to the side boundary.
- (d) The extension should not encroach beyond the predominant rear building line and no openings are permitted in the side wall with nil setback (refer to Figure 19).

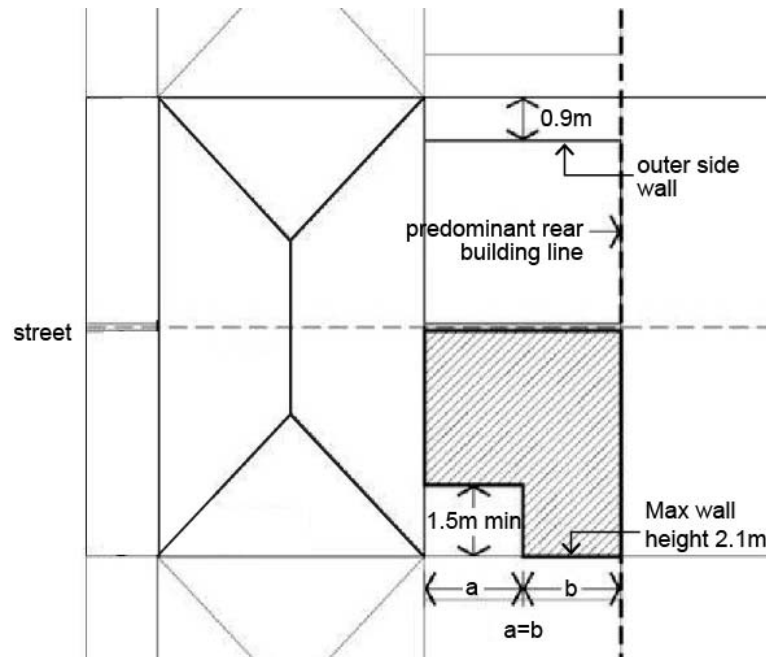


Figure 19 Example of rear extension to terrace – figure updated

1.5.3 Streetscape and visual impact controls for semi-detached dwelling houses

- (a) Upper levels of semi-detached dwellings (including alterations & additions and new semi-detached dwellings) should:
 - (i) Be designed to allow for an addition of similar design, scale, **proportion** and bulk to the adjoining (attached) semi.
 - (ii) Be setback from the front of the **front roof hip** ~~existing roof structure~~ so that the additional storey does not dominate the appearance of the pair when viewed from the street.
 - (iii) Be either designed to complement the existing character of the pair of semi-detached dwellings or, if a modern design, be setback so as to not visually dominate or detract from appearance of the pair when viewed from the street.
- (b) First floor level additions or extensions should not result in the creation of a blank dividing wall along the boundary between semi-detached dwellings and are to be located behind the front roof hip of the existing semi-detached dwelling.
- (c) Upper level balconies at the front and side of semi-detached dwellings are generally not appropriate.
- (d) **For further guidance, refer to Section 1.3 Streetscape and Visual Impact.**

1.5.4 Streetscape and visual impact controls for terraces

- (a) Where there is a mix of 1 and 2 storey terrace style dwelling houses within a terrace group, additions to one of the single storey terrace style dwelling houses may be acceptable if the new storey reflects the character and detail of the ground floor facade.
- (b) Extensions to the rear of an existing single storey terrace dwelling house are to be no higher than the existing ridge.

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- (c) In the case of attic conversions, the main roof envelope of the existing dwelling house should remain intact and any dormers should be proportional in size and scale with the existing roof.
- (d) For further guidance, refer to Section 1.3 Streetscape and Visual Impact

1.6 DORMER WINDOWS

Where it is proposed to utilise the existing roof space of dwelling houses by the inclusion of dormer windows, these are to be designed so that they are **proportionate** and complementary to the character of the dwelling house and do not visually dominate the roof.

Objectives

- (a) To ensure additions to roofs for the purposes of accommodation, are **proportionate and complementary** compatible with the character of the house and streetscape.
- (b) To ensure where part of a semi-detached pair, row or group, the character of dormer and roof windows is consistent in all respects, to conserve the unity of the group.

Controls

- (a) Where the height of the roof as measured from the gutter to the ridge is less than 2.5m, windows must be flush to the roof and limited to one per single fronted dwelling, or a pair on a double fronted dwelling. Windows are to be centrally located on the roof.
- (b) The roof of any dormer shall generally be a minimum of 300mm below the main ridge.
- (c) Where the dwelling is part of semi-detached pair, row or group of like dwellings, any dormer or roof window must match the unity of the group and the total width of dormers should be no greater than 25% of the width of the roof.
- (d) In terrace style dwellings, a rear skillion dormer may be permitted at the rear of the roof, provided the existing ridge line is maintained, the addition is set below the ridge and a side setback of minimum 600mm is maintained. In addition, the rear skillion dormer is not to extend beyond the rear gutter line.

1.7 SECONDARY DWELLINGS AND ANCILLARY BUILDINGS

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) includes development standards for secondary dwellings. This Part provides additional development guides that may be read in conjunction with the SEPP. Where there is an inconsistency between the SEPP and this DCP, the development standards in the SEPP prevail.

Secondary dwellings and ancillary buildings must clearly read as secondary structures associated with the principal dwelling. The objectives and controls in this Part aim to ensure that the bulk and scale of these structures is appropriate in relation to the principal dwelling and the locality.

Objectives

- (a) To ensure secondary dwellings and ancillary development achieve acceptable levels of building design, amenity, landscaping, access and security.
- (b) To limit the bulk and scale of secondary dwellings and ancillary development.
- (c) To avoid excessive development of existing landscaped areas and open space of dwellings.
- (d) To minimise the adverse amenity impacts of secondary dwellings and ancillary buildings on adjoining properties.
- (e) To ensure secondary dwellings and ancillary development enhances the streetscapes of laneways and primary streets.

Controls

1.7.1 Secondary Dwellings

- (a) Secondary dwellings are to comply with the provisions of Clause 5.4(9) of WLEP 2012. Where secondary dwellings are proposed to address the rear lane, the development guides in Part 1.8 – Laneway Development will apply.

1.7.2 Ancillary Development

- (a) Ancillary buildings are to be minor buildings, integrated into the landscaped open space area of the dwelling, with the floor area of all ancillary buildings on an allotment not exceeding 10% of the allotment size.
- (b) The wall height of the ancillary buildings on a property boundary shall not exceed 2.1m.
- (c) The maximum height of ancillary buildings is not to exceed 2.4m.
- (d) The design of the roof of ancillary buildings should not conflict aesthetically with the design of the principal building on the site or with adjoining development.

1.8 LANEWAY DEVELOPMENT

The proposed use of laneway development is to be clearly specified. Where it is not proposed as a separate occupancy (e.g. granny flat) the development should not include kitchen or bathroom facilities. Any proposal for the development to be used as a separate occupancy must comply with the relevant provisions for this type of use.

Objectives

- (a) Maintain and improve the key function of a lane being the provision of access to and from a site.
- (b) To reduce the bulk of additions to residences within Conservation Areas.
- (c) To activate rear laneways:
 - (i) Through improved passive surveillance;
 - (ii) Through improved quality of construction and design; and
 - (iii) By establishing opportunities for improved landscaping.
- (d) To maintain and enhance aesthetic qualities of Conservation Areas.
- (e) To maintain the amenity of existing residences within the Conservation Area.

Controls

1.8.1 General design provisions

- (a) The external wall height of laneway development shall not exceed 3.6m and maximum height to the roof ridge shall not exceed 6m (refer to Figure 20).
- (b) External walls that include gabled roof ends are to have a maximum ridge height of 6m and are only appropriate where the impact on neighbours is considered acceptable in terms of solar access, bulk and scale, visual and acoustic privacy impacts.
- (c) Laneway development is to be designed with simple built forms, built at or very close to the lane alignment and should not provide a strong visual element when viewed from the primary street frontage (refer to Figures 21 and 22).
- (d) Laneway development design should incorporate a pitched roof. Skillion roofs located behind parapets may be acceptable in some instances where the prevailing laneway development is consistent with such an approach and where it will result in fewer impacts to the amenity of adjacent properties.
- (e) Development along lanes is to maintain the prevalence of mature, regularly spaced street trees and bushes, as well as mature and visually significant trees on private land. Laneway development should not occur if it will result in a significant alteration to the landscape character of the laneway.
- (f) Landscaped areas should be maintained in line with the requirements in Section 1.14 – Landscaping and Open Space of this DCP.
- (g) External stairs are generally not acceptable in order to protect the visual and acoustic privacy of adjoining properties and to maintain an appropriate aesthetic quality of the development.
- (h) Rear lane garages are to employ gable ended and hipped roof forms with continuous roof pitch from outer walls to ridgeline.
- (i) Orientation of ridgelines is to consider and minimise impact upon neighbours' amenity.

- (j) Dormer or other roof projections are to be set a minimum of 600mm from outer garage walls and to be set a minimum of 300mm below the garage ridgeline (refer to Figure 21).
- (k) Dormers or other roof projections are to have a maximum combined width not exceeding 50% of the associated roof width.
- (l) Dormers or other roof projections and openings to gable ends are to be detailed to minimise overlooking of neighbours properties.
- (m) To maintain neighbours privacy and amenity, windows and glazed doors to above garage accommodation and storage areas are to incorporate privacy screening, translucent glazing, offset windows or other discrete detailing, cohesive to the design of the building and setting.
- (n) **(New provisions) Single width garage doors where possible should incorporate adjacent pedestrian pass doors.**
- (o) **Pass doors should incorporate off street enclosure for waste bin storage.**
- (p) **The design of garages and studio structures are to incorporate a diversity of building and landscaping materials.**
- (q) **(Moved from 1.8.2) -** Garage studios and rear lane garage developments are to incorporate landscape planting. Landscaping is to include but not be limited to:
 - (i) Inset pockets for tree, shrub or vine planting;
 - (ii) Overhanging planters;
 - (iii) Setback planters; and
 - (iv) Green walls utilising mesh supported climbers or vertical emphasised tree or shrub species.

1.8.2 Laneway development in Conservation Areas

Garage Articulation

- (a) Garage doors are to be limited to single vehicle widths, with central divide to double vehicle garages (refer to Figure 22).
- (b) Roof forms are to reflect those of the Conservation Area in pitch and modulation.
- (c) Garage/studio finishes are to reflect the finishes and proportions of traditional construction in Conservation Areas.
- (d) Proportions of openings to studios are to maintain the proportions and voids to solid ratios of traditional construction in the Conservation Area.
- (e) Windows to above garage studios are to be ~~detailed~~ **designed** as to minimise ~~oversight~~ **overlooking** of surrounding properties both adjacent to the site and on opposing sides of laneways. Outlook is to be directed into the associated property or into the rear lane.
- (f) Treatment of windows and glazed openings to studios is to incorporate privacy screening of or from neighbouring sites including but not limited to obscure glazing, window hoods, awnings and recessed window planes.
- (g) Garage studio structures are to be visibly separate from the associated residence. ~~Interstitial~~ Yard areas are not to be roofed.
- (h) Alignment of adjacent garage/studio structures is to incorporate cohesive forms massing and roof alignments. Box gutters on side boundaries are to be avoided.

Landscaping – Move to 1.8.1

Garage studios and rear lane garage developments are to incorporate landscape planting maintaining and enhancing the character and quality of the Conservation Area.

(a) Landscaping is to include but not be limited to:

- (v) Inset pockets for tree, shrub or vine planting;
- (vi) Overhanging planters;
- (vii) Setback planters; and
- (viii) Green walls utilising mesh supported climbers or vertical emphasised tree or shrub species.

Solar Panels

- (a) Solar collection panels are to be located to inner roof slopes facing the associated residence or to roof slopes facing side boundaries.

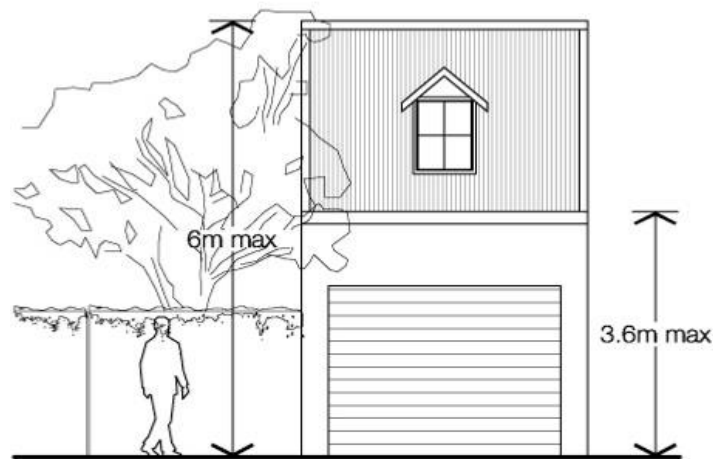


Figure 20 Maximum overall and external wall height for laneway development



Figure 21 Example of acceptable designs for laneway development



Figure 22 Laneway development should not be visible from the primary street frontage

1.9 FENCES

The appropriate design of fencing can assist in the achievement of architectural uniformity and streetscape cohesion.

The design of fences should generally relate to the period and architectural style of buildings at the site and in the vicinity.

Objectives

- (a) To avoid adverse visual impacts from the creation of high blank walls to the street.
- (b) To promote a streetscape where the ground floor front facades of dwelling houses are visible from the street.
- (c) To ensure front fences do not dominate the streetscape.
- (d) To ensure that side and rear fences are not excessive in height, resulting in adverse impacts on adjoining properties.
- (e) To ensure boundary treatments of properties adjoining parks are consistent with the materials palette in the relevant Plan of Management to maintain the amenity of parks.

Controls

- (a) The design of front fences is to take reference from, and complement, the architectural style of the dwelling on the site and dwellings on adjacent sites in terms of style, height and materials.
- (b) Front fences should generally not exceed 1.2m in height. Any solid upstand section should be limited to 600mm in height. The top half of the fence should be an open design with a minimum open area of 50%, for visibility to and from the site (refer to Figure 23). Components such as arched gates, piers and the like may exceed the predominant 1.2m height.
- (c) On sloping sites, the height limit is averaged so that the fence steps down the slope (refer to Figure 24).
- (d) Side and rear boundary fences are not to exceed 1.8m above the existing ground level of adjoining properties.
- (e) Side fences are to taper down from the front building line to match the height of the front fence at the front boundary (refer to Figure 25).
- (f) Where there is dual street frontage, consideration may be given for the allowance of a higher side fence to ensure privacy.
- (g) New brickwork increasing the height of brick fences should match the existing wall.
- (h) Decoration and/or architectural relief shall be provided to masonry fences, avoiding expansive blank walls facing the street.
- (i) No part of a fence, including its footings, is to encroach on the street alignment or adjoining properties.
- (j) Gates should not open into the street alignment or adjoining public parks.
- (k) All fence controls are subject to the provision of adequate sight lines for emerging vehicles to enable surveillance of pedestrians using the footpath in front of a dwelling.
- (l) All boundary treatments for properties adjoining public parks are consistent with materials palette from the relevant Plan of Management.

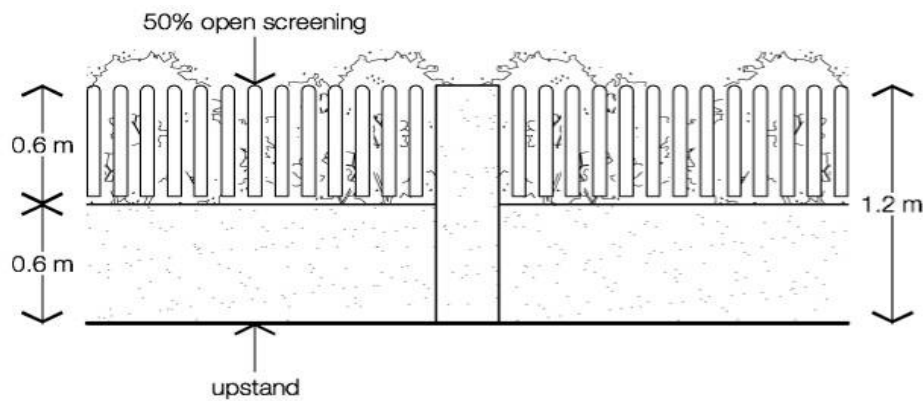


Figure 23 Example of front fence with maximum solid up stand of 600mm and open design top section

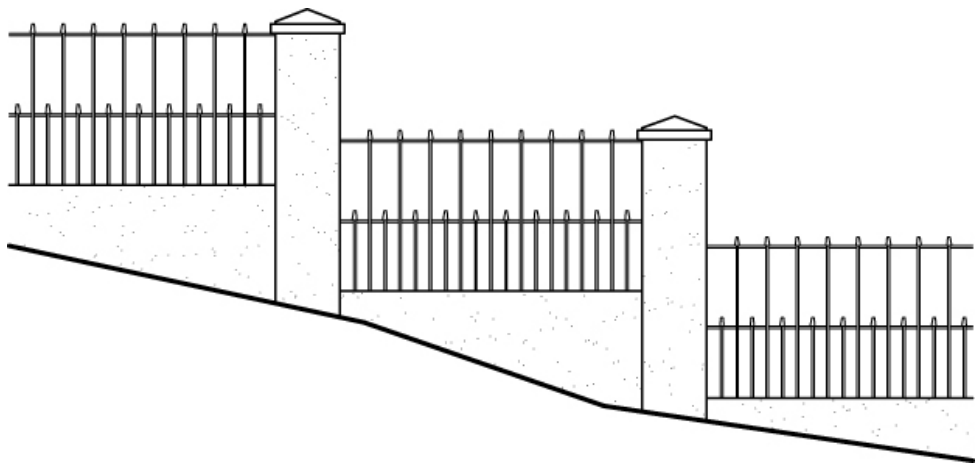


Figure 24 Fence height limit is averaged on sloping sites

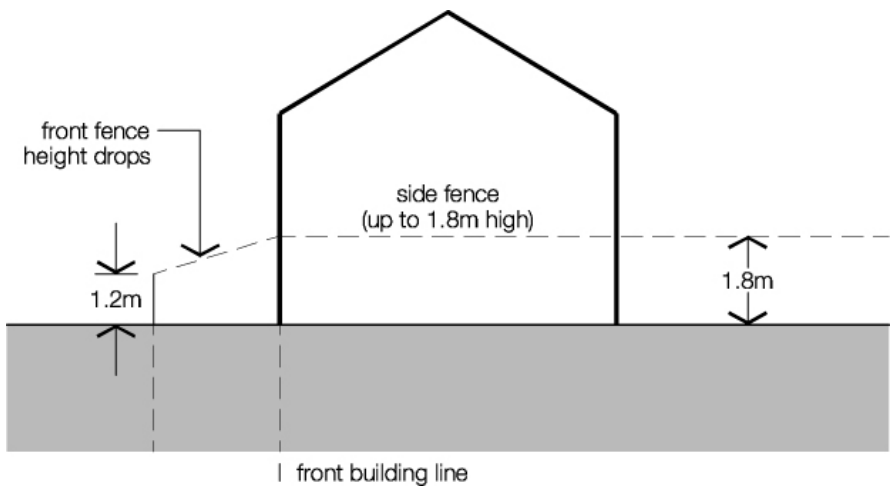


Figure 25 Side fences should taper down from the front building line.

1.10 VISUAL AND ACOUSTIC PRIVACY

Privacy is important for residential amenity. The enjoyment of a residential property by its occupants relies on achieving a reasonable level of acoustic and visual privacy. Roof terraces are generally discouraged however there may be instances where a small roof terrace may be appropriate. Where a roof terrace is proposed the application must have regard for the Land and Environment Court “Super Studio” Planning Principle available at:

http://www.lec.justice.nsw.gov.au/Pages/practice_procedure/principles/planning_principles.aspx

Objectives

- (a) To ensure that new builds and alterations and additions to **dwelling house, dual occupancy, semi-detached dwelling house and terrace development** does not unreasonably impact upon existing residential or other properties due to unacceptable loss of privacy or generation of noise.
- (b) To minimise the impact of roof terraces on adjoining properties.
- (c) To ensure that there are no additional overlooking impacts that wouldn't otherwise be achieved from other less elevated parts of the dwelling.

Controls

- (a) Habitable room windows must not directly face windows and/or open space of neighbouring dwellings unless direct views are permanently screened or other appropriate measures are incorporated into the design.
- (b) Where a courtyard, balcony or deck is visually prominent from, or in close proximity to, a neighbouring dwelling, permanent screening, landscaping and vegetation is to be used in combination to minimise this impact to an acceptable level.
- (c) Where an elevated deck or balcony is proposed it should have a maximum area of 10m² and a maximum depth of 1.5m. Where a larger area is proposed then greater consideration must be given to the following:
 - (i) Compliance with the building height development standard;
 - (ii) Compliance with setback controls;
 - (iii) Efforts to mitigate visual and acoustic privacy impacts including the use of permanent screening devices, increased setbacks, and retention of existing vegetation;
 - (iv) Pre-existing pattern of development in the vicinity of elevated decks and balconies; and
 - (v) The visual impact of the elevated deck or balcony and any proposed privacy screening in terms of bulk and scale as viewed from the private open space and living areas of adjoining properties and from the street.
- (d) Roof tops are to be non-trafficable and not capable of being used as roof terraces or as entertainment areas, except in the following circumstances:
 - (i) The predominant residential character in the vicinity of the site includes roof terraces;
 - (ii) They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;
 - (iii) They should not exceed 15m² in area;

- (iv) They satisfy the considerations of the LEC “Super Studio” Planning Principle;
- (v) They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and
- (vi) Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic lifts are acceptable where they finish generally flush with the roof level.

It is acknowledged that in some areas within Waverley there are a number of large roof top terraces. These large terraces (larger than 15m²) may impact upon the visual and acoustic privacy of adjoining properties. Control (c) above specifically aims to limit this development outcome continuing and the existence of larger roof top terraces in close proximity to the proposed roof terrace does not justify a variation from the maximum size control in (c) above.

- (e) Consideration must be given to noise mitigation measures including:
 - (i) Noise efficient building materials;
 - (ii) Avoiding noisy walking surfaces (such as external metal decks) and unenclosed elevated side passages.
 - (iii) Incorporate all sewerage, water pipes, ducting, cables, fans, vents and other utilities within the building envelope;
 - (iv) Plumbing for each dwelling is to be contained using appropriate noise resistant wall, ceiling and floor treatments in order to prevent the transmission of noise between dwellings.
- (f) External lighting is to be directed away from the main internal living areas and bedrooms of adjacent dwellings.

1.11 SOLAR ACCESS

The amenity of any building is influenced by the amount of solar access received. Residential development should consider orientation and siting to maximise solar access.

Objectives

- (a) To ensure reasonable levels of direct sunlight to living areas and private open space of residential buildings.
- (b) To improve solar amenity and energy efficiency to existing dwellings.
- (c) To minimise overshadowing of windows to internal living areas and private open space of adjoining dwellings.

Controls

- (a) New buildings and additions to existing buildings are to provide for a minimum of 3 hours direct sunlight to at least 50% of the ground plane to living areas and principal private open space areas, when measured between 9am and 3pm during winter solstice (June 21).
- (b) New buildings and additions to existing buildings are not to reduce the amount of direct sunlight to solar collectors (e.g. windows, photovoltaic cells, solar panels) or the principal private open space of adjoining properties to less than 3 hours to at least 50% of the ground plane to living areas and principal private open space areas, when measured between 9am and 3pm during winter solstice (June 21).
- (c) If the provision of direct sunlight is already below 3 hours (as per above), any reduction may be unacceptable.
- (d) Where a reduction of direct sunlight to solar collectors or private open space of an adjoining property is caused by floor space, building height or setbacks that do not comply with the relevant control, any reduction of sunlight may be considered unacceptable.
- (e) Minimise undue passive solar impacts especially for east-west running blocks for properties to the south.

1.12 VIEWS

Many properties in Waverley enjoy local and district views, including those to Sydney Harbour, beaches, the coastline, ocean and open space.

Views are often available from public places and private properties situated a considerable distance from proposed development.

It is generally accepted that views do not 'belong' to anyone or any property, nor is a view the exclusive right to any one property or to certain individuals. 'View sharing' is an important principle to consider when developing a property.

This Part should be read in conjunction with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140* which provides general principles for the assessment of views and view sharing. The Planning Principle may be viewed at the following link:

http://www.lev.justice.nsw.gov.au/Pages/practice_procedure/principles/planning_principles.aspx

Objectives

- (a) To minimise the impact on existing views and vistas enjoyed from existing residential development and from the public domain.
- (b) To encourage view sharing as a means of ensuring equitable access to views from private dwellings
- (c) To maintain views from public places of landmark or iconic features.

Controls

- (a) Existing views and vistas available from the public domain, including but not limited to ocean, harbour, beach, city and parks views are to be maintained where possible by the design of buildings.
- (b) Existing views of landmark or iconic features from the public domain (such as Sydney Harbour, Opera House, Harbour Bridge, Bondi Beach) are to be maintained and where possible, enhanced. In some circumstances, complying with maximum development controls may not be achievable if an iconic view is impeded.
- (c) New development is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. Where views are enjoyed by a neighbouring property across a proposed terrace, balcony or deck, it may be appropriate to exclude a privacy screen to enable the view to be maintained.

1.13 CAR PARKING

Car parking is one of the most critical planning and transport issues in Waverley. Wherever possible, Council strongly encourages the use of alternative modes of transport such as walking, cycling and public transport and continues to work towards providing better transport connections to the area.

The provision of private (on-site) and public (on-street) parking must be managed in an equitable and environmentally sensitive manner that benefits the community as well as the individual. When considering applications, the following general principles shall apply:

Strategies

- The provision of car parking on-site may not be appropriate in all locations or circumstances and approval will only be granted where the site and locality conditions permit.
- Car parking must be designed to complement the design of the building and streetscape to which it relates and incorporate a range of appropriate materials and design.
- Where site conditions allow, car parking structures should be located behind the front building line. In some circumstances, car parking structures in front of the building line may not be appropriate for streetscape or design reasons.
- Driveways and vehicular access should be designed to minimise the loss of on-street parking wherever possible.
- Car park access is to be provided from secondary streets or lanes where possible.

Objectives

- (a) To provide convenient and accessible parking that is appropriately designed and located.
- (b) To achieve a high standard of urban design and retain the visual quality of residential buildings, streetscapes and landscapes.
- (c) To protect the amenity and safety of pedestrians.
- (d) To ensure that car parking accommodation does not dominate or adversely impact on the existing built or landscape character of the street.
- (e) To encourage the use of alternative modes of transport in areas well serviced by public transport.
- (f) To ensure on-street parking supply is protected by minimising impacts of additional vehicular kerb crossings.

1.13.1 Parking Rates

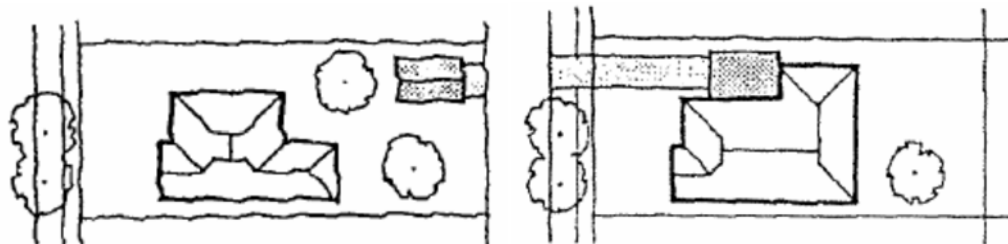
Controls

- (a) For new houses, car parking should not exceed:
 - (i) 1 space for dwellings with 2 or less bedrooms.
 - (ii) 2 spaces for dwellings with 3 or more bedrooms.
- (b) Notwithstanding the above, a reduced rate (or no parking) may be required in the following circumstances, where:
 - (i) Parking may have a detrimental impact on the character of the streetscape, heritage item or heritage conservation area, or health of a significant tree.
 - (ii) A driveway cannot comply with maximum gradients and design standards required by the Australian Standards.
 - (iii) Vehicle entry and exit may have a detrimental impact on pedestrian and traffic movements and safety or nearby services or infrastructure.
 - (iv) The access to the on-site car parking will result in the loss of more than 1 on-street car parking space.
 - (v) There is low on-street parking availability and no net car parking public benefit.
- (c) Where an applicant proposes to provide more than the number of on-site car spaces specified in (a), additional justification must be provided to cover matters such as, but not limited to the impact of:
 - (i) The visual impact of parking accommodation compared to alternatives such as landscaping;
 - (ii) Any increased building bulk on the streetscape;
 - (iii) Any increased building bulk on the amenity of adjoining properties;
 - (iv) The loss of existing on-street parking illustrating existing and proposed off street parking;
 - (v) The level and impact of any excavation; and
 - (vi) Access to public transport.

1.13.2 Location

- (a) For new dwellings all on-site car parking is to be located behind the front building line.
- (b) For existing development, car spaces should be sited having regard to the following hierarchy (refer to Figure 26):

- (i) Hardstand, carport or garage located at the rear of the site with access from a rear lane;
- (ii) Hardstand, carport or garage located at the side of the dwelling behind the building alignment; or



- (iii) Hardstand car space forward of the front building line.

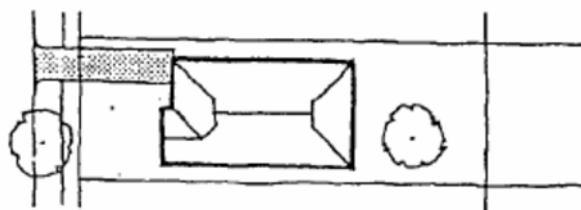


Figure 26 Hierarchy of preferred car parking locations

- (c) Garages on rear lanes must not create conflict with parking in the lane and result in the loss of laneway parking for any property other than the subject site.
- (d) A hardstand (in the form of wheel strips) or carport forward of the building line may be permitted where:
 - (i) There is no rear access;
 - (ii) The site is of sufficient width where the car space will not dominate the existing building (i.e. does not exceed 45% of the width of the site frontage);
 - (iii) It is no greater than a single car space;
 - (iv) The distance between the building and the front property boundary is a minimum of 5.4m;
 - (v) Public views would not be adversely affected;
 - (vi) There is a predominance of this form of off street car parking in the immediate vicinity of the site;
 - (vii) It is designed so that it does not detract from the heritage significance of the building or area;
 - (viii) There is limited availability to public transport;
 - (ix) The safety of vehicles, pedestrians and cyclists is maintained; and
 - (x) There is adequate bin storage space other than on the hardstand.
- (e) Where an allotment is subdivided to create a "battleaxe" shaped allotment, the access "handle" is to have a minimum width of 3.5m.
- (f) On-site car parking (other than from rear lanes) is generally not acceptable in heritage conservation areas where it will:
 - (i) Break a consistent building line;
 - (ii) Introduce uncharacteristic elements within an established streetscape; and/or
 - (iii) Adversely impact on the integrity of the listed or contributory building or setting.

1.13.3 Design

- (a) All car parking should be designed to complement the style, massing and detail of the dwelling to which it relates.
- (b) Car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site.
- (c) No element of the street façade/frontage of a building, including verandahs and window awnings are to be removed or demolished in order to accommodate car parking unless mitigating measures are taken to ensure cohesive integration of the works with the building.
- (d) Car parking is to preserve the natural features of the site and incorporate substantial screen planting to both the surrounds and any structure facing the street.
- (e) Exposed natural rock faces and heritage listed sandstone walls must not be removed for any car parking.
- (f) Vehicle access is not to remove existing street planting without consent and replacement of street planting with like mature species or Council approved alternate species.
- (g) Where parking is provided to dual occupancies parking is to utilise shared access ways. Parking to dual occupancies is to be located behind the front building line and to utilise open spaces between residences preferably screened from the street.
- (h) Where parking is provided forward of the building line within street front retaining walls, both the garage entry and the associated retaining walls are to incorporate substantial planting and or screen planting set forward of the wall.
- (i) Where existing retaining walls form part of the streetscape any new garage is to have single vehicle width entries. Entry set within stone faced exterior walls of matching stone work to that in the streetscape. Stone facing to new garages is to incorporate whole stone return corners and not mitred or butt jointed veneer.
- (j) Where gates are proposed they should have an open design to allow for improved security by way of street surveillance and are not to open over the footpath or public nature strip.
- (k) All parking accommodation is to be constructed or installed so that any roof or surface water is disposed of into the existing stormwater drainage system.
- (l) The surface and slope of driveways must be designed to facilitate stormwater infiltration on site such as the use of wheel strips or alternatively porous materials.

1.13.4 Dimensions

- (a) Hardstand spaces, carports and garages should have minimum dimensions of 5.4m x 2.4m per vehicle.
- (b) All car spaces are to accommodate the vehicle within the site without the vehicle or vehicle appendages overhanging the public domain. Internal sliding or hinged gates are to be provided to hardstands/carports to ensure enclosure of the vehicle within the site.

1.13.5 Driveways

- (a) Where possible driveways to off-street car parking should be located so they may provide vehicle access to adjacent properties.
- (b) Provide a maximum of 1 vehicle crossing per property.
- (c) Driveways are to be 3.0m wide at the gutter (excluding the splay) and may splay to the property boundary as required.
- (d) Vehicle crossings will not be permitted where one off street parking space will result in the loss of two or more on street parking spaces.
- (e) A street analysis is required illustrating the number of on-street spaces provided before and after the proposed vehicle crossing.

1.14 LANDSCAPING AND OPEN SPACE

Landscaping provides a setting for residential development when viewed from the street and adjoining properties amenity for residents, as well as contributing to sustainable development outcomes.

The definition of 'landscaped area' is the same as the definition adopted in the WLEP 2012 and means *"a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area"*.

Open space has a broader meaning than landscaped area and means an area external to a building (including an area of land, terrace, balcony or deck) and includes hard paved areas, areas containing swimming pools as well as landscaped area.

Private open space is the component of open space that is used for private outdoor purposes ancillary to the use of the building and generally relates to rear and side yards and private decks, balconies and courtyards.

Objectives

- (a) To enhance the amenity and visual setting of the site, streetscape, and surrounding neighbourhood.
- (b) To ensure the provision of open space in a size and arrangement that meets user requirements for recreation, service and storage needs, solar access and is well integrated with living areas.
- (c) To retain and increase remnant populations of endemic flora and fauna.
- (d) To maximise on site stormwater infiltration and minimise off site stormwater runoff.

Controls

- (a) A minimum of 40% of the total site area is to be provided as open space.
- (b) A minimum of 15% of the total site area is to be provided as landscaped area.
- (c) Each dwelling is to have a minimum of 25m² of private open space capable of being used for recreation.
- (d) Each dwelling in a detached dual occupancy development is to have a minimum open space area of 130m² including a private open space area having minimum dimensions of 5m x 5m located adjacent to the living area of each dwelling.
- (e) A minimum of 50% of the area between the front of the building and the street alignment is to be open space.
- (f) A minimum of 50% of the open space provided at the front of the site is to be landscaped area.
- (g) Existing significant vegetation is to be retained.
- (h) Species should be retained, selected and placed in order to help achieve the following:
 - (i) Cool buildings in summer;
 - (ii) Intercept glare from hard surfaces;
 - (iii) Channel cooling air currents into the dwelling in summer;
 - (iv) Allow sun into living rooms in cooler months; and
 - (v) Provide windbreaks where desirable.

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- (i) Existing natural features including sandstone and rock features are to be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape. Sandstone walls and finishes fronting the public domain need to match the traditional pattern and colour of sandstone in the area.
- (j) Landscaping is to be designed to minimise non-porous areas and maximise on-site infiltration of stormwater. Paved areas are to be semi-porous or graded to maximise on-site infiltration.

1.15 EXCAVATION

Excavation can have a detrimental effect on the local environment, neighbouring properties and streetscape.

Where excavation is proposed to exceed 3m in depth, is at or near cliff faces or on sloping sites that have a slope of 25% or more, a geotechnical report which addresses the stability of the site and surrounding properties must be submitted. The geotechnical report must confirm that the site is suitable for the proposed development and must list any relevant conditions. Please refer to Part A – Submission Requirements for additional information.

- (h) To minimise cut and fill on sloping sites and to encourage good quality internal environments including direct natural light and direct natural ventilation, any habitable room of a dwelling must have at least one external wall fully above existing ground level with necessary glazing and openings for light and air (refer to Figure 3).
- (i) Fill shall not be used to raise the ground level.
- (j) Excavation is not permitted within 900mm of side boundaries and shall only occur within the building footprint except where access to a basement car park is required.
- (k) Excavation should not add to the visual bulk and scale of the building.
- (l) Excavation should not result in the loss of naturally occurring sandstone.
- (m) Excavation for garaging within sandstone walls facing the street must be minimised to preserve as much of the original wall as possible.
- (n) Development should accommodate stormwater detention tanks and storage systems within the excavated area.

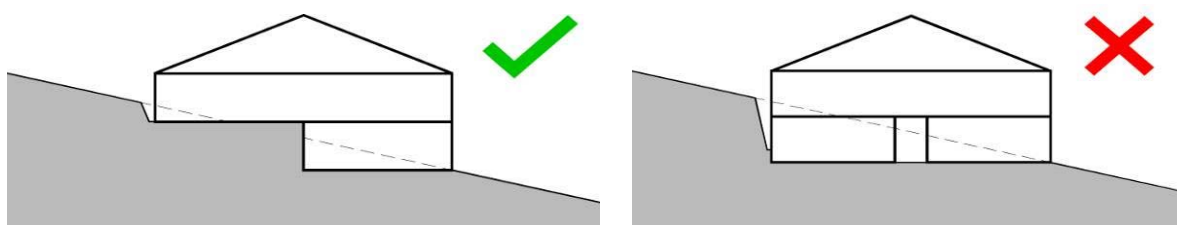


Figure 6 Habitable rooms are to have at least one external wall entirely above existing ground level

1.16 SWIMMING POOLS AND SPA POOLS

This part should be read in conjunction with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which allows the construction of a swimming pool with a complying development certificate subject to certain criteria. Swimming pools which do not satisfy that criteria are subject to the following objectives and controls.

All applications for swimming pools over 40,000litres in capacity must be accompanied by a BASIX Certificate. Please refer to Part A2 – Submission Requirements for more information.

Objectives

- (a) To protect significant trees and landscaping on the subject site and adjoining properties.
- (b) To retain the visual and acoustic privacy of adjoining properties.
- (c) To ensure the location of swimming pools and spa pools do not adversely impact upon adjoining properties and/or streetscapes.

Controls

- (a) Swimming pools and spa pools must be located at the rear of the property.
- (b) Swimming pools and spa pools should not be located within the side setback, between dwellings.
- (c) In the case of a corner block, swimming pools and spa pools must not be located within the primary street frontage.
- (d) Swimming pools and spa pools are to be setback from significant trees and landscaping in line with Australian Standard AS4970-2009 - Protection of trees on development sites.
- (e) Where decking abuts any boundary, additional consideration must be given to the visual privacy of adjoining properties.
- (f) Exposed pool structures must be screened if visible above ground.
- (g) All pool equipment must be enclosed within an acoustically treated structure.
- (h) On sites where swimming pools are proposed the landscaping requirements in Section 1.14 should be met.

1.17 BATTLE AXE BLOCKS

A battle axe block is an allotment that has access to a road by an access laneway or 'handle'.

Particular controls are required in order to minimise the impacts of battle axe block development to the amenity of adjacent and nearby residential dwellings.

Objectives

- (a) To ensure battle axe block development achieves acceptable levels of building design, amenity, landscaping and access.
- (b) To ensure development is of a size and scale that minimises adverse impacts on the amenity of adjoining residential properties.

Controls

- (a) Dwelling houses on battle axe blocks are restricted to single storey in height. Exceptions may be considered where the lot has a minimum area of 450m² (not including the area of the access handle), a minimum width of 12m and a minimum depth of 12m and the building is able to achieve large setbacks to boundaries on all sides. In such circumstances it must be demonstrated that the proposed dwelling will have minimal detrimental impacts upon adjacent residential development and the proposal shall accord with the following:
 - (i) Compliance with the Building Height and Floor Space Ratio development standards in the LEP;
 - (ii) Compliance with visual and acoustic privacy controls;
 - (iii) Compliance with view controls;
 - (iv) Compliance with solar access controls; and
 - (v) Compliance with landscaping and open space controls.
- (b) The alignment of dwellings on battle axe blocks should take reference from the alignment of dwellings on adjacent sites. Where a dwelling cannot align with the predominant front and rear alignments of adjacent dwellings, it should be sited and orientated in a manner that will minimise amenity impacts on adjacent dwellings, while maximising the residential amenity to the proposed dwelling in terms of solar access and private open space.
- (c) Access handles on battle axe blocks are to be a minimum of 3m in width and are to be landscaped in a manner complementary to the established character and streetscape of the area.

