

# PART C Residential Development

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## C1 DWELLING HOUSE AND DUAL OCCUPANCY DEVELOPMENT

This Part applies to all single dwelling house and dual occupancy development in the Waverley LGA.

### Objectives

- (a) To ensure that the scale of dwelling houses and dual occupancy 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 dwellings and dual occupancies are sympathetic in bulk, scale and character with other dwellings in their vicinity.
- (e) To encourage dwelling house and dual occupancy 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 1.14.
- Laneway Development – Part C2, Section 1.15.
- 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.

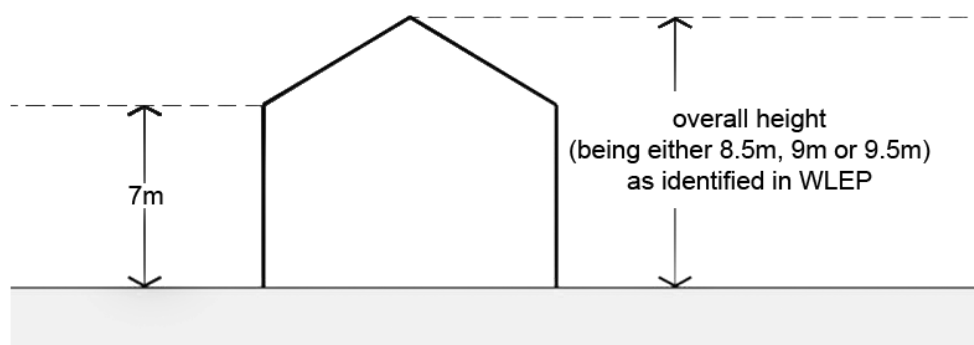
### Objectives

- (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.
- (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 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).
- (b) 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** External wall height for dwelling houses with pitched roofs



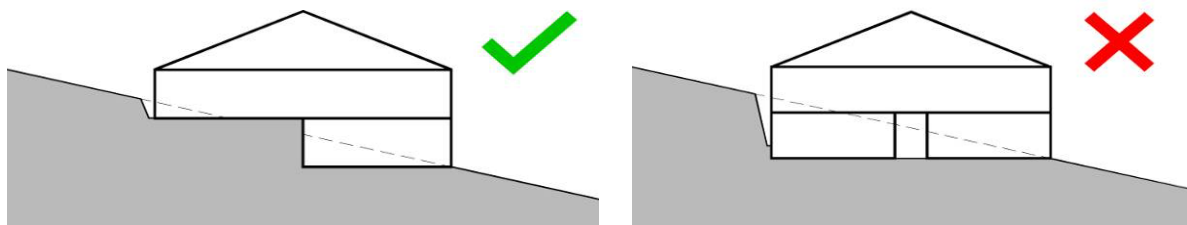
**Figure 2** Dwelling houses are to step down steep sites

## 1.2 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.

- (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.



**Figure 3** Habitable rooms are to have at least one external wall entirely above existing ground level

### 1.3 DUAL OCCUPANCY DEVELOPMENT

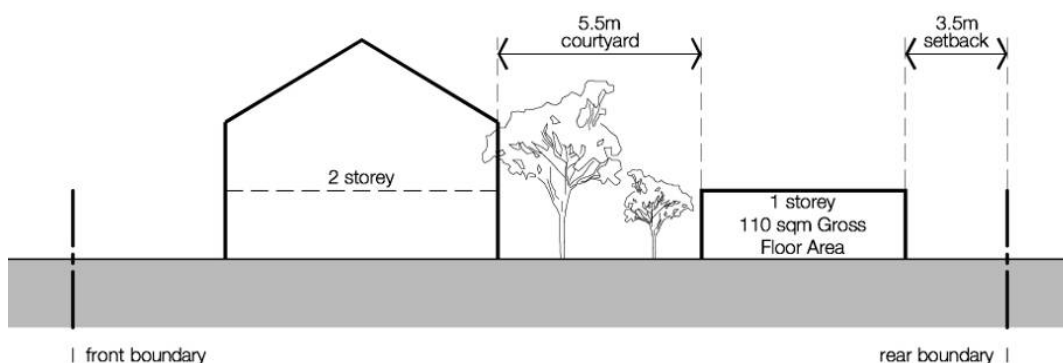
The objectives and controls in this section aim to facilitate an acceptable size and bulk of dual occupancy development that maintains a satisfactory relationship with adjoining development and the wider street context.

#### 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) 450m<sup>2</sup> or more where the two dwellings are attached; or
  - (ii) 600m<sup>2</sup> or more where the two dwellings are detached.
- (b) In the case of a detached dual occupancy, the dwelling at the rear is restricted to a single storey and to a maximum gross floor area of 110m<sup>2</sup> (refer to Figure 4).
- (c) In the case of a detached dual occupancy, the dwelling furthest from the street is restricted to a maximum external wall height of 3m measured from natural ground level (refer to Figure 4).



**Figure 4** Requirements for a detached dual occupancy

## 1.4 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.

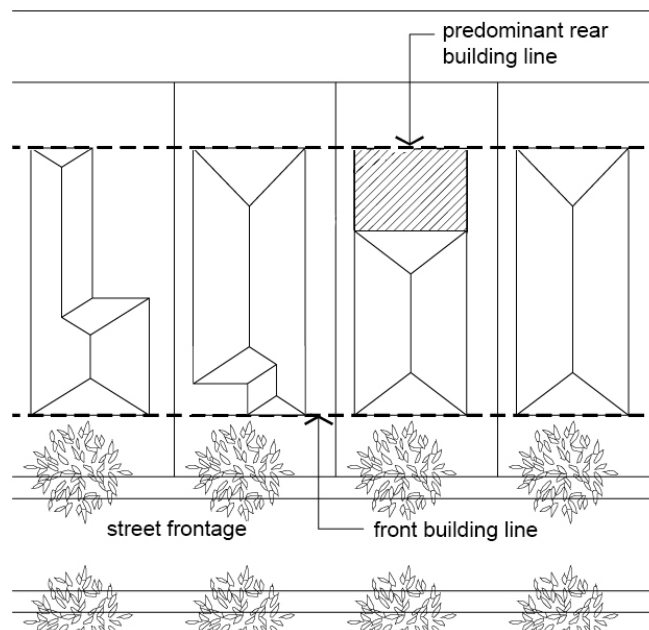
### 1.4.1 Front and rear building lines

#### Controls

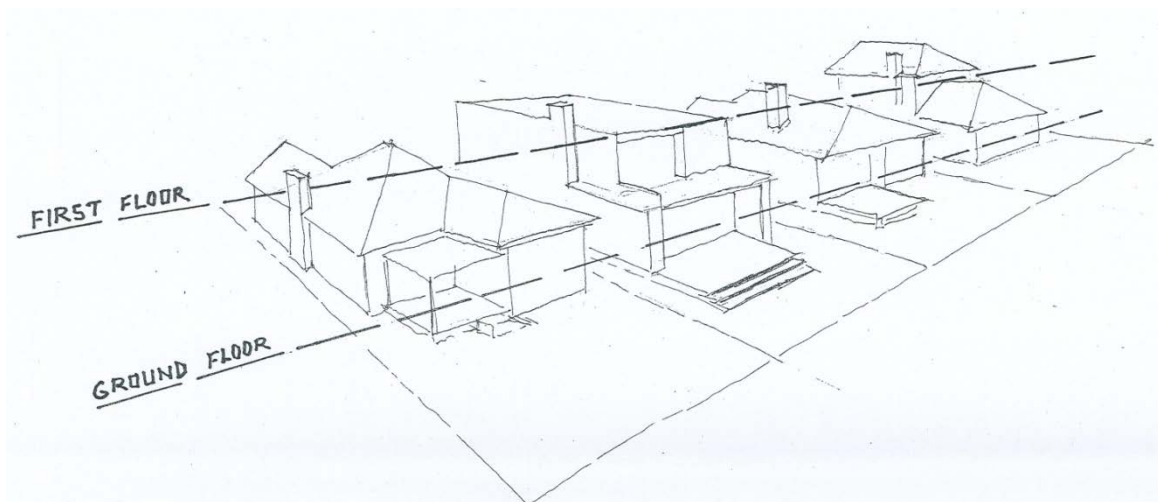
- (a) New buildings and extensions to existing buildings are to be built no further than the predominant front and rear building lines of buildings in its vicinity (refer to Figures 5 and 6).
- (b) Where it is proposed to build beyond the predominant front and/or rear building line, then greater consideration 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;

- (c) 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 6).



**Figure 5** Example of established front building line and predominant rear building line on irregular shaped lots



**Figure 6** Example of ground and first floor level rear building lines



### 1.4.2 Side Setbacks

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

Height (in storeys)	Side setback (min.)
1-2	900mm
If height exceeds the maximum height of building standard in clause 4.3 of WLEP 2012, the minimum side setback will increase.	1200mm
3	1500mm

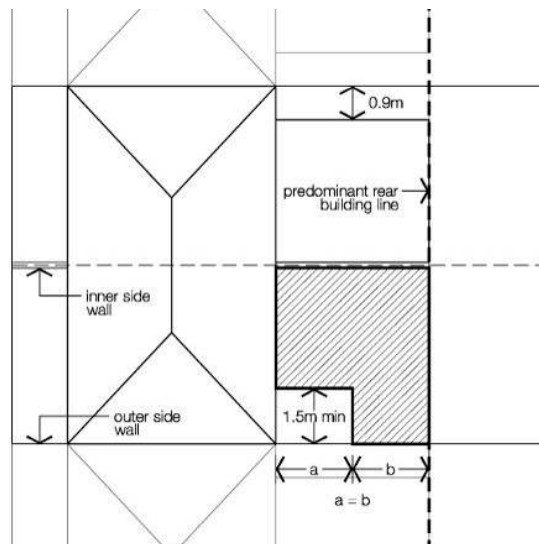
**Table 1** Minimum side setbacks

#### Note

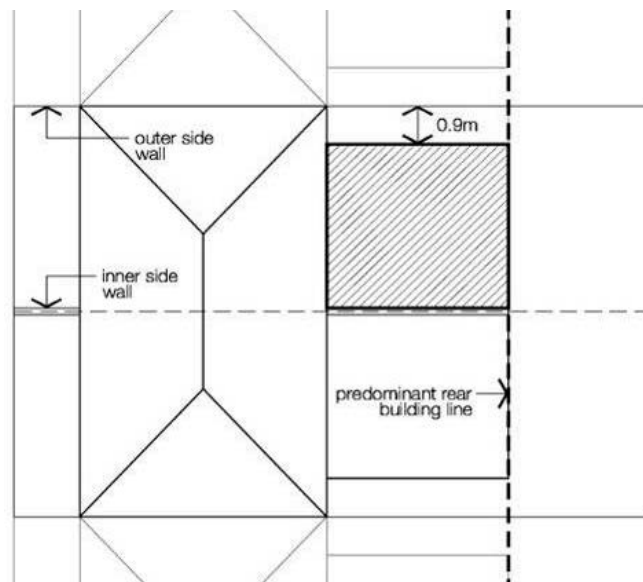
- The side setbacks may be reduced if the proposed dwelling or alteration adjoins another dwelling without a setback along the shared boundary. This applies only to that section of the boundary which the neighbouring dwelling is built to.
- Council may require setbacks to be increased to maintain adequate 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

- (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 8).
- (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.



**Figure 7** Example of rear extension to semi-detached dwelling



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

#### 1.4.4 Additional controls for dual occupancy dwellings

- (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.

## 1.5 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 dwelling house and dual occupancy 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 attached and 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 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) Alterations and additions should maintain the established setting of the building in terms of significant landscaping and topography.
- (c) 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.
- (d) 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.
- (e) The bulk, scale and proportions of new buildings shall be consistent with the predominant character of the surrounding buildings.
- (f) Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling house.

### 1.5.1 Additional controls for semi-detached and attached dwelling houses

- (a) Upper level additions to 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.

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#### **1.5.2 Additional controls for terrace style dwelling houses**

- (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.

## 1.6 FENCES

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

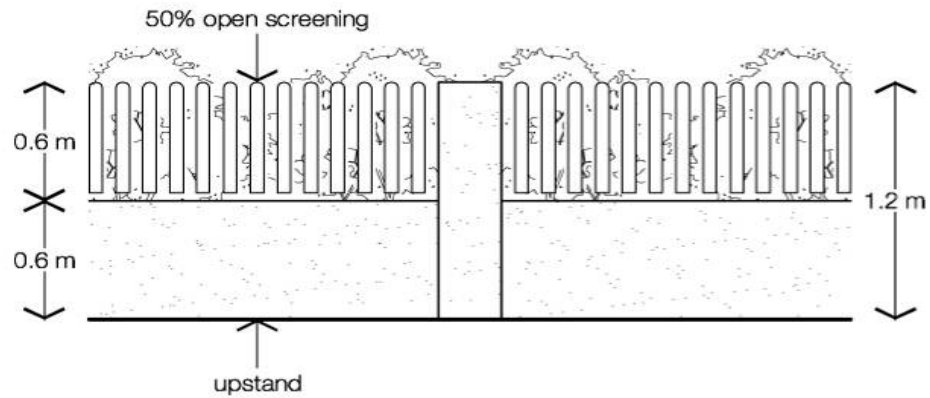
The design of fences should generally relate to the period and architectural style of buildings at the site and in the vicinity.

### Objectives

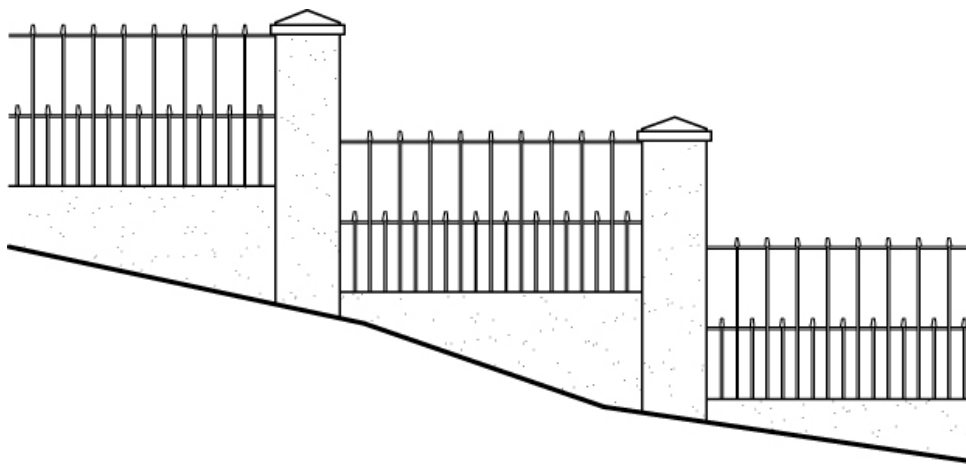
- (a) To avoid adverse visual impacts from the creation of high blank walls to the street.
- (b) To promote a streetscape where the ground floor front facades of dwelling houses are visible from the street.
- (c) To ensure front fences do not dominate the streetscape.
- (d) To ensure that side and rear 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

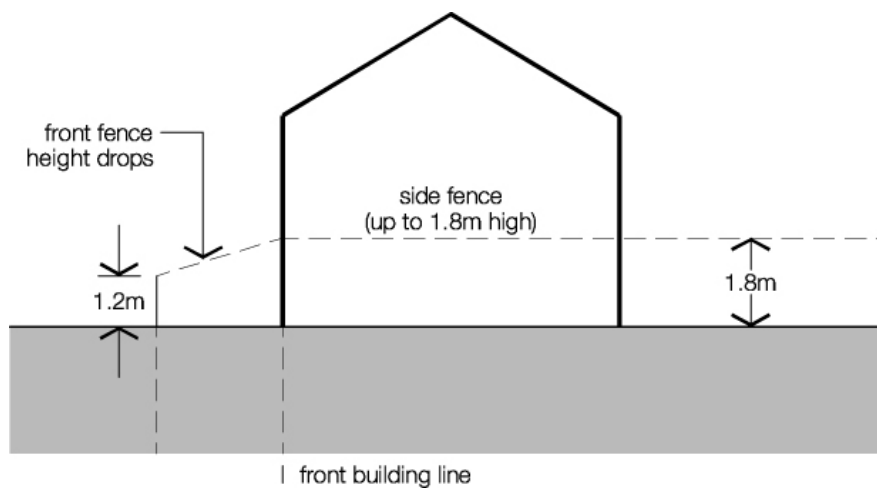
- (a) The design of front fences is to take reference from, and complement, the architectural style of the dwelling on the site and dwellings on adjacent sites in terms of style, height and materials.
- (b) Front fences should generally not exceed 1.2m in height. Any solid upstand section should be limited 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 9). 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 10).
- (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 11).
- (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 9** Example of front fence with maximum solid up stand of 600mm and open design top section



**Figure 10** Fence height limit is averaged on sloping sites



**Figure 11** Side fences should taper down from the front building line.

## 1.7 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.lawlink.nsw.gov.au/lec/principles/planning\\_principles.html](http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html)

### Objectives

- (a) To ensure that dwelling house and dual occupancy 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 10m<sup>2</sup> 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) The proposed roof terrace will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;
  - (iii) The proposed roof terrace should not exceed 15m<sup>2</sup> in area; and
  - (iv) The proposed roof terrace satisfies the considerations of the LEC “Super Studio” Planning Principle.

- (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.



## 1.8 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.

## 1.9 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.lec.lawlink.nsw.gov.au/lec/principles/planning\\_principles.html](http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html)

### 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.

## 1.10 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.

### 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.

### 1.10.1 Parking Rates

#### Controls

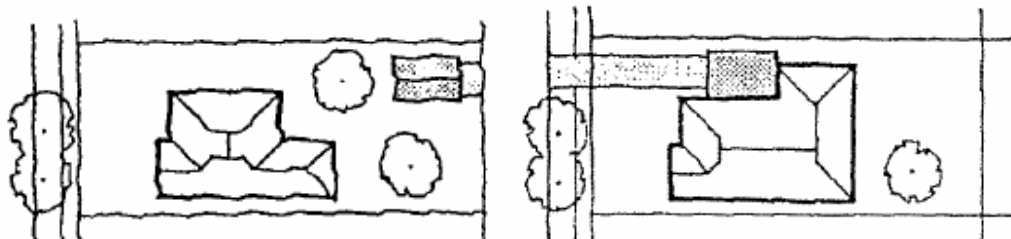
- (a) For new dwelling houses, car parking should not exceed:
  - (i) 1 space for dwellings with 2 or less bedrooms.
  - (ii) 2 spaces for dwellings with 3 or more bedrooms.
- (b) Notwithstanding the above, a reduced rate (or no parking) may be required in the following circumstances, where:

- (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.

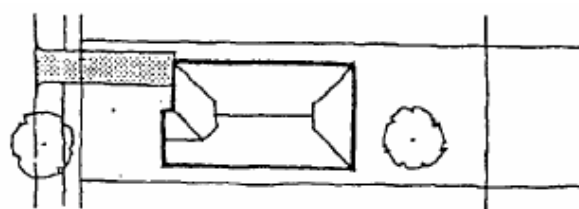
### 1.10.2 Location

- (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 12):

- (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 12** 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;
  - (iii) Adversely impact on the integrity of the listed or contributory building or setting.

---

### 1.10.3 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.

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#### **1.10.4 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.

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#### **1.10.5 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.

## 1.11 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 25m<sup>2</sup> 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 130m<sup>2</sup> 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.

- (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.



## 1.12 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 and provides additional development guidance.

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 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) Any part of the swimming pool (including coping) must be setback a minimum of 900mm from side and rear boundaries.
- (f) Coping/decking should not sit higher than 400mm above natural ground level.
- (g) Where decking abuts any boundary, additional consideration must be given to the visual privacy of adjoining properties.
- (h) Exposed pool structures must be screened if visible above ground.
- (i) All pool equipment must be enclosed within an acoustically treated structure.

### 1.13 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 complimentary 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 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.

## 1.14 SECONDARY DWELLINGS AND ANCILLARY BUILDINGS

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP) includes developments 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

#### 1.14.1 Secondary Dwellings

- (a) Secondary dwellings are to comply with the provisions of Clause 5.4 of WLEP 2012. Where secondary dwellings are proposed to address the rear lane, the development guides in Part 1.15 – Laneway Development will apply.

#### 1.14.2 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.

## 1.15 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

#### 1.15.1 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 13).
- (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 14 and 15).
- (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 1.11 – 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) Where the width of the site allows, a separate pedestrian access which is setback by a minimum of 1m from the rear lane should be considered.
- (i) Rear lane garages are to employ gable ended and hipped roof forms with continuous roof pitch from outer walls to ridgeline.
- (j) Orientation of ridgelines is to consider and minimise impact upon neighbours' amenity.

- (k) 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 14).
- (l) Dormers or other roof projections are to have a maximum combined width not exceeding 50% of the associated roof width.
- (m) Dormers or other roof projections and openings to gable ends are to be detailed to minimise overlooking of neighbours properties.
- (n) 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

### 1.15.2 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 15).
- (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) Projections from studio roofs (dormers, gablets etc) are to be:
  - (i) secondary to the main roof form;
  - (ii) set below the main ridgeline; and
  - (iii) setback a minimum of 600mm from outer edges of main roof forms, to be inset from the side or rear garage walls and from side boundary walls.
- (f) Windows to above garage studios are to be detailed as to minimise oversight 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.
- (g) 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.
- (h) Garage studio structures are to be visibly separate from the associated residence. Interstitial yard areas are not to be roofed.
- (i) Alignment of adjacent garage/studio structures is to incorporate cohesive forms massing and roof alignments. Box gutters on side boundaries are to be avoided.

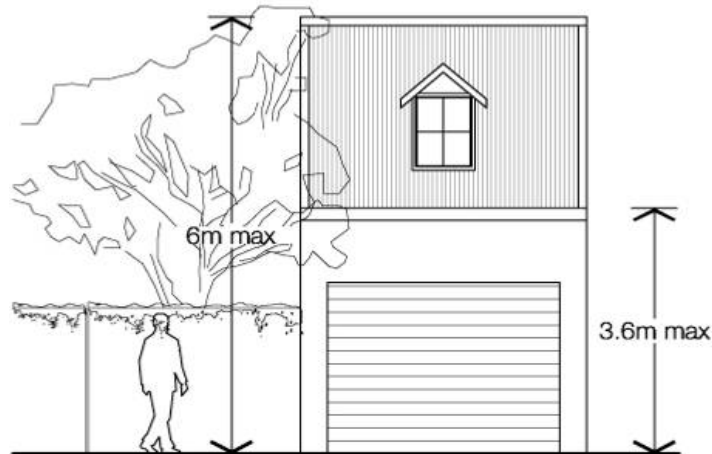
#### Landscaping

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:
  - (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.

### 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 13** Maximum overall and external wall height for laneway development



**Figure 14** Example of acceptable designs for laneway development



**Figure 15** Laneway development should not be visible from the primary street frontage

## 1.16 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 450m<sup>2</sup> (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 a 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.

## C2 MULTI UNIT AND MULTI DWELLING HOUSING

This Part applies to new, alterations and additions or change of use to residential flat buildings, attached dwellings, multi dwelling housing and shop top housing throughout the Waverley Local Government Area (LGA).

*State Environmental Planning Policy No. 65 – Design Quality for Residential Flat Development (SEPP 65)* aims to improve design quality of residential flat buildings of three or more storeys, and containing four or more self contained dwellings. This part is to be read in conjunction with the provisions of SEPP 65. More information is available at the following link:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+530+2002+cd+0+N>

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## 2.1 SPECIAL CHARACTER AREAS

### 2.1.1 Bondi Heights

Bondi Heights Special Character Area applies to the area bound by Old South Head Road and Francis Street to the north, Wellington Street to the east, Bondi Road to the south and Flood Lane to the west (refer to Figure 16).



Figure 16 Bondi Heights Special Character Area

#### Existing Character Elements

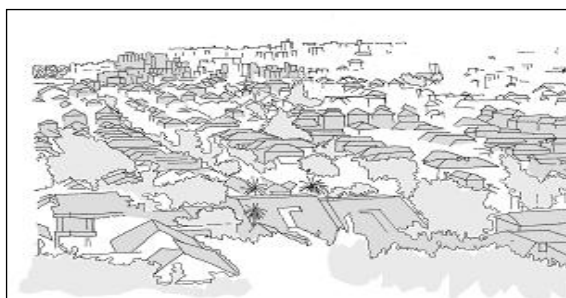
Bondi Heights Special Character Area is located on a local topographical high point. This vantage allows district views to and from the area. It is characterised by north-south oriented streets with well established street trees. Street blocks are generally long (700-750m) with a range of site lot sizes. A range of building types and styles exist that relate to lot sizes and development history of the area. The overall character of the area is of buildings that sit in a landscape setting.



### Existing Character Elements

North Bondi Special Character Area has an undulating topography. The roofscape is prominent when viewed from surrounding high points (refer to Figure 18). There is often a high and low side of the street. Streets generally have wide grassed verges that are sometimes privately planted (through Council's Footpath Gardens Scheme) with vegetation that contributes to the natural headland character. Regular block and lot pattern responds to the changing topographical conditions.

The predominant building stock is characterised by minimum side setbacks, consistent front setbacks and building frontages to the street whether the building type is apartments or semi-detached dwellings. Roofs are predominantly pitched and red tiled, and are visually dominant on the low side of the street. Much of the area is already developed with very little opportunity for redevelopment on infill sites.



**Figure 18** North Bondi is characterised by red tiled roofs

### Desired Future Character Objectives

- (a) To maintain the streetscape rhythm created by uniform building frontages.
- (b) To improve the amenity for residents while not detracting from the amenity of adjacent buildings.
- (c) To allow minor alterations and additions in the roof space.

### Controls

- (a) Planting should utilise minimum maintenance species growing to no more than 1m in height at maturity. The overall appearance and species selection should be compatible with the adjoining gardens. Growth must not encroach upon the footpath or obstruct pedestrian access.
- (b) Communal landscaped gardens are required within the front setback.
- (c) Private open space is permitted to encroach 2.5m into communal landscaped front setback provided the front setback is a minimum of 6m from the street boundary.
- (d) The proportion of openings along street facades is to be maintained when retrofitting with balconies.
- (e) Buildings should have pitched roofs with red tiles in keeping with the existing character of the area.
- (f) Attics are to be secondary to the main pitched roof form.
- (g) The established patterns of materiality and colour where there are existing rows of consistency along a street are to be maintained.
- (h) Roof terraces are discouraged due to the greater potential impacts in higher density areas.

### 2.1.3 Ben Buckler

Ben Buckler Special Character Area is located on the northern headland at Bondi Beach and applies to the area bound by Campbell Parade and the coastline to the west, Bondi Golf Course to the north, and the coastline to the east and south (refer to Figure 19).



**Figure 19** Ben Buckler Special Character Area

#### Existing Character Elements

Streets generally have wide verges that contribute to the headland character (refer to Figure 20). Side setbacks between buildings allow for ocean and beach glimpses. Ben Buckler contributes to the public image of Bondi Beach as it is highly visible from the beach. The area is also characterised by long street blocks and a generally uniform subdivision pattern that is oriented north-south. The main exception is the building lots located on Ramsgate Avenue East that front Bondi Beach. Some of these building lots are battle-axed to allow frontage to Bondi Beach and to Ramsgate Avenue East. Much of the headland has already been redeveloped for multi-unit residential with little scope for future change.



**Figure 20** Wide grassed and planted verges contribute to the public domain and streetscape character

### Desired Future Character Objectives

- (a) To maintain the headland character of Ben Buckler through the landscaping of the front gardens and appropriate planting of verges.
- (b) To maintain the rhythm of buildings frontages to the street.
- (c) To ensure side setbacks allow glimpses of the beach or ocean.
- (d) To respect the existing building character of boxy proportioned buildings, architectural elements and range of materials and finishes.
- (e) To encourage view sharing.

### Controls

- (a) Planting should utilise minimum maintenance species growing to no more than 1m in height at maturity. The appearance and species selection should be compatible with the adjoining gardens. Growth must not encroach upon the footpath or obstruct pedestrian access.
- (b) Side setbacks are to be clear of obstructions to allow views between buildings to the beach.
- (c) Sites adjacent to laneways and pedestrian connections may be able to achieve increased site coverage with a reduced deep soil requirement. Where deep soil requirements are not met, this area is to be replaced with landscaped open space above ground level.
- (d) Communal landscaped gardens are required within the front setback to contribute to the public domain.
- (e) The private open space is permitted to encroach 2.5m into the communal landscaped front setback provided that the front setback is a minimum of 6m from the street boundary.
- (f) Rendered and painted finish is appropriate in this area.
- (g) Allow balconies to be provided over existing car courts for existing buildings on battle-axed blocks along Ramsgate Avenue.
- (h) Roof terraces are discouraged due to the greater potential impacts in higher density areas.

## 2.2 SITE, SCALE AND FRONTAGE

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

As FSRs are determined by the size of the allotment, compliance with FSR controls, in itself, does not ensure a building is in scale with the general streetscape and adjoining development and must be applied in conjunction with the other key building envelope controls including building height and setback controls.

### Objectives

- (a) To ensure lot size and dimension are able to accommodate the appropriate building envelope, landscaping and service requirements.
- (b) To ensure development sites have adequate street frontage to meet side setback and building requirements.
- (c) To have lot sizes and a building form appropriate to the streetscape.
- (d) To encourage amalgamation of allotments to provide for improved design outcomes.

### Controls

- (a) The maximum floor space ratio (FSR) is set by Clause 4.4 of WLEP 2012 and the FSR Map.
- (b) Where it is proposed to exceed the maximum FSR permitted in accordance with Clause 4.4A or Clause 4.4B of the WLEP 2012, the onus is upon the applicant to justify that the proposed FSR is acceptable. Matters that must be addressed in justifying the proposed FSR include, but are not limited to:
  - (i) Compliance with Building Height development standards;
  - (ii) Compliance with side setback controls;
  - (iii) Visual aspect of the building bulk and scale particularly associated with floor space exceeding the standard:
    - as viewed from the streetscape; and
    - as viewed from the private open space and living areas of adjoining properties.
  - (iv) Acceptability of amenity impacts on adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
  - (v) A high design quality is achieved.
- (c) Lot sizes and dimensions must enable development to be sited to meet the site and building design controls outlined in this Part.
- (d) Lot sizes and dimensions must enable development to be sited to protect the natural or cultural features of the site and avoid significant changes to the natural topography.
- (e) Development is encouraged to amalgamate narrow sites and not isolate a site with less than the minimum developable site frontage which are:
  - (i) A minimum street frontage of 15m is required for R3 zones.
  - (ii) A minimum street frontage of 20m is required for R4 zones.



## 2.3 HEIGHT

Building height is one of the most important design elements that influence the overall appearance of residential buildings and character of a streetscape and the amenity of adjoining properties. The height of building standards are outlined in WLEP 2012. This Part provides additional design guidance and prescribes maximum external wall heights that complement the overall heights identified in WLEP 2012.

### Objectives

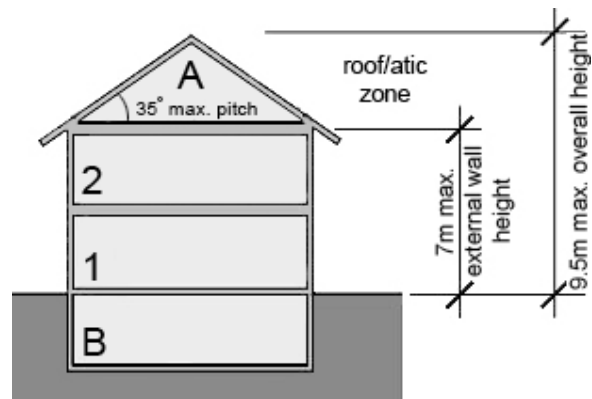
- (a) To ensure future development responds to the desired scale and character of the street and local area.
- (b) To minimise the impact of attics and basement car parks on the overall building height.
- (c) To provide good residential amenity for apartments.

### Controls

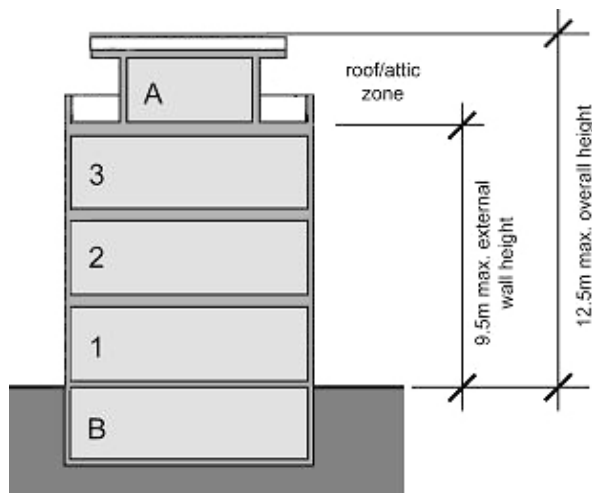
- (a) The maximum building height is as set by Clause 4.3 of the WLEP 2012 and the Height of Buildings Map.
- (b) Council may consider varying the height development standard where it can be demonstrated that the proposed departure from the standard will result in a better environmental planning outcome than that which could have been achieved on the site had the control been complied with.
- (c) Where it is proposed to build beyond the maximum Building Height development standard, the onus is upon the applicant to justify that the proposed building height is appropriate. Matters that must be addressed in justifying the building height include, but are not limited to:
  - (i) Compliance with Floor Space Ratio development standard;
  - (ii) Compliance with side setback controls;
  - (iii) Visual aspect of the bulk and scale, as viewed from the private open space and living areas of adjoining properties;
  - (iv) Amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
  - (v) A high design quality is achieved.
- (d) An attic level or part additional floor may be permitted, provided it is fully contained within the roof form and does not exceed the overall height identified in WLEP 2012.
- (e) Development must comply with WLEP 2012, Table 2 and Figures 21, 22 and 23 below:

Zoning	Overall Height	Max external wall height	Max number storeys
R3	9.5m	7m	2
R3	12.5m	9.5m	3
R4	20m	17m	5
R4	28m	25m	8
R4	28m	25m	8

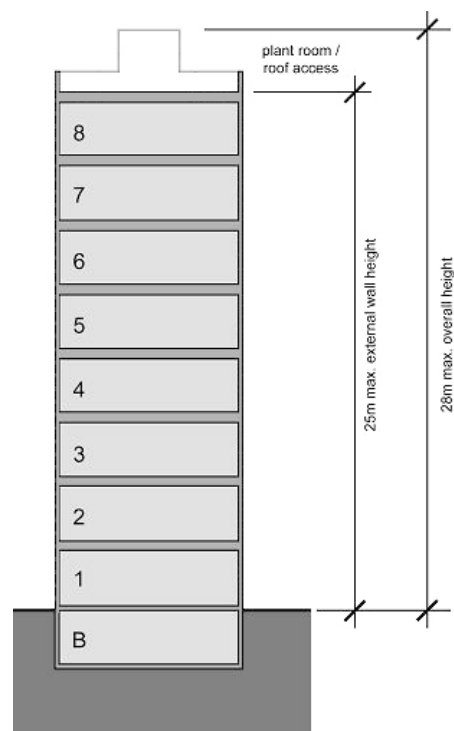
**Table 2** Height requirements



**Figure 21** Residential R3 zone height controls



**Figure 22** Residential R3 zone height controls



**Figure 23** R4 Residential zone height controls



## 2.4 EXCAVATION

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

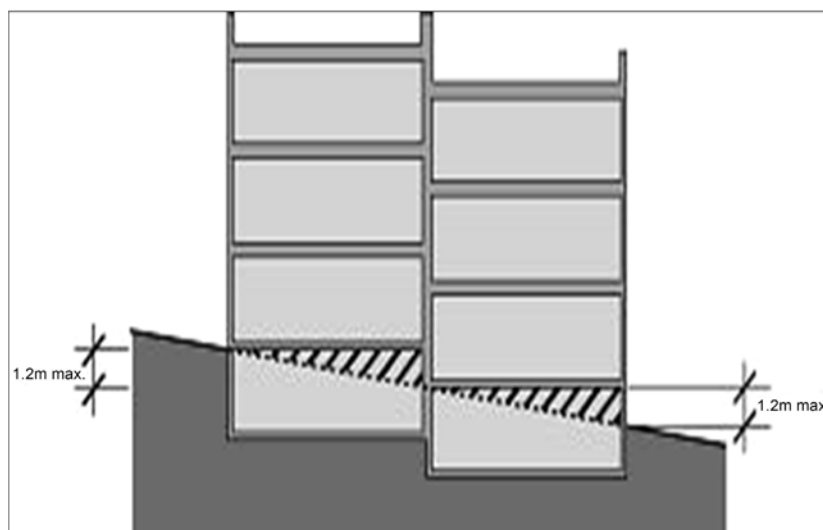
Where excavation is proposed to exceed 3m in depth, is at or near cliff faces or on sloping sites that have a slope of 25% or more, a geotechnical report which addresses the stability of the site and surrounding properties must be submitted. The geotechnical report must confirm that the site is suitable for the proposed development and must list any relevant conditions. Please refer to Part A2 – Submission Requirements for additional information.

### Objectives

- (a) To ensure the physical environment is preserved and enhanced by ensuring minimal site disturbance and the geotechnical stability of landfill and excavations.

### Controls

- (a) Fill shall not be used to raise the ground level.
- (b) Where excavation is proposed it is not to occur within a 1.5m setback from side boundaries and shall only occur within the building footprint except where access to a basement car park is required.
- (c) Basement car parking is to be located fully below natural ground level. Where this cannot be achieved due to topographic constraints, a maximum protrusion above ground of 1.2m is permissible (refer to Figure 24).
- (d) Excavation should not add to the visual bulk and scale of the building.
- (e) Existing natural features including trees and sandstone walls should be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape.
- (f) Development should accommodate stormwater detention tanks and storage systems within the excavated area.



**Figure 24** Basement parking level on sloping sites

## 2.5 SETBACKS

The setbacks of buildings to boundaries influence the building bulk, appearance in the streetscape, relationship and impact on adjoining properties.

Continuity in setbacks can provide rhythm and add character to residential streets, provide views and glimpses of local and distant landmarks and can provide access to the rear of properties.

Setbacks also provide amenity to existing and proposed housing through the maintenance and provision of privacy, ventilation and solar access. Generally setbacks increase with building height.

### 2.5.1 Street Setbacks

#### Objectives

- (a) To integrate new development within the established setback character of the street.
- (b) To provide a transition between public and private space.
- (c) To assist in achieving visual privacy to apartments from the street.
- (d) To ensure developments preserve and contribute to the landscape character of the street.

#### Controls

- (a) Street setbacks must be consistent with the predominant building line setback along the street (refer to Figure 25).
- (b) Where there is no predominant building line, setbacks will be assessed on the merits of the proposal.
- (c) An increase in setbacks may be required to retain existing trees.
- (d) The front setback is to have a soil depth to support mature trees and shrubs that contribute to the streetscape and the amenity of the public domain. The front setback is to be free of any above or below ground structures.
- (e) Where the property is adjacent to a council park or reserve, no portion of the proposed development including the footings, gates, roof eaves and fences are to encroach over the council land.
- (f) Setbacks above street frontage height are to be included where the adjacent building includes upper levels setbacks.

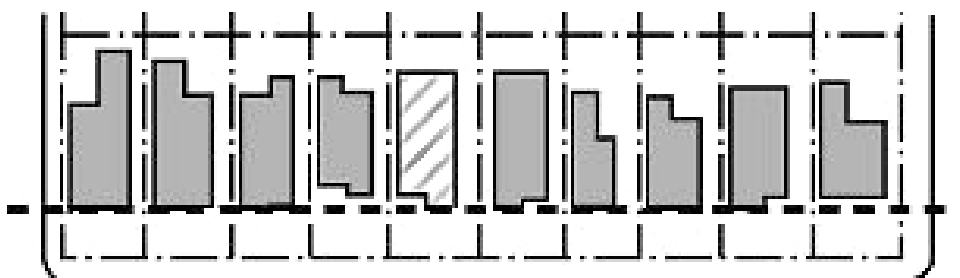


Figure 25 New building to align with predominant street setback

## 2.5.2 Side and Rear Setback

### Objectives

- (a) To reinforce the existing side and rear setbacks of the street.
- (b) To maximise building separation with adjoining sites to the rear, providing visual and acoustic privacy.
- (c) To maximise the opportunity to retain and reinforce mature vegetation to maximise natural site drainage and protect the water table.
- (d) To maximise the useability of side setback space.
- (e) To provide setbacks that positively contributes to the landscape of the site, and its presence in the streetscape.

### Controls

- (a) A minimum rear setback of 6.0m is required (refer to Figure 26).
- (b) A deep soil area of 2m must be provided along one side boundary at a minimum.
- (c) Development in R3 zones with a height of 9.5m is to provide a minimum side setback of 3m.
- (d) Development in R3 zones with a height of 12.5m is to provide a minimum side setback of 4.5m.
- (e) Development in R4 zones is to provide a minimum side setback of 6m.
- (f) A variation to the side or rear setbacks may be permitted where there is no adverse impact of the amenity of adjoining properties and is consistent with the existing streetscape.
- (g) Council may require additional side setbacks to ensure adequate solar access to adjacent buildings and privacy or to minimise view loss. In particular an additional setback for the southern boundary for east-west orientated lots may be required (refer to Figure 27).

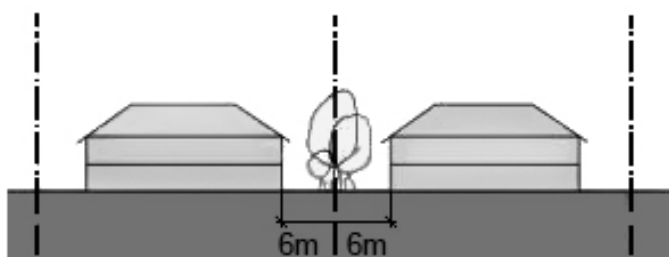


Figure 26 Rear setbacks

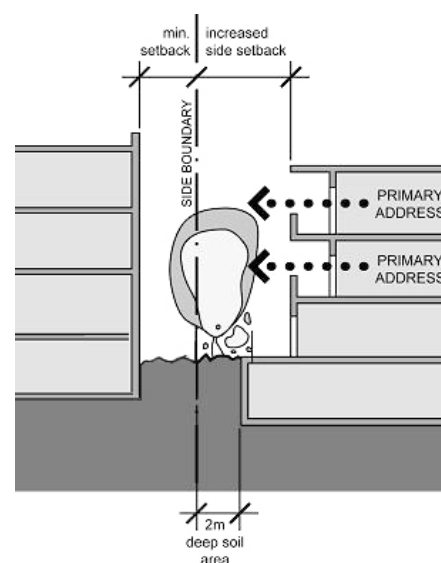


Figure 27 Side setbacks

## 2.6 LENGTH AND DEPTH OF BUILDINGS

The depth of buildings contributes to the amenity of occupants by providing adequate access to sunlight and ventilation. The length of buildings contributes to the existing streetscape by ensuring long walls are not created.

### Objectives

- (a) To ensure development responds to the existing subdivision pattern and the scale of surrounding buildings.
- (b) To continue the pattern of sightlines through to the rear of blocks between buildings along the street.
- (c) To have a high standard of amenity for occupants of dwellings.

### Controls

- (a) The maximum length of a building along the street is 24m (refer to Figure 28).
- (b) Within the maximum length, buildings must be articulated to respond to the established pattern of existing building length along the street.
- (c) Maximum depth of any apartment including balconies is 18m.
- (d) Single aspect apartments should be limited in depth to 8m from a window.

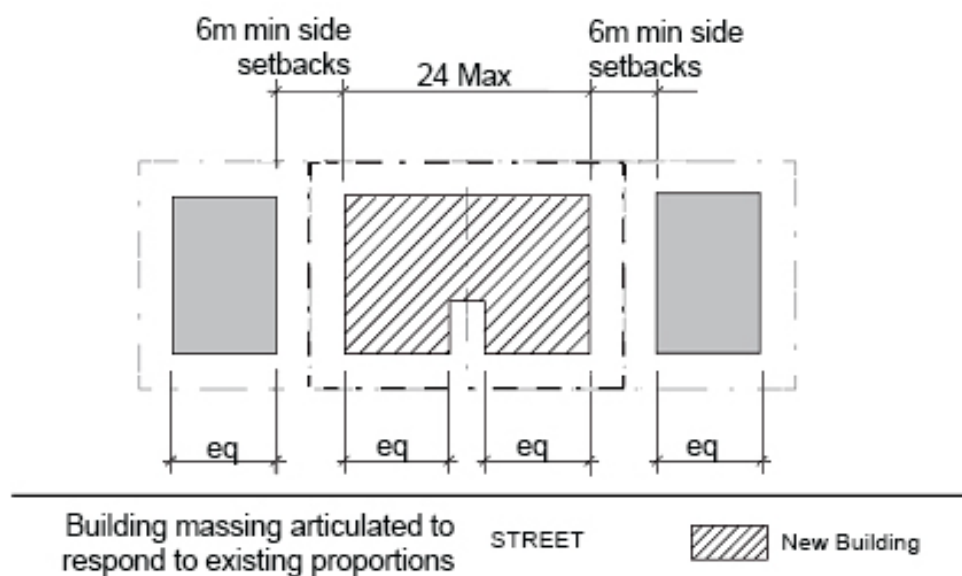


Figure 28 Building length controls

## 2.7 BUILDING SEPARATION

Building separation is an important determinant in urban form. Buildings which are too close together create amenity problems for the building, for the space between and for neighbouring buildings. Building separation controls should be considered in conjunction with height and private and communal open space controls.

### Objectives

- (a) To provide visual and acoustic privacy for residents.
- (b) To ensure new development is scaled to maintain the desired character of the area with appropriate massing and spaces between buildings.
- (c) To allow for the development of smaller infill sites where existing adjacent building setbacks result in unbalanced building separation requirements.

### Controls

- (a) The building separation for internal courtyards and adjoining sites increases in proportion to building height in accordance with the following minimum dimensions:

Height	Between habitable rooms & balconies	Between habitable rooms/ balconies & non habitable rooms	Between non-habitable rooms
Up to 4 storeys (12m)	12m	9m	6m
5 – 8 storeys (25m)	18m	13m	9m
9 storeys and above (over 25m)	24m	18m	12m

**Table 3** Building separation requirements

## 2.8 BUILDING DESIGN AND STREETSCAPE

High quality streetscape character concerns not only the incoming occupants of housing, but also their neighbours and the wider community. Streetscape encompasses building, street and landscape design and includes all adjacent buildings, landscaping and fencing, traffic treatments, paths, driveways, street surfaces and utility services. The spatial arrangement of these components and their visual appearance determine the streetscape character of an area.

The contributory elements of a streetscape should be considered in building design.

### Objectives

- (a) To have development of a scale and appearance in keeping with the street.
- (b) To design residential development to respond to the streetscape character.
- (c) To promote high quality architectural design.

### Controls

- (a) Building design is to respond to the existing streetscape character of the area.
- (b) The design of alterations and additions should demonstrate architectural unity with the existing building.
- (c) The colour and surface of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.
- (d) For developments on corner sites, each frontage of the development must present as the primary street frontage.
- (e) Avoid the removal of original architectural details and finishes, including avoiding painting face brick work or sandstone, replacing timber with aluminium or replacing unglazed terra cotta tiles or slate.

## 2.9 FENCES AND WALLS

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 building and help to integrate development into the existing streetscape.

### Objectives

- (a) To define boundaries between communal and private areas within the site and to provide privacy and security for the development.
- (b) To ensure fencing contributes positively to the streetscape or adjoining park.
- (c) 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) Front fences are to be provided where it is a predominant character of the street frontage within a street block.
- (b) Front fences must not exceed 1.2m in height.
- (c) Front fences must have a maximum proportion of two thirds solid to one third open design. On sloping sites, the height is averaged so that fences step down the street.
- (d) Council may permit front fences up to a height of 1.8m and/or of solid material provided it can be shown that the fence acts as an effective noise barrier as a result of adjoining a street with high traffic volume. Such fences are to be setback from the boundary to allow landscaping to soften the bulk or the structure is to be articulated as an alternative to a solid blank wall.
- (e) Rear and side fences behind the building line must not exceed 1.8m in height. Side fences must taper down from the front building line to the front boundary fence.
- (f) Fences are to respond to the architectural character of the street in terms of materials used, predominant height, vertical/horizontal rhythm and predominant setback.
- (g) Fences are to clearly delineate between public, communal and private areas.
- (h) Fencing is to be designed so that sightlines between pedestrians and vehicles exiting the site are not obscured and gates do not open over the public roadway or footpath or into parks.
- (i) All boundary treatments for properties adjoining parks are consistent with the material palette from the relevant plan of management.

## 2.10 VEHICULAR ACCESS AND PARKING

Accommodating parking on site has a significant impact on the site layout, landscape design, deep soil zones and stormwater management. The amount of parking provided is related to the size of the development but also in relation to the local context.

This Part must be read in conjunction with Part B8 – Transport of this DCP for applicable parking rates and other transport provisions.

### Strategies

- New development that generates the need for car parking should provide adequate parking on the site.
- Car parking for multi storey and other large scale development (residential flat buildings, commercial buildings, mixed use buildings and the like) should be located below ground level.

### Objectives

- (a) To integrate adequate car parking without compromising street character, landscape quality, the provision of deep soil zones or pedestrian amenity and safety.
- (b) To encourage increased use of public transport and bicycles.

### Controls

- (a) The siting of car parking must be integrated into the design of the development ensuring the building façade is the dominant streetscape element.
- (b) The car park entry is to be secondary to pedestrian building entry.
- (c) A maximum of one 2-way vehicular access point per individual development is to be provided.
- (d) Car park access is to be provided from secondary streets or lanes where possible.
- (e) The safety of pedestrian entry and circulation is not to be compromised by the location of driveways and car park access.
- (f) The provision of basement parking must not result in non-compliance with the deep soil zone controls in Section 2.12.



## 2.11 PEDESTRIAN ACCESS AND ENTRY

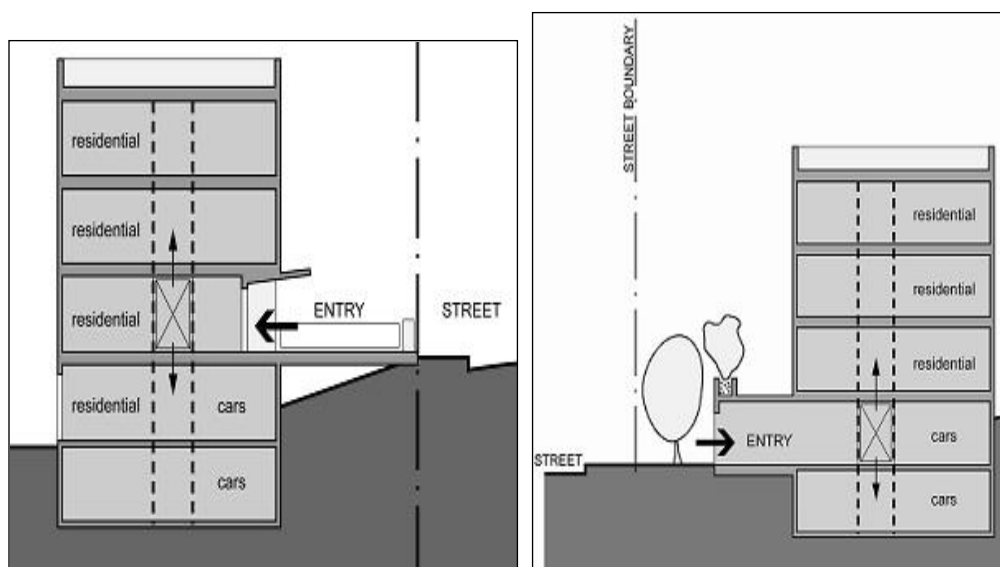
Access to a building should give priority to achieving high quality, accessible and safe pedestrian access to all people who live and visit the development.

### Objectives

- (a) To create entrances which provide a desirable residential identity for the development to orientate visitor(s).
- (b) To contribute positively to the streetscape and building façade design.
- (c) To promote development with a strong connection to the street and contributes to the accessibility of the public domain.

### Controls

- (a) Provide main building entries at street level which respond to patterns in the streetscape in terms of design for high-sided and low-sided streets (see Figure 29).
- (b) Provide an accessible path of travel from the street to and through the front door of all units on the ground floor, where the level of the land permits. Lifts should be provided in all buildings of more than two habitable levels.
- (c) Separate and clearly distinguish between pedestrian access ways and vehicle access ways/building service areas (e.g. garbage rooms).
- (d) Locate entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian footpath.
- (e) Provide main building entries that are legible, safe and well lit.
- (f) Provide as direct a physical connection as possible between the street and the building entry.
- (g) Where appropriate, provide individual ground floor apartment entries which address the street.



**Figure 29** Entry level at low and high side of the street

## 2.12 LANDSCAPING

Landscaping plays an important role in the preservation of wildlife habitat, contributes to and reinforces streetscape character, can improve the energy efficiency and solar efficiency of buildings and the microclimate of private open space.

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

### Objectives

- (a) To encourage mature and substantial tree planting to improve the amenity of developments.
- (b) To allow for landscaping to provide screening between buildings.
- (c) To ensure landscaped areas are useable and maintainable spaces that contribute to the existing landscape character of the street.
- (d) To minimise the extent of impervious areas and facilitate rainwater infiltration.
- (e) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.

### Controls

- (a) 30% of the site area is to be provided as landscaped area.
- (b) 50% of the landscaped area required in (a) above must be deep soil zone.
- (c) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting.
- (d) Existing natural features including sandstone and rock features should be retained and incorporated as landscape features on the site to maintain the natural character of the landscape.
- (e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.
- (f) Landscaping should give precedence to species with low water needs, include native plant species and select and position trees to maximise control of sun and winds.
- (g) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.

## 2.13 COMMUNAL OPEN SPACE

Communal open space plays an important role in a development where minimum private open space can be provided, encourages resident interaction and provides for landscaping.

### Objectives

- (a) To provide communal ground floor areas of high design quality.
- (b) To encourage a positive street and identity for the development.
- (c) To provide residents with recreational opportunities.
- (d) To provide a pleasant outlook for development.

### Controls

- (a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.
- (b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.
- (c) Communal open space is to:
  - (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
  - (ii) Be located so that solar access is maximised.
  - (iii) Provide a landscape buffer between buildings.
  - (iv) Demonstrate that its size and dimensions allow for a variety of uses, complimentary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).
- (d) Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space.
- (e) At least 30% of the communal area is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.
- (f) Communal open space is to be accessible to all dwellings within a development.
- (g) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.
- (h) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.
- (i) Communal open space may be provided on a podium or roof terrace provided the controls within this Part are met.
- (j) In considering the creation of a roof terrace or deck, council will consider the magnitude of the impact on both privacy and noise for neighbouring residents, with the reasonableness of the proposal. Table 3 indicates the minimum soil depths to be provided.

Plant Size	Minimum Soil Requirements	
Large Trees (16m canopy diameter at maturity)	Volume	150 cubic metres
	Depth	1.3 metres
	Area	10m x 10m area (or equivalent)
Medium Trees (8m canopy diameter at maturity)	Volume	35 cubic metres
	Depth	1 metre
Shrubs	Depth	500mm-600mm
Ground cover	Depth	300mm-450mm
Turf	Depth	100mm-300mm

**Table 4** Minimum soil requirements

Note: Any subsurface drainage systems are in addition to the minimum depths above.  
A soil depth of 1m must be provided for inclusion in the Landscaped Area calculation.

## 2.14 PRIVATE OPEN SPACE

Private open space is a key component in contributing to the amenity of the dwelling and can fulfil a number of different functions, including:

- the extension of living areas for entertaining, eating and relaxing;
- utility storage and space, including clothes line and drying areas, compost bins, tools and equipment, and outdoor furniture;
- providing an area where planting and landscaping can occur to soften the built form, enhance the appearance of the space, provide shade and comfort to the outdoor space, and supplement household food requirements.

### Objectives

- (a) To provide all apartments with secure private open space.
- (b) To provide private open space of useable proportions.
- (c) To ensure solar access and privacy for private open space.
- (d) To ensure balconies are integrated into the overall architectural form and detail of the building.
- (e) To protect the privacy of residents within and around the development.

### Controls

- (a) Private open space is to have a northern aspect where practicable.
- (b) Private open space is to be provided for at least 75% of dwellings and may be in the form of a courtyard, deck or balcony or the like.
- (c) Swimming pools are not to be included in any calculation of consolidated private open space area.
- (d) Private open space is to be directly accessible from the main living area.

#### 2.14.1 Courtyards

- (a) Private courtyards must have the following minimum dimensions:
  - (i) Minimum 25m<sup>2</sup> area; and
  - (ii) Minimum width and depth of 3m.
- (b) Provide opportunity for planting in private courtyards, including access to deep soil zones wherever possible.
- (c) Private open space is not to be provided at the front of the building unless a landscape buffer between the private open space and the street is provided.
- (d) Provide a clear distinction between private courts and public/common open space, e.g. a change in level can distinguish private courtyards from common areas.
- (e) Private courtyards are to have a maximum gradient of 1 in 10.
- (f) Sun screens, pergolas, shutters and operable walls are to be used to increase amenity where appropriate, and to ensure privacy for neighbours.

#### 2.14.2 Balconies/ Decks

- (a) Balcony additions are to be designed to relate to the character of the existing building.

- (b) Balconies should not visually dominate the façade. This may require balconies to be limited in width, and to be designed as re-entrant or Juliet balconies.
- (c) Continuous wrap around balconies that add to the bulk of the building are not encouraged. The enclosure of balconies for the purpose of additional floor space is discouraged.
- (d) Piecemeal enclosure of balconies for weather protection where a precedent on existing buildings does not exist is discouraged.
- (e) Provide balconies of the following minimum dimensions - Minimum 10m<sup>2</sup> in area and a minimum depth dimension of 2.5m.
- (f) Locate primary balconies to achieve maximum solar access and privacy. Sun screens, pergolas, shutters and operable walls are to be used to increase amenity where appropriate, and to ensure privacy for neighbours.
- (g) Design balustrades to allow views and casual surveillance of the street, whilst maintaining visual privacy.

## 2.15 SOLAR ACCESS AND OVERSHADOWING

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 daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat developments.
- (b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.
- (c) Allow the development of small infill sites where access to direct sunlight is compromised by existing adjacent buildings.

### Controls

- (a) Living rooms & private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9:00am and 3:00pm on June 21.
  - (i) Developments which seek to vary the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards.
- (b) New development should not reduce the solar access of solar collector/s of an adjoining property to less than two hours per day in mid winter except solar hot water and photovoltaic panels to which full solar access must be maintained.
- (c) Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 21.
- (d) The numerical guidelines will be applied with the NSW Land and Environment Court Planning principle for sunlight (in accordance with the case of *The Benevolent Society vs. Waverley (2010) NSWLEC 1082* in mind, where relevant:
  - (i) The ease with which sunlight access can be protected is inversely proportional to the density of development. At higher densities sunlight is harder to protect and the claim to retain it is not as strong.
  - (ii) The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
  - (iii) Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines.
  - (iv) For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself.
  - (v) For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight.
  - (vi) Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into

account in a qualitative way, in particular dense hedges that appear like a solid fence.

- (vii) In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.



## 2.16 VIEWS AND VIEW SHARING

Many properties in Waverley enjoy local and district views, including Sydney Harbour, the coastline, ocean and open space. Views are often available from public places and private properties situated a considerable distance from proposed development.

A distant view does not in itself 'belong' to anyone or any property, nor is a view the exclusive right to any one property or to certain individuals. Nonetheless views and vistas are a desirable aspect of amenity and can contribute significantly to the enjoyment of the owners and occupiers of a property and also the general public.

It is difficult to quantify the significance and importance of a view and it can be a highly subjective matter. For this reason the NSW Land and Environment Court 'planning principle' for view sharing shall be applied in development where view sharing and access to views is an issue.

### Objectives

- (a) To ensure that views are shared, providing equitable access to views from dwellings.
- (b) To protect and enhance views from streets and other public spaces.
- (c) To ensure that the desire for view does not conflict with privacy.

### Controls

- (a) New development should be designed to minimise view loss to adjoining and adjacent properties while still providing opportunities for views from the development itself (refer to Figures 30 and 31).
- (b) Provide articulation, and minimise the bulk and scale of roof forms on the low side of streets allowing views to the landscape beyond.
- (c) Design the landscape to allow for views between buildings, particularly on the low side of streets.
- (d) Where the property is adjacent a Council park or reserve, private landscaping should be sympathetic to and complement the public domain landscaping in order to soften the public-private interface.
- (e) Existing significant public views and vistas available from the public domain, including but not limited to ocean, city and parks views are to be maintained where possible by the design of buildings.
- (f) In circumstances where development may impact upon existing views from private properties, the four step approach set out in the NSW Land and Environment Court Planning Principle for view sharing (in accordance with the case of *Tenacity Consulting vs. Warringah [2004] NSWLEC 140*) shall be applied. The four steps are as follows:
  - (i) identify the views to be affected;
  - (ii) consider from what part of the property the views are obtained;
  - (iii) assess the extent of the impact; and
  - (iv) assess the reasonableness of the proposal that is causing the impact.
- (g) In some instances a detailed view loss analysis may be required by Council. In addition to addressing the four step approach set out in (f) above, a detailed view analysis should include an accurate 'before' and 'after' photomontage or

set of architectural drawings demonstrating the position of the proposed development within the view or views to be impacted. The analysis should be prepared by an architect, draftsman or suitably qualified expert and should be to scale where possible.

- (h) Measures to be used to facilitate view sharing include buildings setbacks, gaps between buildings, floor heights, roof forms and use of open materials and balustrades on balconies and decks.

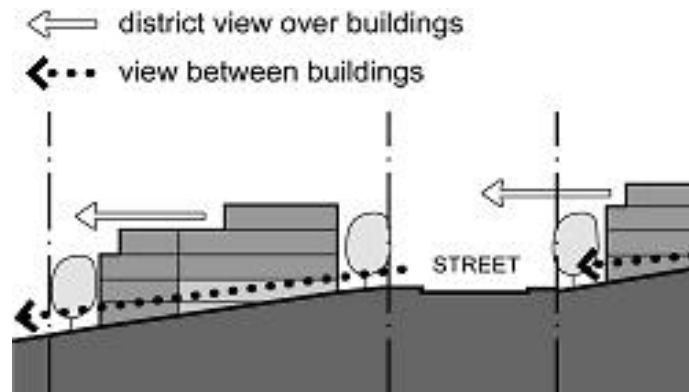


Figure 30 Views over buildings

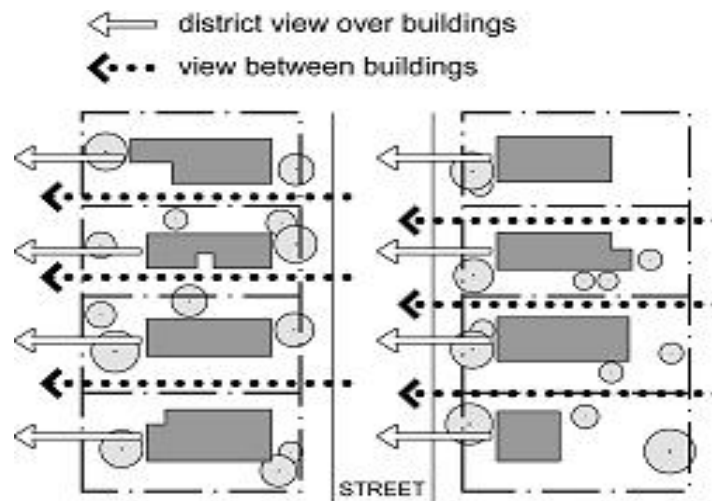


Figure 31 Views between buildings

## 2.17 VISUAL PRIVACY AND SECURITY

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.

### Objectives

- (a) To have adequate visual privacy levels for residents and neighbours.
- (b) To maximise outlook and views from principal rooms and private open space without compromising visual privacy.
- (c) To ensure buildings are safe and secure for residents and visitors.

### Controls

- (a) Dwellings should be oriented towards the street with entrances and street numbering clearly visible.
- (b) Development should be designed to provide clear sightlines and lighting between public and private places.
- (c) Development comprising 50 or more dwellings must be designed having regard to Crime Prevention through Environmental Design (CPTED) principles. Council may also require consideration of these principles for other large scale development (refer to the NSW Governments *Crime Prevention and the Assessment of development Applications – Guidelines* under section 79C of the EP&AA 1979 for details).
- (d) Above ground open spaces must not directly overlook rooms and private landscaped areas of adjoining properties unless screening can mitigate overlooking. This includes:
  - (i) offset windows of apartments in new development and adjacent development,
  - (ii) recess balconies and/or provide vertical fins between adjacent balconies; provide solid or semi-solid balustrades to balconies where necessary;
  - (iii) provide louvres or screens to windows/balconies where necessary;
  - (iv) use vegetation as a privacy screen between buildings;
  - (v) incorporate planter boxes into walls or balustrades to increase the visual separation between areas, and
  - (vi) utilise pergolas or shading devices to limit overlooking of lower apartments or private open space.
- (e) Windows and balconies of an upper level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below and within the same development. This includes:
  - (i) screen balconies from other balconies and ground level private open space, separate communal open space,
  - (ii) common areas and access routes through the site from the windows of habitable rooms,
  - (iii) change the level between ground floor private courtyards and adjacent communal/public areas.
- (f) Privacy needs to be considered in the context of density, separation, use and design and should consider the following principles from LEC decision *Meriton vs. City of Sydney Council (2004) NSWLEC 314*.

- (i) The ease with which privacy can be protected is inversely proportional to the density of development.
- (ii) Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other.
- (iii) The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.
- (iv) Overlooking of neighbours that arises out of poor design is not acceptable.
- (v) Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.
- (vi) Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes.
- (vii) Landscaping should not be relied on as the sole protection against overlooking.
- (viii) In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.

## 2.18 APARTMENT SIZE AND LAYOUT

A mix of apartment size and layout provides housing choice and supports equitable housing access. By accommodating a range of household types, a mix of apartments can ensure apartment buildings support the needs of society now and in the future.

### Objective

- (a) To provide a diversity of apartment sizes and layouts to cater for a range of household types
- (b) To ensure that the internal arrangements of apartments is functional and satisfies occupants needs.
- (c) To ensure apartment sizes provide high standards of residential amenity
- (d) To encourage adaptive re-use and flexibility in design.

### Controls

- (a) Single aspect dwellings should be limited in depth to 8m from a window.
- (b) The back of a kitchen should be no more than 8m from a window.
- (c) The width of an apartment over 15m deep should be 4m wide or greater to avoid deep narrow apartment layouts.
- (d) Developments should provide a variety of dwellings types and sizes including 1, 2 and 3+ bedroom apartments to provide for housing choice and affordability. The following sizes are considered appropriate:
  - (i) Studio – 35m<sup>2</sup>
  - (ii) 1 bedroom – 50m<sup>2</sup>
  - (iii) 2 bedroom – 80m<sup>2</sup>
  - (iv) 3+ bedroom – 100m<sup>2</sup>
- (e) Consideration should be given to the internal design of apartments to encourage flexibility of uses over time.

## 2.19 CEILING HEIGHTS

Ceiling heights are measured from finished floor to finished ceiling level. Adequate ceiling heights ensure quality residential amenity and create spatial interest and hierarchy in apartments.

### Objectives

- (a) To increase the sense of space in apartments and provide well proportioned rooms.
- (b) To promote penetration of daylight into all areas of each apartment.
- (c) To contribute to flexibility of use.

### Controls

- (a) Ceiling heights of apartments must encourage the penetration of natural sunlight into all areas of the building. The following floor to ceiling heights are to be provided:
  - (i) 2.7m minimum for all residential floors; and
  - (ii) 2.4m minimum for attic levels.

## 2.20 STORAGE

Providing storage for items ancillary to peoples living needs is particularly important in residential developments where the size of dwellings and their configuration are constrained.

### Objectives

- (a) To provide adequate storage for everyday household items within easy access of the apartment.
- (b) To provide storage for sporting, leisure, fitness and hobby equipment.

### Controls

- (a) Suitable storage facilities are to be provided within the dwelling.
- (b) Storage located outside the apartment is to be secure for individual use.
- (c) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities within the dwelling at the following rates:
  - (i) Studio & one bedroom apartments – 6m<sup>3</sup>
  - (ii) Two bedroom apartments – 8m<sup>3</sup>
  - (iii) Three plus bedroom apartments – 10m<sup>3</sup>

## 2.21 ATTIC AND ROOF DESIGN

Roof design is an important element of the overall design of a building and how it relates to the surrounding streetscape. This Part includes guidelines for attic and roof design in the R3 and R4 zones.

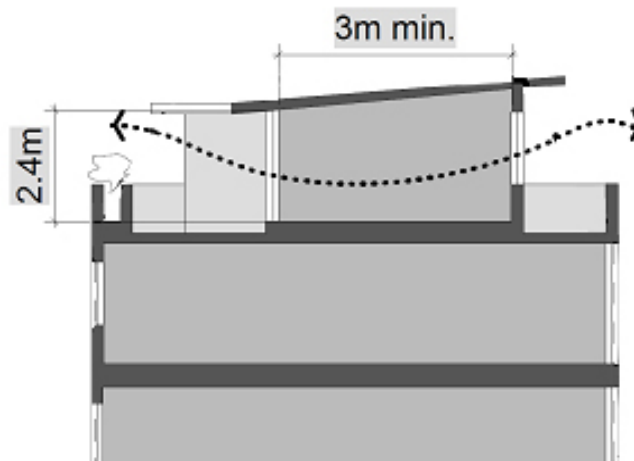
### Objectives

- (a) To ensure attic rooms achieve good residential amenity and environmental performance.
- (b) To minimise the impact of attic levels when viewed from the street.
- (c) To allow a variety of roof forms in response to the scale and character of the building and streetscape.

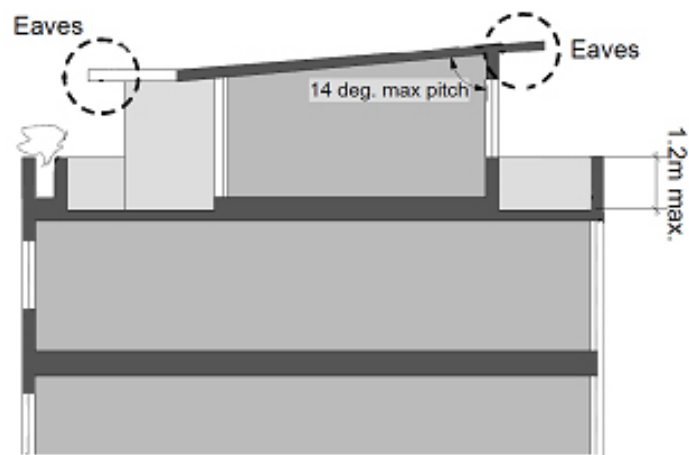
### Controls

- (a) Roof design should contribute to the overall design and performance of the development.
- (b) Roof design should contribute to the streetscape character of the area.
- (c) Attic rooms must have a minimum width of 3m and a minimum floor to ceiling height of 2.4m, for at least two thirds of the floor area (refer to Figure 32).
- (d) Alterations and additions in the roof of an existing building should occur within the main roof form. Variations of numerical controls will be considered on a merit basis.
- (e) Dormer windows and the like are to be less than 50% of the roof elevation.
- (f) Attics must be cross ventilated.
- (g) Attic spaces must not contain living and dining rooms, and must be attached to a unit on the floor below.
- (h) Attic rooms must not overlook adjacent dwellings or their private open spaces.
- (i) Pitched Roof Attics are to retain the pitched roof form as the major visual element of the roof and must respond to the context.
- (j) Where dormer windows are proposed they must be no higher than the height of the main roof form.
- (j) The incorporation of or access to a balcony will be considered on its merits.
- (k) Part Additional Floor/Flat roof attics must consider the following:
  - (i) Where flat roofs are appropriate, a part additional floor may be used to provide an attic.
  - (ii) Include a minimum setback of 2m from the edges of the building below.
  - (iii) Must not exceed 50% of the floor area of the floor below (refer to Figure 34).
  - (iv) Must not contain independent dwellings and must be connected to a unit on the level below.
  - (v) Part additional floors may not be used where they compromise the privacy of residents within the development, or within neighbouring buildings.
  - (vi) Part additional floors may access a roof terrace. These areas are to be designed to minimise opportunities for overlooking and not be enclosed above parapet height.
  - (vii) Parapet height must not exceed 1.2m (refer to Figure 33).

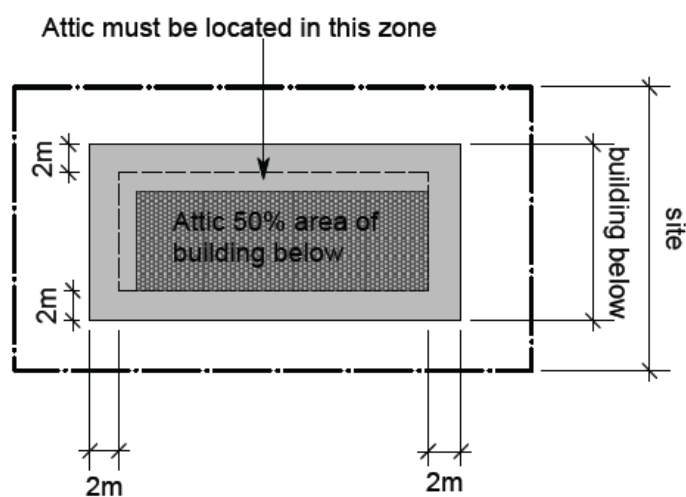




**Figure 32** Minimum attic dimensions



**Figure 33** Part additional floor / flat roof attic design



**Figure 34** Attic space dimensions

## 2.22 ACOUSTIC PRIVACY

Acoustic privacy is a measure of sound insulation between apartments and between external and internal spaces. Designing for acoustic privacy relates to the location and separation of buildings within a development and the arrangement of apartments and internal spaces within apartments.

### Objective

- (a) To ensure a high level of amenity for residents, by protecting the acoustic privacy of apartments and their private open spaces.
- (b) To effectively manage the interface between non-residential uses and residential accommodation.

### Controls

- (a) Soundproofing of all dwelling units by such means as acoustic glazing is required to reduce noise impacts on residents.
- (b) Minimise noise transmission between apartments by:
  - (i) Locating noisy and quieter areas next to other noisy or quiet areas, e.g. living rooms adjacent to living rooms, and bedrooms adjacent to bedrooms.
  - (ii) Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas and minimising the amount of party (shared) walls with other apartments.

## 2.23 NATURAL VENTILATION

Natural ventilation is the circulation of sufficient volumes of fresh air through an apartment to create a comfortable indoor environment and reduce the need for mechanical ventilation. To achieve natural ventilation the design of the building must address orientation, building envelope and each apartment's internal configuration.

### Objective

- (a) To ensure apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.
- (b) To provide natural ventilation in non-habitable rooms, where possible.
- (c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air-conditioning.

### Controls

- (a) At least 60% of apartments in a development are to be naturally cross-ventilated. These may be either dual aspect (e.g. cross through apartments and corner apartments), or maisonette/2 storey apartments which draw cool air in at lower levels and allow warm air to escape at higher levels.
- (b) Plan the site to utilise natural breezes by:
  - (i) determining prevailing breezes and orienting buildings to maximise access to breezes, where possible;
  - (ii) locating vegetation to direct breezes and cool air as it flows across the site; and
  - (iii) selecting and planting trees that do not inhibit airflow.
- (c) Design the internal apartment layout to promote natural ventilation by minimising interruptions (such as corners and walls) to air flow through an apartment.
- (d) Doors and operable windows are to maximise natural ventilation by:
  - (i) locating small windows on the windward side and larger windows on the leeward side of the building, allowing air pressure to draw air through the apartment;
  - (ii) using higher level casement or sash windows, clerestory windows or operable fanlight windows to facilitate convective currents; and
  - (iii) selecting windows which can be reconfigured to funnel breezes into the apartment.
- (e) Innovative technologies to naturally ventilate internal rooms such as laundries, bathrooms and basement car parks are to be explored e.g. using stack-effect ventilation or solar chimneys.

## 2.24 BUILDING SERVICES

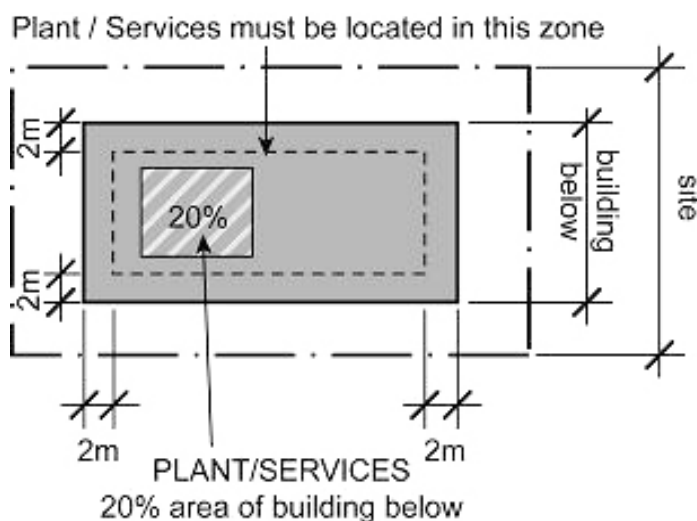
Developments must be adequately serviced while ensuring they are integrated into the design of the development.

### Objective

- (a) To provide and integrate site services and facilities in a sensitive manner such that they relate to the building and landscape design, enable easy access, and require minimal maintenance.

### Controls

- (a) Ensure that building services are integrated into the design of buildings. Building service elements include garbage rooms, mailboxes, fire hydrant boosters, electrical substations, downpipes, and plant rooms and satellite/communications structures.
- (b) Provide mailboxes adjacent to the main entrance and integrated into a wall of the building where possible, ensuring that they are secure and can accommodate large articles such as newspapers.
- (c) Coordinate and integrate building services within the overall façade and roof design. Locate any ancillary structures such as plant rooms and satellite dishes away from the building entry and set back from the street frontage. Where located on podium or roof levels, ensure that they are adequately setback from the perimeter wall or roof edge.
- (d) Building service elements occupying less than 20% of the roof area may project beyond the building envelope (refer to Figure 34).
- (e) Building service elements must be setback a minimum of 2m from the outer walls of the building below and not visible from the street or impact on public or private views (refer to Figure 35).



**Figure 35** Plant and services zone