Bayside Council
Serving Our Community

Part 4A
Low Density Housing

Botany Bay Development Control Plan 2013

4 Residential Development

4A Low Density Housing
4B Multi Dwelling Housing
4C Residential Flat Buildings

Contents

4A.1 Introduction

4A.1.1 Land to which this Part applies

This Part applies to low density residential development and ancillary development on land to which this DCP applies. Common forms of low density residential development include (but are not limited to):

- Dwelling Houses;
- Dual Occupancies;
- Attached Dwellings;
- Semi-detached Dwellings; and
- Secondary Dwellings.

Development Applications must be consistent with the controls in this Part, and the other Parts of this DCP.

4A.1.2 General Objectives

Objectives

O1 To create a high standard of residential amenity;
O2 To ensure that new development is based on good urban design principles;
O3 To ensure that development is compatible with the existing or identified future character of the locality;
O4 To promote innovation in housing design, including energy efficiency, waste minimisation and sustainable design;
O5 To ensure that the impact of housing on the amenity of surrounding properties and the streetscape is a prime consideration in the preparation and assessment of Development Applications; and
O6 To encourage residential development which is:

(i) Sensitive to the environment;
(ii) Responsive to the character and context of the locality;
(iii) Socially responsive;
(iv) Promotes a safe living environment; and
(v) Makes better use of existing infrastructure.

4A.2 Site Design

4A.2.1 Design Excellence

Objectives

O1 To provide detailed design objectives and controls that encourage innovative design that positively responds to the character and context of the locality;
O2 To create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain; and
O3 To ensure new development contributes positively to the streetscape.

Controls

C1 To achieve excellence in urban design, development should:

(i) Take into consideration the characteristics of the site and adjoining development by undertaking a thorough site analysis;
(ii) Utilise innovative design which positively responds to the character and context of its locality;
(iii) Provide a design which utilises Environmentally Sustainable Design strategies;
(iv) Enhance the streetscape character of the locality;
(v) Ensure development is consistent in height and scale with surrounding development;
(vi) Maintain established setbacks;
(vii) Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy;
(viii) Ensure any development utilises materials and finishes which complement the locality and provides visual impact;
(ix) Incorporate architectural relief and modulation of façades to avoid a bulky appearance;
(x) Incorporate entries, verandas and balconies to add visual interest to building forms and break up the bulkiness of a dwelling when viewed from the street.
(xi) Design for acoustic and visual privacy;
(xii) Ensure dwellings and open space areas achieve good solar access, and are energy efficient;
(xiii) Ensure building entries address the street and are clearly visible from the street or footpaths;
(xiv) Provide good quality landscaping;
(xv) Consider the relationship of private open space to the layout of the dwelling;
(xvi) Use design techniques which promote safety and discourage crime; and
(xvii) Ensure garages and carports are not the dominant feature of the building façade. They must be subservient in scale to the dwelling and compatible with the overall design of the dwelling.

C2 A Development Application for a new dwelling or major alteration to a dwelling must include a written statement to demonstrate how design excellence will be achieved in the proposed development and meet the requirements identified in **C1** (above).

4A.2.2 Site Analysis

Objectives

O1 To ensure that development:
- a. Is sensitive to its environment;
- b. Positively contributes to the context;
- c. Minimises adverse impacts on adjoining properties.

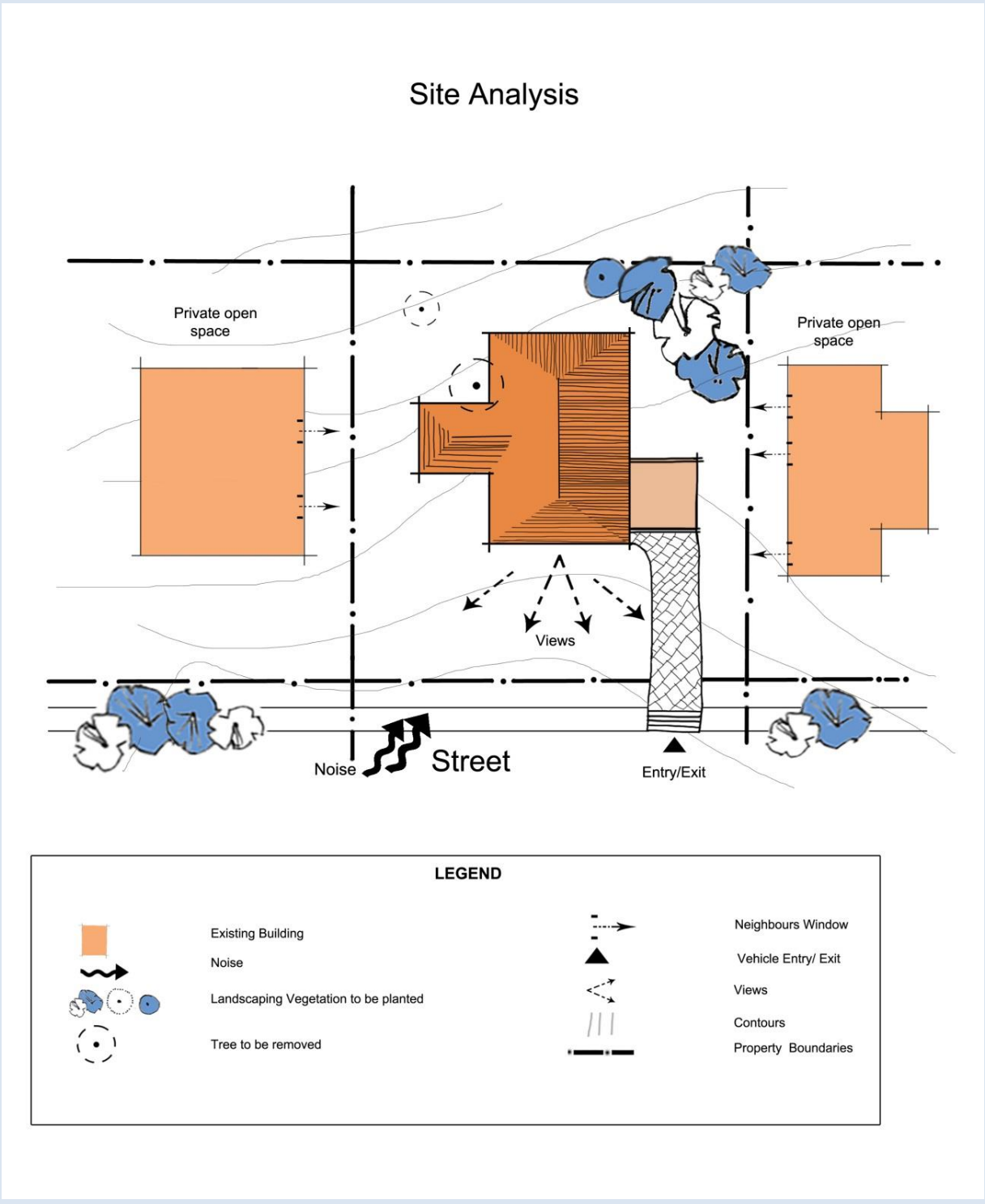
O2 To facilitate an acceptable siting and scale of development with an acceptable relationship with neighbouring dwellings and the wider street context.

Controls

C1 A Site Analysis Plan shall be submitted with all Development Applications to Council. For information regarding what should be identified on a Site Analysis Plan, refer to Council's **Development Application Guide** which is available at the Customer Services Centre or online via Council's website.

C2 An effective site analysis will:
- a. Identify key opportunities and affectations of the site;
- b. Demonstrate reasoning behind key design decisions;
- c. Influence design decisions to minimise negative impacts on amenity; and
- d. Demonstrate and uncover neighbourhood characteristics which the design will respond to.

Figure 1 - Example of a Site Analysis Plan



4A.2.3 Local Character

Bayside's residential areas contain a range of housing styles including Detached Dwelling Houses; Terrace Housing; Semi detached Houses; Row Houses; and Workers Cottages.

Part 8 - Character Precincts identifies the existing character of each planning precinct within the City and defines the Desired Future Character to maintain and enhance the unique qualities of each area.

Objectives

O1 To ensure that building design responds to the existing characteristics and constraints of a site; and
O2 To ensure that Council's Desired Future Character of its Precinct is achieved.

Controls

C1 Development must be designed to respond to the opportunities and constraints identified in the Site Analysis.
C2 Development must comply with the relevant Desired Future Character Statements in **Part 8 - Character Precincts**.

4A.2.4 Streetscape Presentation

The presentation of buildings and the styles in a street determine the character of the streetscape.

Many streets within the City have groups of houses with consistent form, scale and materials. It is an historic area containing a range of buildings with heritage features from various historic periods. A majority of the City's heritage comes from the Victorian, Federation and Inter-war and Post War periods. However it is not exclusively historical significance that contributes to the streetscape, but also the height, scale, setback and style of a group of buildings.

Good streetscapes demonstrate the following attributes:

- Houses which address the street and are consistent in form, scale and setbacks;
- Houses which are compatible with the character of houses in the street;
- Landscaping that is of an appropriate scale; and
- Well-designed front fences.

Objectives

O1 To encourage development that complements and enhances the streetscape: and

O2 To achieve design excellence with all new development.

Controls

General

C1 New dwellings must be designed to reflect the relevant Desired Future Character Statement in **Part 8 - Character Precincts** and are to reinforce the architectural features and identity which contributes to its character. Applicants must address the design principles outlined in the statement.

C2 Development must be designed to reinforce and maintain the existing character of the streetscape.

C3 Development must reflect dominant roof lines and patterns of the existing streetscape (refer to **Figure 2**).
Note: Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in housing designs provided that development outcomes complement the existing character of the suburb.

C4 Buildings must appropriately address the street. Buildings that are intrusive or inconsistent with the established development pattern will not be permitted.

C5 Developments on sites with two or more frontages should address both frontages

C6 The entrance to a dwelling must be readily apparent from the street.

C7 Dwellings are to have windows to the street from a habitable room to encourage passive surveillance.

C8 Skylights are to be flush with the roof surface and located to the rear of a building.

C9 A street number for the property is to be clearly identifiable from the street.

C10 Development must retain characteristic design features prevalent in houses in the street including: verandas, front gables, window awnings, bay windows, face brickwork or stone details.

C11 New windows must be in keeping with the scale and proportion of the original windows. Windows on a first floor extension are to be aligned with those on the ground floor.
Note: Larger expanses of glass are allowed to the rear of buildings where there is less impact on the streetscape, provided the privacy of adjoining dwellings is maintained.

C12 Painting, rendering and bagging of existing face brickwork must be consistent with the existing character of the street.

C13 New extensions must be consistent with existing materials.

C14 Dormer roofs must be consistent with the style of the existing dwelling.

Figure 2 - Streetscape Continuity

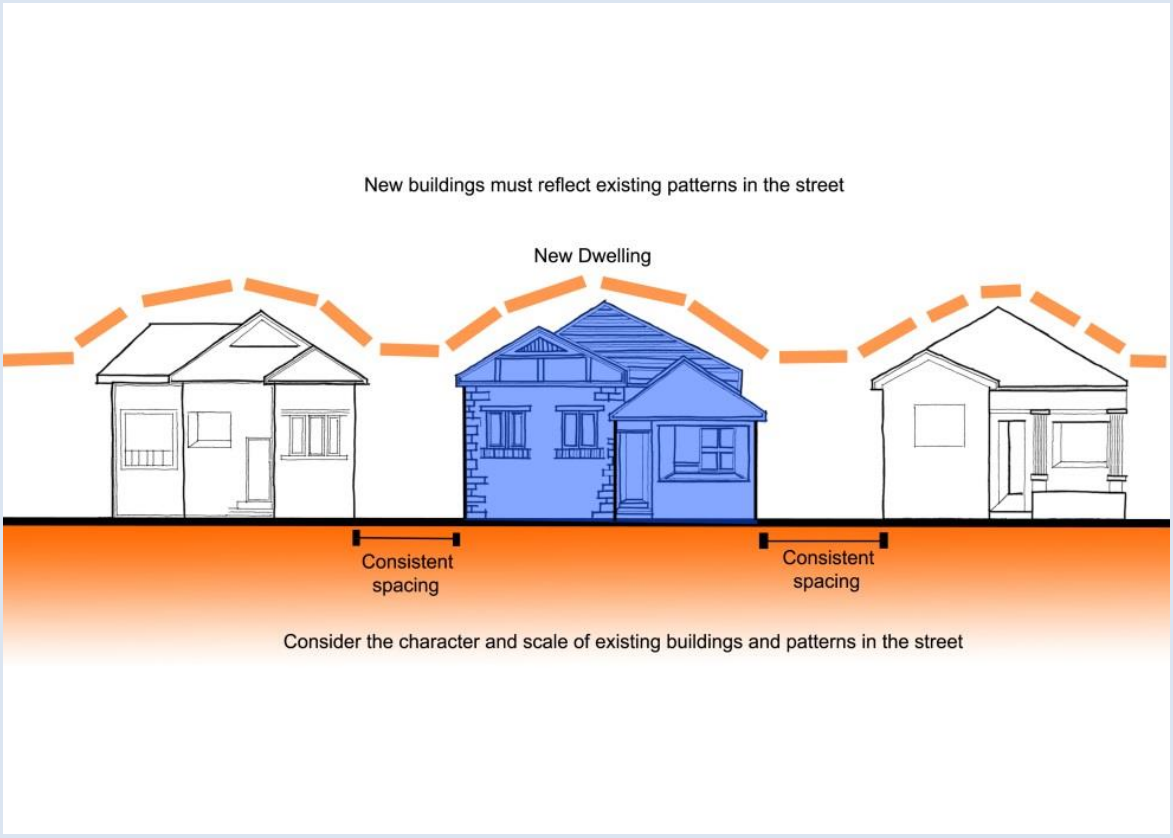
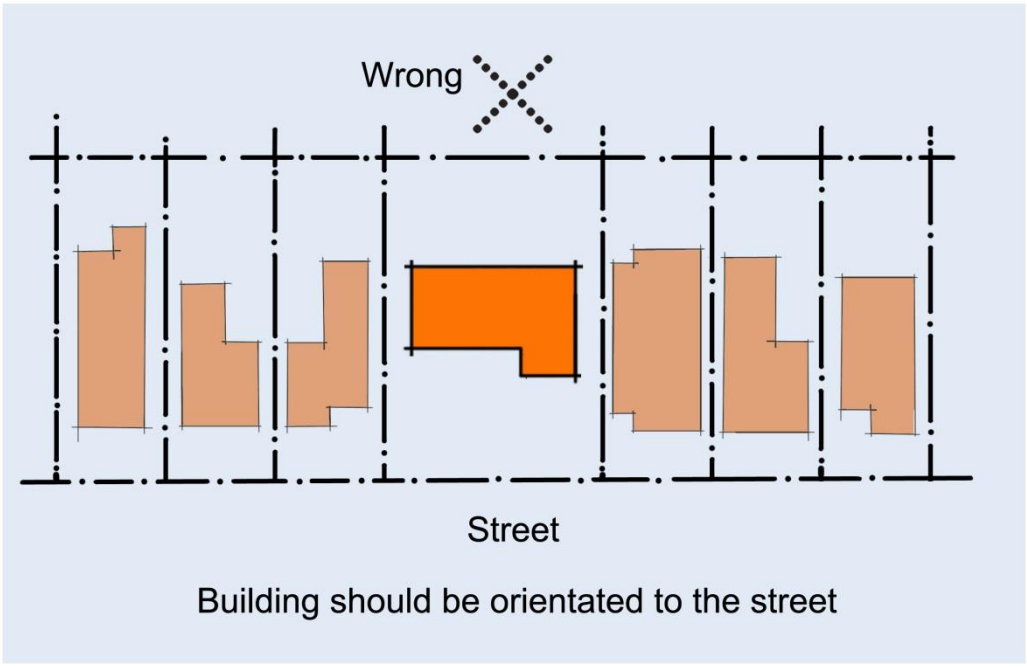
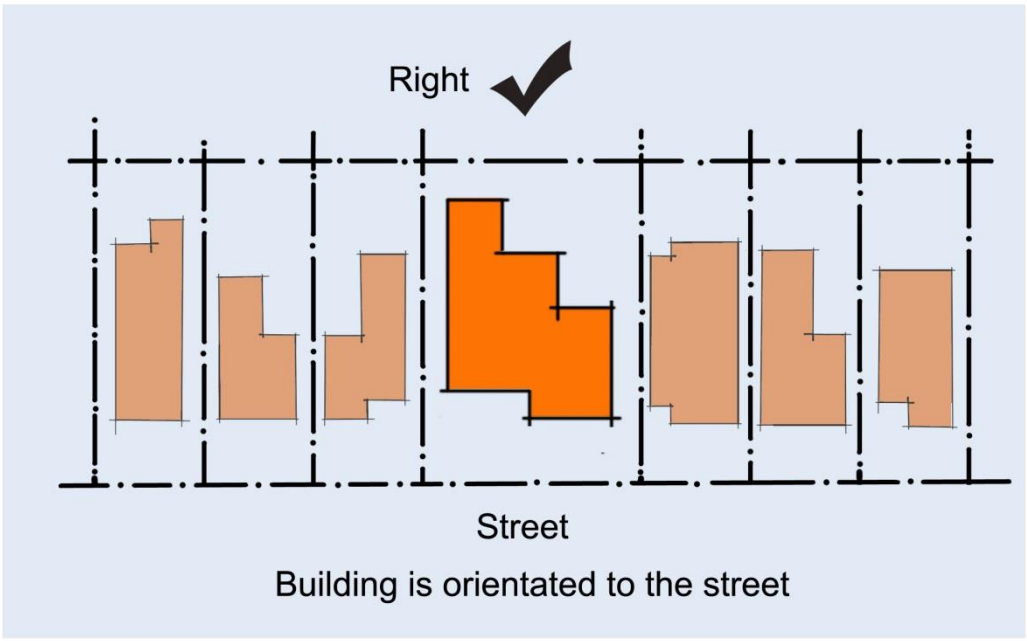


Figure 3- Ensure that New Development is Oriented Towards the Street.





Two Storey Dwellings

C15 A two storey dwelling is not considered appropriate where the majority of surrounding dwellings in a street are single storey.

C16 Where it is proposed to build a two storey dwelling or carry out a first floor addition to an existing house in a predominantly single storey streetscape, then it is essential that the new additions maintain the perceived scale and character of the house and the immediate streetscape as predominantly single storey. This can be achieved by considering one or more of the following design measures:

(i) Disguising any proposed first floor addition within the roof form;

(ii) Ensuring that any upper floor levels are setback from the principal street frontage of the building, in order to maintain a substantial portion of the existing roof unaltered over the front of the building; and

(iii) Ensuring that first floor addition is located behind the main gable or hipped feature of the roof to the street frontage.

Dual Occupancies

C17 Dual Occupancies should be designed to provide differentiation in the façade, so as to provide a single dwelling house in appearance.

C18 Where a dual occupancy development is proposed on a corner allotment, each dwelling, and any associated garaging, must independently address a street frontage. If both dwellings are proposed to be accessed from one street due to site constraints, car parking and driveways should not dominate the streetscape.

C19 Each dwelling within an attached dual occupancy development should be side by side. It is not acceptable to have one dwelling behind the other, unless the lot patterning permits, and the rear dwelling is single storey.

C20 One dwelling within the dual occupancy development must not intrude into the rear yard further than 5 metres beyond the other.

C21 Attached dual occupancies should take account of the building form and roof lines of adjoining dwellings, where a pattern is established by a group of adjoining houses.

C22 Garages for each dwelling within an attached dual occupancy development must be well integrated into the façade design, and comprise a single width door to each dwelling. Parking should be provided off a rear lane where available.

C23 Garages and entries should not diminish casual surveillance of the street or address. Windows and/or balconies are to be incorporated into the façade to provide casual surveillance.

C24 No more than one third of the width of the frontage of a property should be used for driveways and access points.

C25 Access to garaging and parking spaces should not result in large expanses of paved surfaces to the front of the building.

Semi- Detached Dwellings

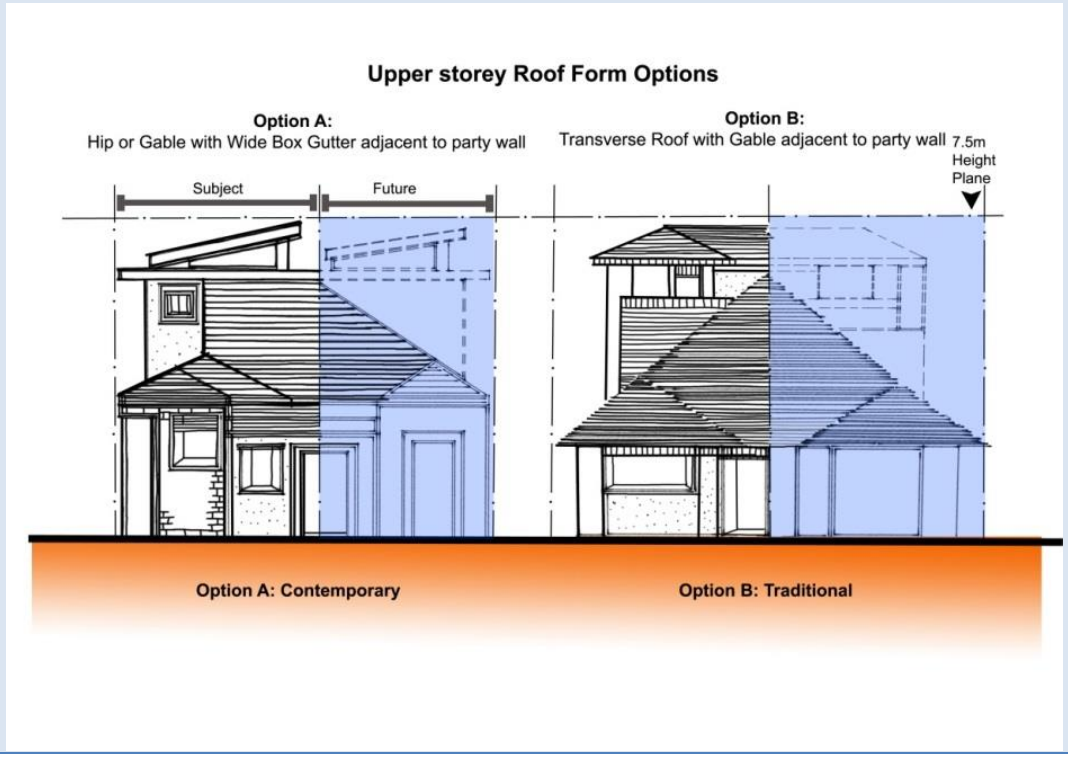
A critical issue concerning the development of semi-detached dwellings is that whilst the two dwellings were originally constructed as one building, the alterations and additions to each dwelling must be achievable independently of the other adjoining dwelling. Consequently, issues can arise concerning the compatibility of building forms. In many instances a first floor addition must be resolved in the context of the adjacent undeveloped single storey dwelling.

C26 Any alteration to an individual semi-detached dwelling must recognise it as being one of a pair.
C27 Extensions must integrate with the existing building. Extensions must address the likelihood that the adjoining semi may be developed in the future.
C28 Uncharacteristic roof forms and details (such as Mansard roofs) will not be allowed if they have an impact on the streetscape
C29 As identified in **Figure 4**, the two dwellings that constitute the semi form must be as consistent as possible in scale and material.

Note: There are a variety of different architectural designs that can be adopted for first floor additions to semi-detached dwellings, some more traditional and others of a contemporary nature. It is not necessary for the buildings to be identical. However, colours and materials should be complementary in the street-front presentation.

C30 Roof design must prevent the flow of stormwater onto the adjoining semi.

Figure 4 - Examples of First Floor Additions to Semi-Detached Dwellings.



Terrace Houses - Existing

C31 Where alterations and additions are proposed to a traditional terrace house, no change to the height or form of the roof to the street frontage is permitted.

Note: Alterations and extensions behind the roof form will be allowed subject to an assessment of the effect on the adjoining terrace.

Terrace Houses - Special Areas

There are three areas (identified as H1, H2 and H3) within which a height limit of either 9 or 10 metres is permitted (refer to **Part 4A.2.4 - Height**). These areas are unique and allow for a different form of housing than is characteristic to other parts of the City.

Special Area H1 - Three Storey Terrace Style Dwellings

Special Area H1 is located on the fringe of a business area and has good access to public transport and other services and facilities. The location provides the opportunity for urban consolidation, through the provision of new dwellings with increased height and density in the form of terrace style development.

Development within Special Area H1 must comply with the following controls in addition to the other controls outlined in this part:

C32 New dwellings within Special Height Area H1 are to take the form of a terrace house as identified in **Figure 5**.

C33 Terrace house development in Special Area H1 can have a maximum height of 9 metres (three stories). The third level must be setback from the street frontage to minimise impacts on the streetscape.

C34 A minimum allotment frontage of 5 metres is permitted in Special Area H1 (refer to **Part 3E – Subdivision and Amalgamation**).

C35 New dwellings must comply with the minimum parking requirements in **Part 3A - Car Parking**.

C36 Setbacks for new dwellings in Special Area H1 are to be determined following a detailed site analysis. The applicant must demonstrate that the amenity of neighbouring residential properties is minimised in terms of sunlight and natural daylight access, privacy and visual amenity.

Figure 5 - Three storey Terrace style dwellings are permitted in Special Area H1

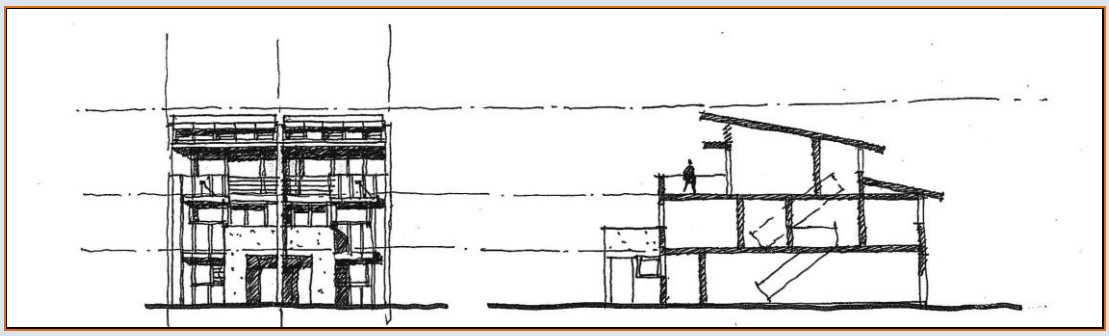
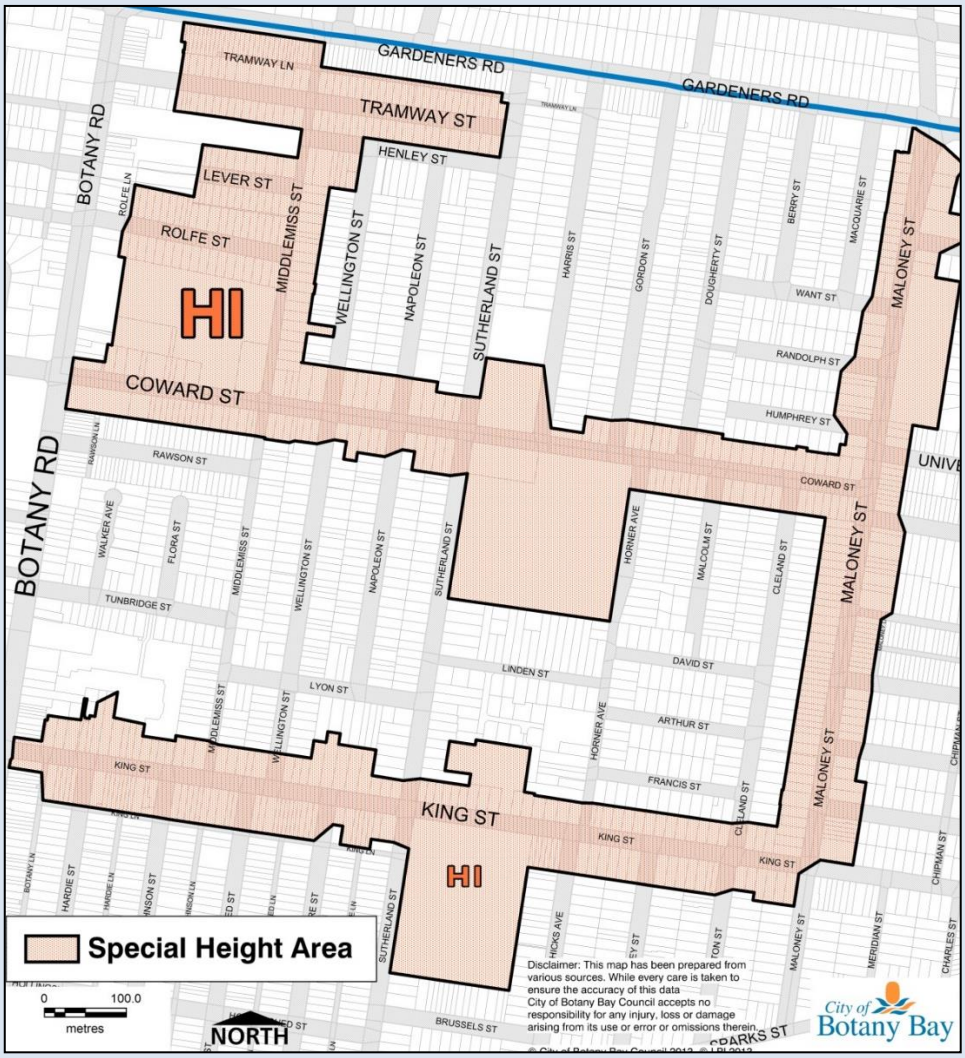


Figure 6 - Special Area H1



Special Area H2 – Two storeys Plus Attic Terrace Style Dwellings

Special Area H2 is located within Eastlakes and is characterised by narrow residential streets, lack of on-site parking and a mixture of reasonably high density developments ranging from semi-detached dwellings, newer terrace style housing on narrow allotments, single storey dwellings and some 3 storey walk up residential flat buildings which were developed under Schedule 7 of the Local Government Act. This area provides the opportunity for increased height and density in the form of terrace style housing. Development within Special Area H2 must comply with the following controls in addition to the other controls outlined in this part:

C37 New dwellings within Special Height Area H2 can take the form of a terrace house as identified in **Photo 1**.

C38 Terrace house development in Special Area H2 can have a maximum height of 9 metres (two stories, plus a third attic level) to minimise impacts on the streetscape (also refer to **Part 4A.3.3 - Roofs and Attics/Dormers**).

C39 A minimum allotment frontage of 5 metres is permitted in Special Area H2 (refer to **Part 3E - Subdivision and Amalgamation**).

C40 New development must comply with the minimum parking requirements in Part 3A - **Car Parking**.

Setbacks for new dwellings in Special Area H2 are to be determined following a detailed site analysis at Development Application stage and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity. Applicants must therefore demonstrate with the development application that impacts on the surrounding residential area are minimised.

Photo 1 - Example of Recent Terrace Style Dwellings in Special Area H2

Figure 7 - Two Storeys Plus Attic Development is Permitted in Special Area H2

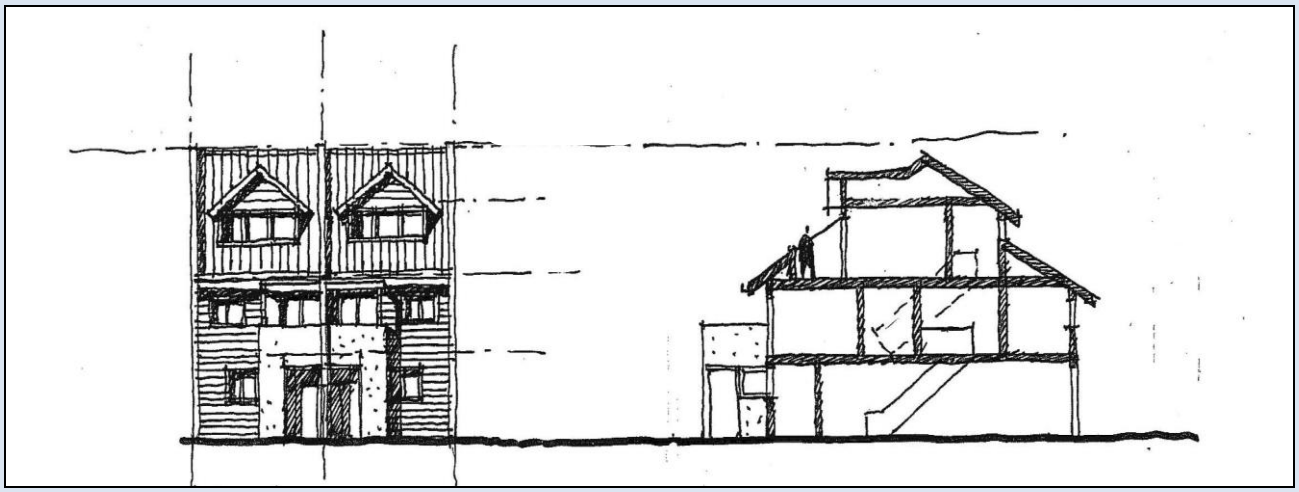
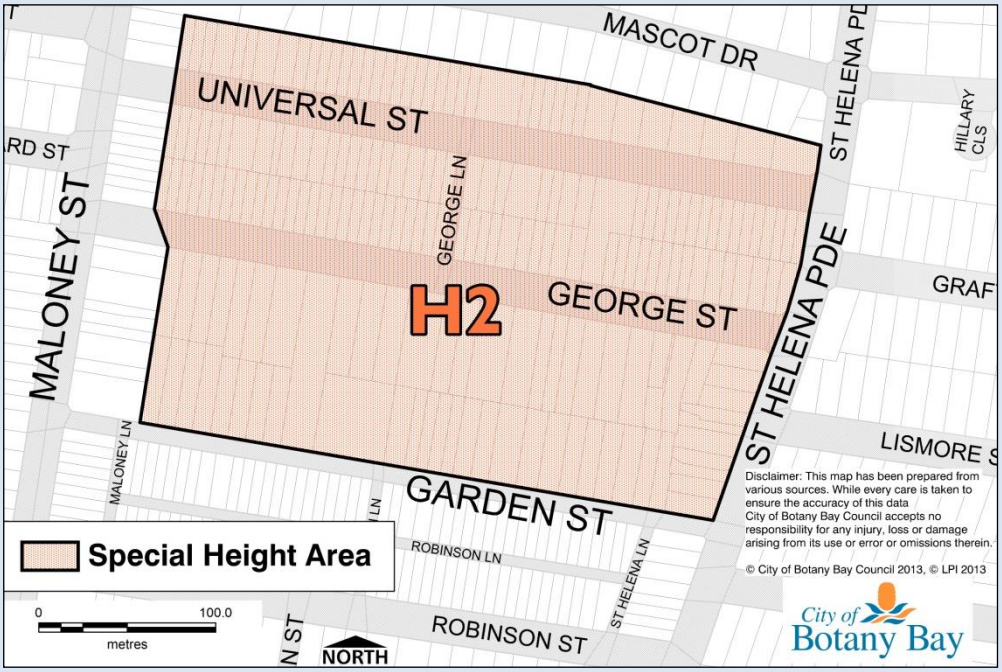


Figure 8 - Special Area H2

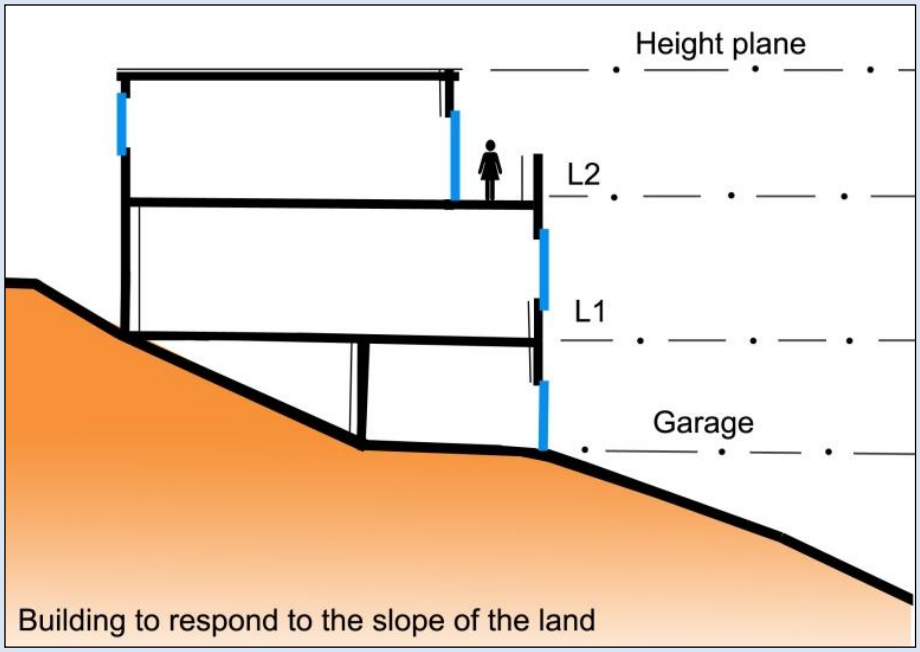


Special Area H3 – Three storey Dwellings

Special Area H3 applies to parts of Pagewood where sites are reasonably large and the topography is generally characterised by sloping sites.
Development within Special Area H3 must comply with the following controls in addition to the other controls outlined in this part:

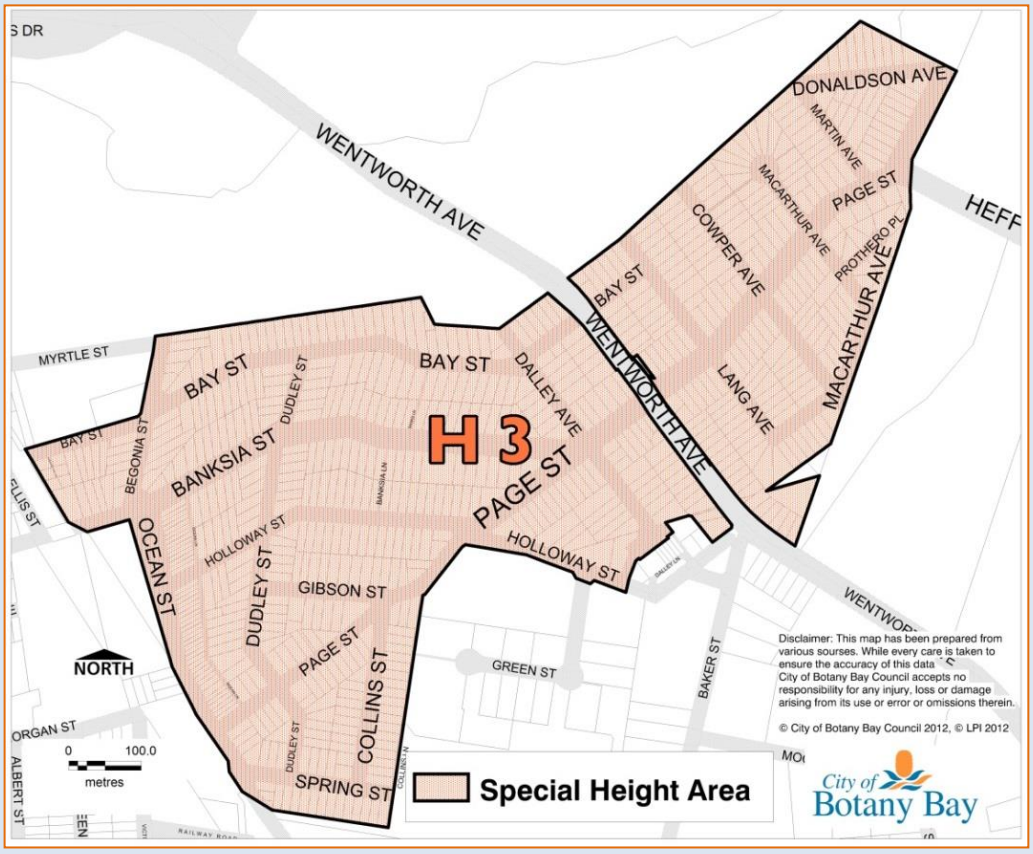
- **C41** New dwellings in Special Area H3 can have a maximum height of 10 metres (or three stories) as identified in **Figure 9**).
- **C42** The bottom storey of the dwelling must only consist of garages or non-habitable rooms such as bathrooms, laundries, storage areas or the like (as defined by the BCA).
- **C43** Development must comply with the parking requirements in **Part 3A - Car Parking**.

Figure 9 - Three Storey Dwellings are Permitted in Special Area H3[1]



[1] At any part of the perimeter of the building, the height is not to exceed 2 storeys unless one of the storeys being the basement or lowest level contains a non-habitable space not exceeding 40m² in area.

Figure 10 - Special Area H3



4A.2.5 Height

Objectives

O1 To maintain streetscapes by maintaining the characteristic height in each suburb or neighbourhood;
O2 To limit the height and scale of buildings so that they do not dominate the streetscape;
O3 To ensure that new dwellings or alterations to existing dwellings complement the scale of adjoining development; and
O4 To limit visual impact, loss of privacy, loss of views or overshadowing on neighbouring properties.

Controls

C1 The maximum height of buildings must be in accordance with the Height of Buildings Map and **Clause 4.3** of the Bayside Local Environmental Plan 2021.

C2 Where a building built to the permissible height would have unacceptable adverse impacts in regards to:

(i) The overshadowing of a dwelling, private open space or public open space;
(ii) An inappropriate transition in built form and land use intensity;
(iii) The design excellence of a building;
(iv) View loss; or
(v) The Obstacle Limitation Surface;

Council may not permit the permissible height to be achieved.

Note: Refer to *Sydney Airport Operations Areas subject to Building Height Control Map* to determine whether an OLS height restriction applies to a site.

C3 New buildings are to consider and respond to the predominant and characteristic height and storeys of buildings within the neighbourhood; and consider the topography and shape of the site.

Note: Characteristic building height is defined as the average building height of the two adjoining buildings.

Height on Steep Sloping Sites

C4 On sloping allotments where the levels and heights of the proposed dwellings are difficult to determine, the applicant shall provide:

(i) A report by a registered surveyor to verify existing levels and heights; and

(ii) Where the above applies, a level check survey is to be submitted before the building proceeds above ground floor level. Levels are to be indicated on the building plans showing existing and proposed ground levels, proposed finished floor levels, and the building height of the dwelling.

Single Storey Streetscape

C5 Where single storey dwellings are the predominant form of housing in the street, the height and scale of the streetscape should be maintained, by undertaking second storey extensions at the rear of the property or undertaking ground floor extensions only. This can be best achieved by:

(i) Undertaking ground floor additions only at the rear of the property;

(ii) Two storey alterations and additions being undertaken at the rear of the property behind the existing building line or behind the primary roof ridge;

(iii) An attic addition contained wholly within the existing roof form;

(iv) Disguising any proposed first floor addition within the roof form;

(v) First floor portions presenting as essentially “attic style” in form (note - any attic additions should comply with **Part 4A.3.3 - Roofs and Attics/Dormers)**;

(vi) Ensuring that any upper floor levels are setback from the principal street frontage of the building, in order to maintain a substantial portion of the existing roof unaltered over the front of the building; and

(vii) Ensuring that first floor additions are located behind the main gable or hipped feature of the street frontage.

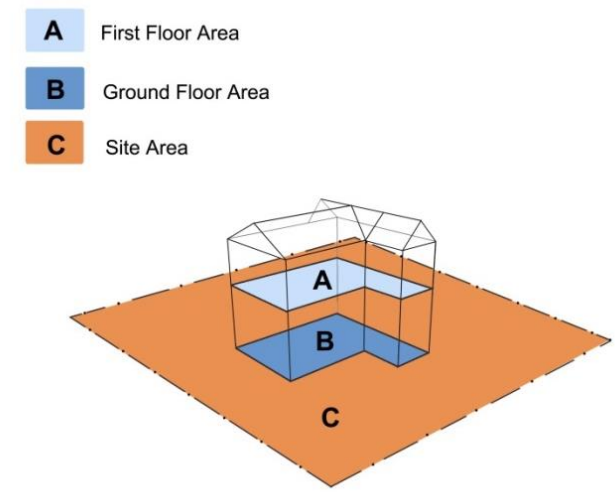
C6 For single storey heritage items, all additions should be behind the primary roof ridgeline, as detailed in **Part 3B - Heritage**.

4A.2.6 Floor Space Ratio

Objectives

O1 To control the bulk and scale of development so that dwellings do not detract from the amenity of adjoining dwellings or the streetscape;
O2 To prevent the overdevelopment of land and ensure that adequate private open space is provided for each dwelling; and
O3 To ensure that development delivers appropriate site coverage to allow adequate provision for infiltration of stormwater, deep soil tree planting, landscaping, driveway areas, solar access and areas for outdoor recreation including decks & patios.

Figure 11 - Measuring FSR



Controls

Floor Space Ratio

C1 The maximum FSR of development must comply with the Floor Space Ratio Map and **Clause 4.4 and 4.4A** of the Bayside Local Environmental Plan 2021 (refer to **Figure 11**).

Note: For the purpose of calculating FSR, refer to the definitions in the Bayside Local Environmental Plan 2021.

Achieving FSR

C2 Not all development may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as:

(i) The size, shape and topography of the land;
(ii) The surrounding context and scale of adjacent development;
(iii) The need to reduce adverse impacts on neighbouring sites; and
(iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.

C3 In determining an appropriate FSR, applicants must demonstrate to Council that the bulk and scale of development is acceptable and will not result in adverse impacts within the development or on adjoining dwellings or the streetscape in terms of:

(i) Loss of Privacy;
(ii) Overshadowing/loss of natural light;
(iii) Loss of views;
(iv) Visual Amenity (Bulk and Scale); and
(v) Increased traffic generation.

4A.2.7 Site Coverage

Objectives

O1 To ensure site coverage creates a development that provides a balance between built form, landscaped area and private open space; and

O2 To control site density.

Controls

C1 Refer to **Part 3L.1.4 – Definitions** for definitions of site coverage, deep soil zones, and soft and hard landscape areas.

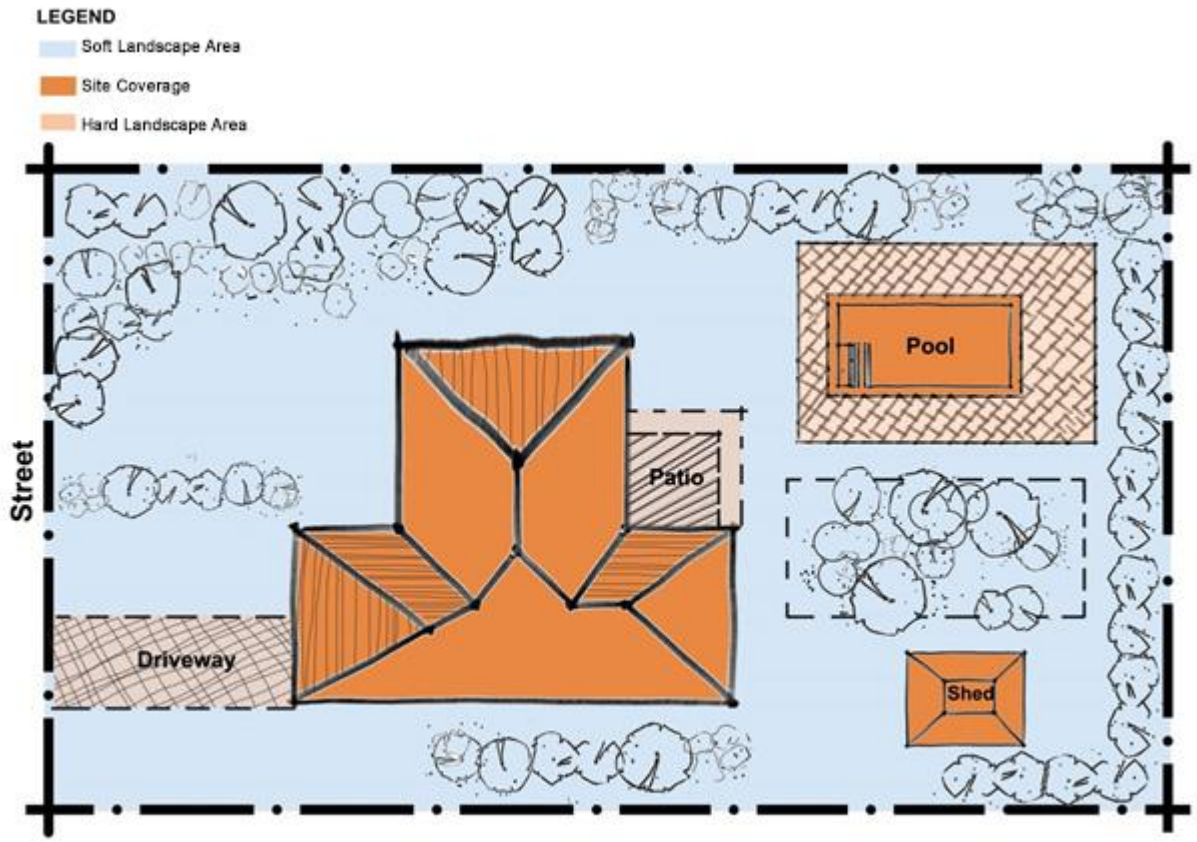
C2 For sites over 200m^2 the maximum site coverage is:

200 – <250m^2	65% of the lot
250 – <300m^2	60% of the lot
>300m^2	50% of the lot

C3 For sites less than 200m^2, the maximum site coverage will be assessed on merit, which will include consideration of the following:

(i) Bulk of the proposed/existing dwelling;
(ii) Impacts on adjoining land and buildings;
(iii) Setbacks;
(iv) Overshadowing and privacy;
(v) Streetscape considerations (visual bulk and scale);
(vi) Parking and landscape requirements;
(vii) Existing views & sightlines;
(viii) Impact to significant trees on site;
(ix) The provision of a private recreation area on site; and
(x) Site topography and allotment size.

Figure 12 - Calculating Site Coverage, Soft Landscaped Area and Hard Landscaped Area



Note: Refer to **Part 3L.1.4 – Definitions.**

4A.2.8 Building Setbacks

Objectives

O1 To ensure front setbacks complement existing setbacks in the street;
O2 To ensure front setbacks contribute to the public domain by enhancing streetscape character and the continuity of street façades;
O3 To provide adequate space for private open space, landscaped areas and entries to dwellings and retain existing trees;
O4 To ensure that the relationship between side and rear setbacks and building heights maintain the amenity of neighbouring residential sites; and
O5 To promote the use of landscaping alongside and rear setbacks to provide spatial relief between buildings and to contribute to the amenity of the adjoining properties.

Controls

C1 Dwellings must comply with the following minimum setbacks as set out in **Table 1.**

Note: New buildings or alterations to existing buildings are to reinforce the streetscape character by ensuring the front setback or building line is consistent with that of adjoining development (refer to **Figure 13**).

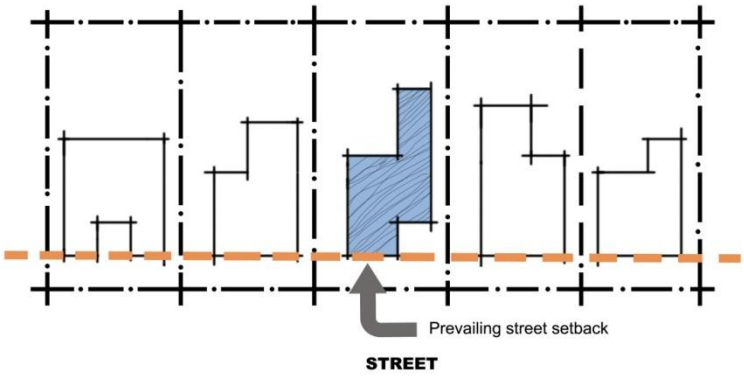
Note: Refer to the Court Principles (in Galea v Marrickville Council [2005] NSWLEC 113) relating to building on the boundary in residential areas.

The Planning Principle is updated by Court decisions and is available to view on the Land and Environment Court's website (http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html)

Table 1 - Setbacks

Lot Width	Minimum Front Setbacks	Minimum Side Setbacks	Minimum Rear Setbacks	Zero Lot Lines (with Council Discretion)	Eaves
Less than 12.5m	Comply with the prevailing street setback or 6 metres (Min)	Assessed on merit based – depending on visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape	4 metres	On merit based on building type and open space provisions	450mm minimum from boundary
12.5m and above	Comply with the prevailing street setback or 6 metres (Min)	Up to 2 floors 900mm (Council may require an increased setback due to streetscape and bulk considerations)	6 metres	6 metres maximum length for a zero lot line	450mm minimum from boundary

Figure 13 - Front Setback



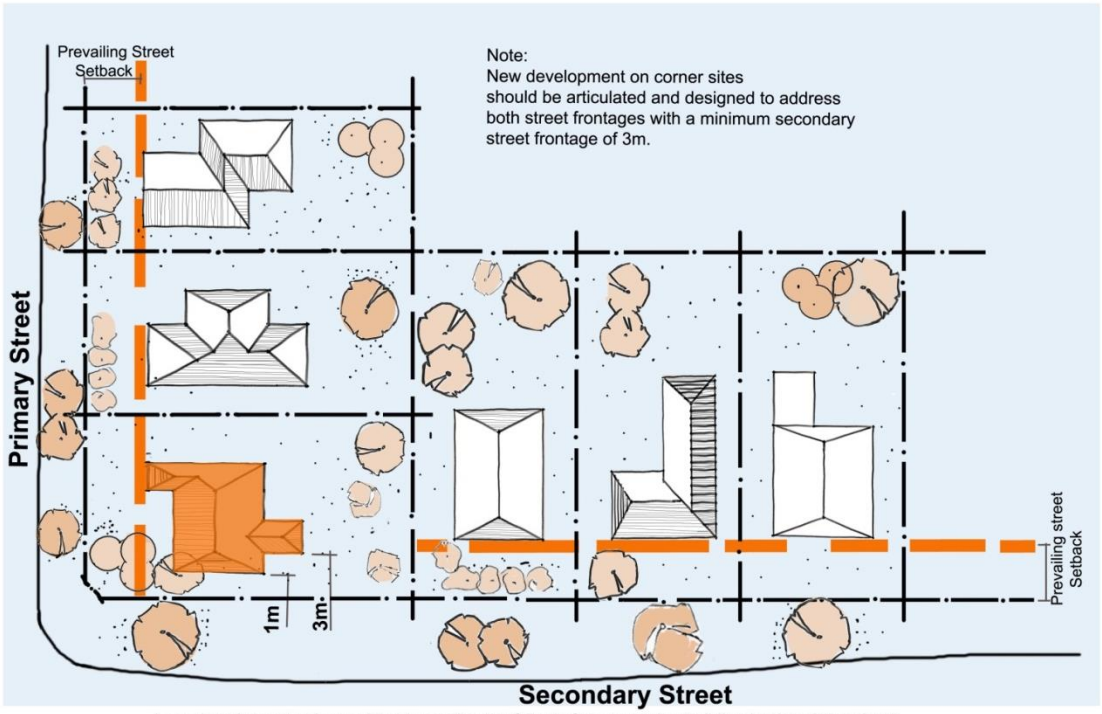
Corner Allotments:

C2 New developments on corner lots are to provide a minimum secondary street setback of 3 metres.

C3 Ground floor alterations and additions presenting to a secondary street frontage may present a continuous building setback of 1 metre for a maximum length of 6 metres. The remaining building must present a 3 metres setback to the secondary street frontage (refer to **Figure 14**). **Note:** Where a property has a secondary frontage to a laneway, garages and out buildings are to be setback 1 metre.

C4 Regardless of the existing secondary street setback, second storey additions must be setback 3 metres from the secondary street frontage.

Figure 14 - Setbacks on Corner Lots



Less than 3m setback permitted to maximum of 6m before recessing building back to 3m setback.

Side and Rear Setbacks

C5 To avoid the appearance of bulky or long walls side and rear setbacks should be stepped or walls articulated by projecting or recessing window elements, or a variation in materials.

Note: Council may require additional setbacks from the side or rear boundaries to maintain privacy and solar access.

Variations to Setbacks:

C6 Where an existing single storey dwelling has a side boundary setback of less than 900mm, consideration may be given to a portion of the addition retaining the existing side boundary setback, but only where it would be impracticable to provide a 900mm setback. Additions less than 900mm from the side boundary must have no openings and must otherwise satisfy the requirements of the BCA.

C7 Encroachments in the front and side setbacks are only permitted to a depth of 500mm and are limited to eaves, edge of verandas and sunshades. Pathways, fences and driveways are permitted in setbacks.

C8 Where an existing ground floor secondary street setback is less than 3 metres, a second storey balcony may encroach into the 3 metre secondary street setback, provided a setback of 900mm is ultimately maintained free from any encroachments.

C9 In certain circumstances where terrace house dwelling forms are proposed, Council may grant consent to a development with a 0 metre setback to a side boundary. However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Planning Principle "Building to the side boundary in residential areas" established in Galea v Marrickville Council [2003] NSWLEC 113 (or as updated) and consideration has been given to that statement. The Planning Principle is available to view on the Land and Environment Court's website (www.lawlink.nsw.gov.au/lec).

C10 Awnings and verandas

(i) along classified roads should be set back a minimum of 1.5 metres from the kerb;

(ii) along local roads that intersect with classified roads should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and

(iii) at any signalised intersections (on local roads or classified roads), should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

4A.2.9 Landscaped Area

Objectives

O1 To ensure residential developments have a high standard of amenity and provide functional private open space;
O2 To minimise hardstand areas and to maximise on-site water absorption in order to reduce the impact of stormwater on the public drainage system and maintain ground water table levels; and
O3 To screen and soften the impact of buildings.

Controls

General

C1 Landscaped areas are to be designed accordance with **Part 3L - Landscaping**.
C2 Development shall comply with the following minimum landscaped area requirements outlined in **Table 2.**
C3 Landscaped Area is to be fully permeable deep soil zones which are areas of natural ground or soil, not planter boxes (refer to definition in **Part 3L – Landscaping**).
C4 Any building, ancillary structure such as swimming pools, garages, sheds and cabanas, secondary dwellings, retaining/masonry walls and driveways must be sited to retain and protect existing trees, including street trees and trees on adjoining properties (refer to **Part 3L - Landscaping**).
C5 A Landscape Plan identifying the proposed areas of open space and landscaped areas on a site shall be submitted with all Development Applications, in accordance with **Part 3L - Landscaping**. Landscaped areas must minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties. Trees are to be selected so that the height and width of the tree is in scale with the size of the building (**Figure 15**). A list of suitable trees and plants for residential sites can be found in the Council's **Part 10 - Landscape Technical Guidelines for Development Sites**. Landscaping must contain trees.
C6 Council may require monetary contribution toward planting of a street tree (where none currently exist) if there is a substantial re-development of the site.
C7 Where a building, driveway or pool is sited at the location of an existing tree, Council may require plans to be modified.

Table 2 - Minimum Landscaped Area

Site Area	Minimum Landscaped Area
<250 m²	15%
250-350 m²	20%
350-400 m²	30%
400-450 m²	35%
>450 m²	40%

Landscaping within Setbacks

C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.

C9 The front setback area must contain at least one tree for frontages up to 11.5 metres in width and 2 trees for frontages greater than this and properties located on corner blocks.

C10 All trees are to be at least 45 litre pot size, except where stipulated otherwise by Council.

Figure 15 - Illustrates How to Relate Landscaping to the Scale of the Building

4A.3 Building Design

4A.3.1 Materials and Finishes

Objectives

- **O1** To ensure that the choice of external materials, colour schemes and building details on new development reinforces existing development in the locality and enhances the streetscape; and
- **O2** To encourage the use of energy efficient building materials.

Controls

- **C1** A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's **Development Application Guide** for further detail).
- **C2** The Schedule of Finishes shall consist of samples of materials and corresponding manufacturer's details and product codes. Applicants are to use illustrated elevations to document the location and composition of materials.
- **C3** Materials, colours, architectural details and finishes must be sympathetic to the surrounding locality.
- **C4** The use of materials with different textures such as brickwork, glass, timber weatherboards and iron awnings are to be used to break up uniform buildings.
  Note: Completely rendered buildings may dominate the street and be out of character with existing development.
- **C5** All materials and finishes must have low reflectivity.
- **C6** The use of dark tinted or reflective glass is not suitable where visible from the street.
- **C7** Terracotta roof tiles must be used where this is the predominant roofing material.
- **C8** New materials are to complement the existing building to ensure that the additions/alterations are integrated with the overall appearance of the building and streetscape.
- **C9** The use of intrusive materials and practices for new development and alterations/additions is not permitted. This includes extensive areas of glass sheeting and glass blocks; the painting, rendering or bagging of any original unpainted masonry or sandstone surfaces; and cladding that requires maintenance.
- **C10** The exterior walls of new dwellings must incorporate different materials, colours and textures to add interest and articulate the facade.

Colour Schemes

- **C11** New development must incorporate colour schemes that are consistent with the predominant colour schemes in the street. No expansive use of white, light or primary colours which dominate the streetscape are permitted.

Figure 16 - Use of Different Materials, Textures and Colours to Add Interest and to Break Up the Building

Material Efficiency for Development with Cost of Works Under $50,000.

C12 For habitable development with a cost of work less than $50 000, the building envelope is to be designed to maximise the thermal performance, thermal comfort and energy efficiencies of alterations and additions. The following criteria are to be met:

(i) Ceilings are to have a minimum of R2.5-3 insulation;
(ii) Walls are to have a minimum of R1.5 insulation;
(iii) Roof insulation is required e.g. reflective foil if sarking under roof or foil backed anti condensation blanket for a metal roof; and
(iv) Provision of appropriate shading of living areas and bedrooms and north, east and west facing glazing (e.g. eaves, louvers, window tinting, shade cloth).

4A.3.2 Roofs and Attics/Dormers

Objectives

O1 To ensure the provision of a characteristic roof though the use of similar pitch and materials; and
O2 To permit attic rooms within the roof form of a dwelling.

Controls

Roof Form

C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. Roof pitches are to be between 22.5 degrees and 40 degrees.
C2 Flat or skillion roof forms may be located to the rear of a development site provided it is not a corner location and does not detract from the streetscape.
C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.
C4 Pitched roofs must have a minimum eave overhang of 450mm (excluding gutters).

Attics and Dormers

C5 Attics must be contained wholly within the roof form to the front elevation, excluding minor elements such as dormer windows.
C6 Dormer windows (refer to **Figure 17**) are not permitted on the front façade of Heritage Items or on a dwelling in a Heritage Conservation Area (refer to **Part 3B - Heritage**).
C7 Attics must not detract from the streetscape and must not:
(i) Increase the bulk of the building or adversely impact on the streetscape;
(ii) Cause undue overshadowing of adjacent properties and open spaces;
(iii) Cause loss of significant views from adjacent properties; or
(iv) Be excessive in scale and bulk relative to the rest of the building.
C8 The form and placement of any attic windows must respect the visual privacy of neighbouring properties and minimise overlooking (refer to **Figure 18**).
C9 Dormer windows must:
(i) Be positioned a minimum of 300mm below the main roof ridge height;
(ii) Not occupy any more than 40% of the face of any gable end or gable wall and not occupy more than 25% of the face of any roof or slope for a dormer or gable window; and
(iii) Not extend beyond the external wall of the dwelling.
C10 An allotment width of 6 metres or less is only permitted one single dormer.
C11 Allotment greater than 6 metres in width are permitted a maximum of two dormers, however the width of any single dormer must not be more than one fifth of the roof width (measured from eave to eave) and the total width of both dormers should not exceed one third of the roof width.
Note: Attic rooms must comply with the BCA in relation to minimum ceiling heights.

Figure 17 - Typical Dormer Window Detail

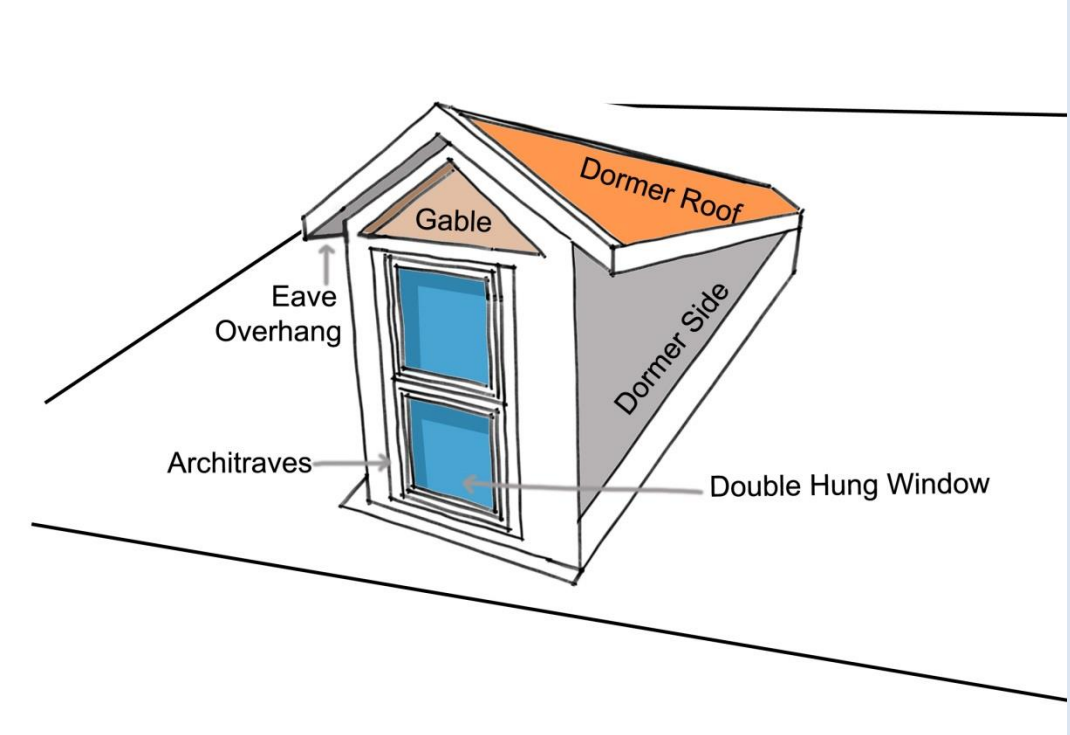
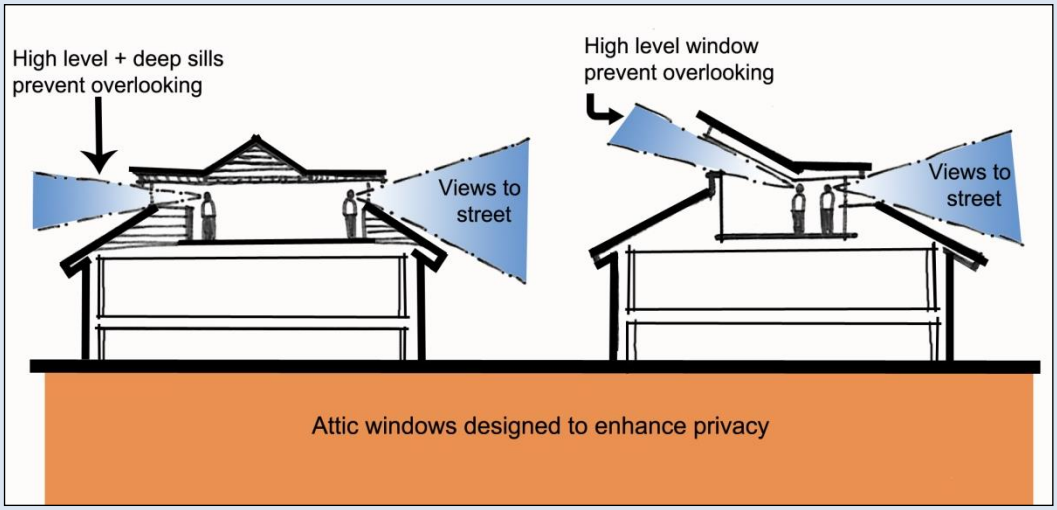


Figure 18 – Attic Windows Designed to Enhance Privacy



4A.3.3 Fences

Objectives

- **O1** To ensure that fences are of an appropriate scale, design and of suitable materials;
- **O2** To reduce the impact of front fencing on the streetscape and encourage fencing consistent with the existing streetscape pattern, in sympathy with the general topography and the architectural style of the existing dwelling or new development; and
- **O3** To ensure that fences assist with passive surveillance by requiring that fences allow visibility between the dwelling and the street.

Controls

Front Fences

- **C1** Front fences are to compliment the period or architectural style of the existing dwelling . Examples of different period fence styles are provided in **Photo 2** and **Photo 3**.
- **C2** Where a fence is to be erected on or adjacent to the common allotment boundary, the written consent of the adjacent property owner/s is required.
- **C3** Fencing must not create a traffic hazard or impinge on vehicular sightlines (refer to AS2890.1.).
- **C4** Council may require that any fencing be replaced in any development if it is in a dilapidated condition.
- **C5** Landscape documentation with any development application shall include details of all fencing to be used in a proposal – privacy, boundary, frontage, pool, dividing, and retaining walls and so on. The details shall include style (manufacturer, product code, and name), materials, and colour/s and installation method.
- **C6** Refer to **Part 4A.5.2 – Acoustic Privacy** for fencing requirements on busy roads.

Photo 2 - Example of Simple Masonry/Brick Front Fences

Photo 3 - Example of a Timber Picket Front Fence That Matches the Dwelling

Height - Front Fences

C7 Fences (or returns) that are higher than 1 metre are not encouraged along residential frontages but may be constructed to a maximum of 1.2 metres provided the top 600mm of the fence is 50% transparent or open style to allow for passive surveillance (refer to **Figure 19**).

C8 Fences fronting a classified road are permitted to be 1.5m in height.

Fencing Materials and Design

C9 Different materials and textures are required to break up the appearance of long fences or walls. **Note:** Fences with un-textured surfaces that present a blank appearance to the street are unsuitable.

C10 Solid metal panel fences (colour bond/corrugated steel), cement block, fibro, brushwood or wire mesh fences are not permitted along street frontages in any type of development due to its adverse impact on the public domain and susceptibility to vandalism.

C11 The design of fencing over 1 metre in height must take into consideration sightline issues when exiting the subject and adjacent property. The design of the fence can be modified by setback or by using splays at least 1 metre x 1 metre in size.

C12 Retaining walls along street frontages where required, shall be designed and certified by a structural engineer and constructed from masonry or concrete with a suitable finish.

C13 High blank walls are not permitted within the front setback. Courtyard walls are not to be located in front of the building line within the front setback.

C14 Palisade fences should be constructed of steel or ironwork suspended between brick or masonry piers.

C15 The original masonry or sandstone fencing associated with a period house must not be painted or rendered.

Gates

C16 On busy roads manually operated gates are to be setback a minimum of 5.5 metres from the kerb line to allow a vehicle to stand fully off the road. These roads include Botany Road, Beauchamp Road, Bunnerong Road, Coward Street, Denison Road, Gardeners Road, O'Riordan Street; Robey Street; Wentworth Avenue; and Stephen Road

C17 Access gates must be hung so that the direction of swing is inward.

Side and Rear Fences

C18 Side fences of a height of 1.8 metres are not to extend beyond the front building line. The side fence is to step or taper to the point where it joins the front fence. Side fences behind the building line must comply with the *Dividing Fences Act*.

C19 The maximum height of side or rear fences is not to exceed 1.8 metres.

C20 Fencing with 1 metre x 1 metre splay corners at intersections shall not be higher than 1 metre for corner lots.

Figure 19 - Front Fences

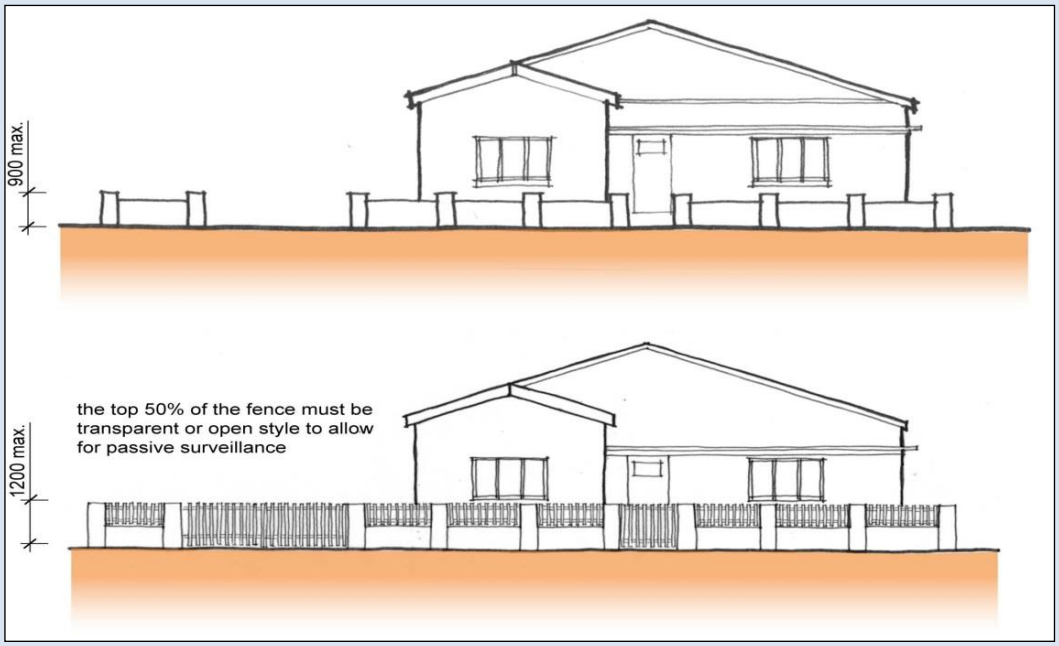
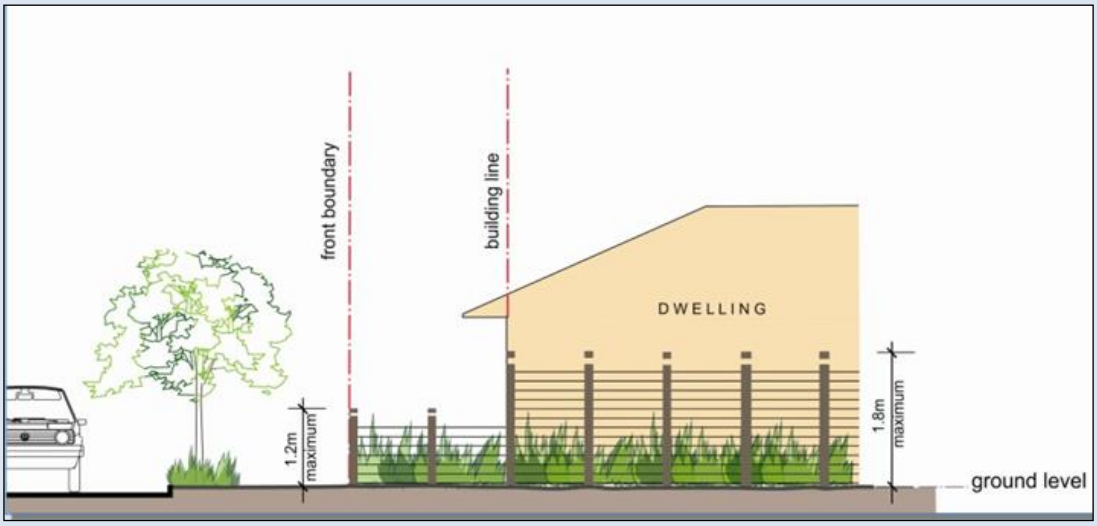


Figure 20 - Side Fences



Note: Side fences should step or taper down to meet the front fence.

4A.3.4 Heritage

Controls

C1 If a development site is in the vicinity of a Heritage Item or a Heritage Conservation Area, or the subject site contains a Heritage Item, or is located within a Heritage Conservation Area, compliance with **Part 3B - Heritage** is required.

C2 Demolition of heritage listed properties is not permitted.

4A.3.5 Voids

Objectives

O1 To ensure that void spaces in dwellings are designed to increase the amenity of a dwelling, and that the provision of such spaces does not lead to a diminution in the amenity of adjacent properties.

O2 To ensure that the provision of void spaces does not result in overdevelopment of a site.

Controls

C1 Void spaces must be designed so as not to be reasonably capable of future infill. Voids in developments which exceed the permitted FSR will not be supported.

C2 Voids shall only be supported where they are provided to increase the amenity to primary living areas or circulation areas, and not unreasonably impact upon the amenity of adjoining properties.

C3 Voids are to connect related uses and spaces, and should not compromise the useability of spaces.

C4 The infill of any existing void must not result in overdevelopment of the site by exceeding the maximum permitted FSR.

C5 The infill of any existing void must demonstrate that the development does not result in an unreasonable loss of amenity for the residents.

4A.4 Site and Building Amenity

4A.4.1 Visual Privacy

Objective

O1 New development and alterations/additions to existing houses are to ensure adequate visual privacy levels for neighbours and residents.

Controls

C1 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling. Windows are to be located so they do not provide direct or close views into the windows of other dwellings, particularly those of living areas.

C2 Visual privacy for adjoining properties must be maximised. A combination of the following measures should be utilised:

a. Using windows which are narrow, or glazing which is translucent or obscured;
b. Ensuring that windows do not face directly on to the windows, balconies or courtyards of adjoining dwellings;
c. Screening opposing windows, balconies and courtyards;
d. Increasing sill heights to 1.5 metres above floor level; and/or
e. Offset or splay windows to prevent direct overlooking into adjacent buildings (refer **Figure 21**).

Balconies

C3 First floor balconies are only permitted when adjacent to a bedroom.

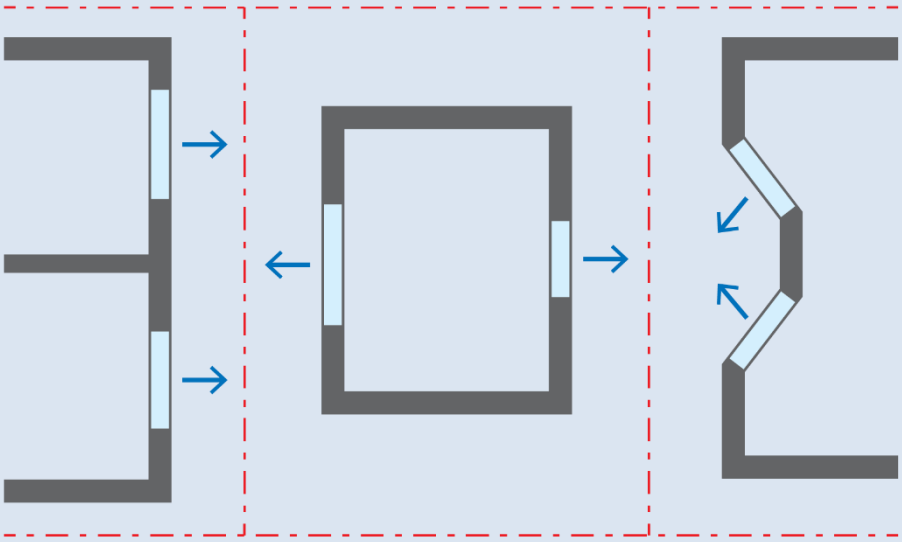
C4 First floor balconies are only permitted at the rear of the dwelling if wholly located over the ground floor, providing the requirements in **C1**, **C2 and C3** above are met.

C5 An open form balcony will be permitted on the first floor at the side of the dwelling on a corner lot that is wholly located over the ground floor, providing a secondary street setback of 900mm is provided and the requirements of **C1 and C2** above are met.

C6 Balconies are to be designed to minimise overlooking to other properties.

Note: Where a proposed development increases the potential for overlooking of adjoining properties, the Council may require balconies to be limited in size and in some cases, fitted with privacy screens or fin walls. Partially recessed balconies are encouraged at the rear to ensure the privacy of surrounding properties is maintained.

Figure 21 – Example of Visual Privacy Measure – Offset Windows



4A.4.2 Acoustic Privacy

Objective

O1 New development and alterations/additions to existing houses are to ensure adequate acoustic privacy levels for neighbours and residents of the proposed dwelling.

Controls

C1 Dwellings close to high noise sources such as busy roads, railway lines and airports should be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.

C2 Where:

a. the height of the proposed development is higher than the existing height of the localised building stock; and

b. the proposed development has a direct line of sight to the seaport and/or the airport

an acoustic assessment by an accredited acoustic consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.

C3 Habitable rooms of dwellings adjacent to high levels of external noise are to be designed to limit internal noise levels to a maximum of 45dB (a) in accordance with relevant Australian Standards for acoustic control.

C4 New dwellings on land within the Australian Noise Exposure Forecast (ANEF) Contour 20 or higher shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).
Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.

C5 The introduction of noise abatement measures to achieve compliance with the current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.

C6 All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning '**Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008**'.

C7 On lots adjoining the rail corridor and/or a busy road, landscaping is to be designed to mitigate noise pollution by planting tall trees which contribute to the tree canopy; and be durable and suited to the conditions of the road and railway environment.

C8 Fencing or masonry walls to a busy road are preferred to be a maximum of 1.2 metres. However, it may have a maximum of 1.8 metres high, with a minimum 2 metres setback from the front boundary to provide a landscape zone. Along the street frontage this landscape zone must incorporate shrubs and trees that screen the wall from the road.

4A.4.3 Solar Access

Objectives

O1 To maximise solar access and energy efficiency through appropriate siting and design;
O2 To ensure that private open space and living areas receive adequate solar access and sunlight; and
O3 To minimise overshadowing impact to adjoining dwellings.

Controls

General

C1 Buildings (including alterations/additions/extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and to 50% of the primary private open space areas of both the subject site and adjoining properties.
C2 Solar panels on adjoining houses that are used for domestic needs within that dwelling must not be overshadowed for more than two hours between 9am to 3pm in mid-winter.
C3 Where the primary private open space of an adjoining development currently receives less than the required amount of sunlight on 21 June (50% coverage for a minimum of 2 hours), the proposed development must not further reduce the amount of solar access to the private open space of the adjoining development.
C4 Council may grant consent to a development that does not comply with the 2 hours of solar access requirement. However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Sunlight Planning Principle. The Planning Principle is updated by Court decisions and is available to view on the Land and Environment Court's website (www.lawlink.nsw.gov.au/lec).
C5 Where a neighbouring development currently receives less than the required amount of sunlight (on 21 June) the amount of sunlight available on the 21 March or the 21 September will be assessed and form a merit based assessment of the Development Application.
C6 For development adjoining a semi-detached dwelling or dual occupancy, first floor additions may need to be setback in order to provide adequate solar access to the living areas within the adjoining dwellings and their principal open space areas.

Shadow Diagrams

C7 Plan Shadow Diagrams (prepared by a suitably qualified person) should identify:

(i) True north;

(ii) Levels to AHD at the corners of buildings;

(iii) Ridge and Ground levels;

(iv) Location of adjacent buildings affected by shadow and location living areas and principal open space areas; and

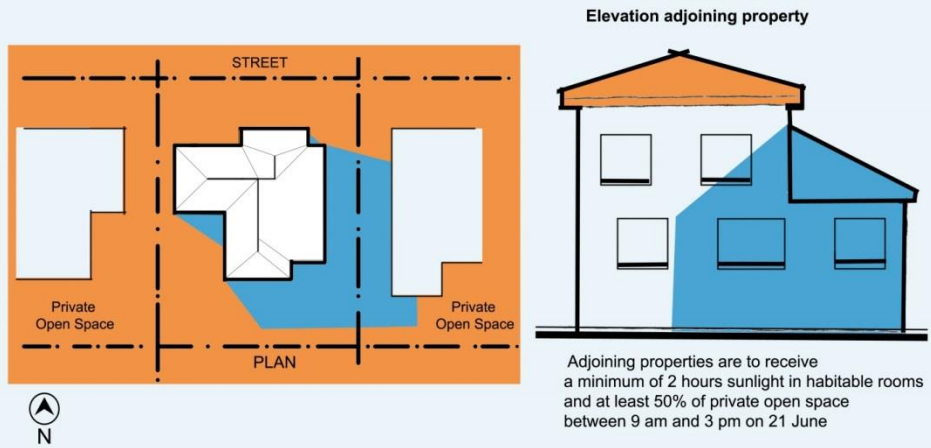
(v) The shadows cast by existing and proposed development at 9am, noon and 3pm on 21 June and a calculation comparing the extent of the additional overshadowing.

C8 Council may request the applicant to provide the following additional information:

(i) The shadows cast by the existing and the proposed development at 9am, noon and 3pm on 21 March / 21 September; and

(ii) Elevation Shadow Diagrams at hourly intervals demonstrating any potential impact on the windows and doors of neighbouring dwellings (refer to **Figure 22**).

Figure 22 - Example of an Elevation Shadow Diagram



4A.4.4 Private Open Space

Objectives

O1 To provide useable private open space areas that can serve as an extension to the main living areas of a residence;
O2 To retain and enhance any existing significant trees and established planting found on site; and
O3 To provide secluded private open space which receives adequate sunlight and is well integrated with living areas.

Controls

C1 Each dwelling is to have a private open space that:

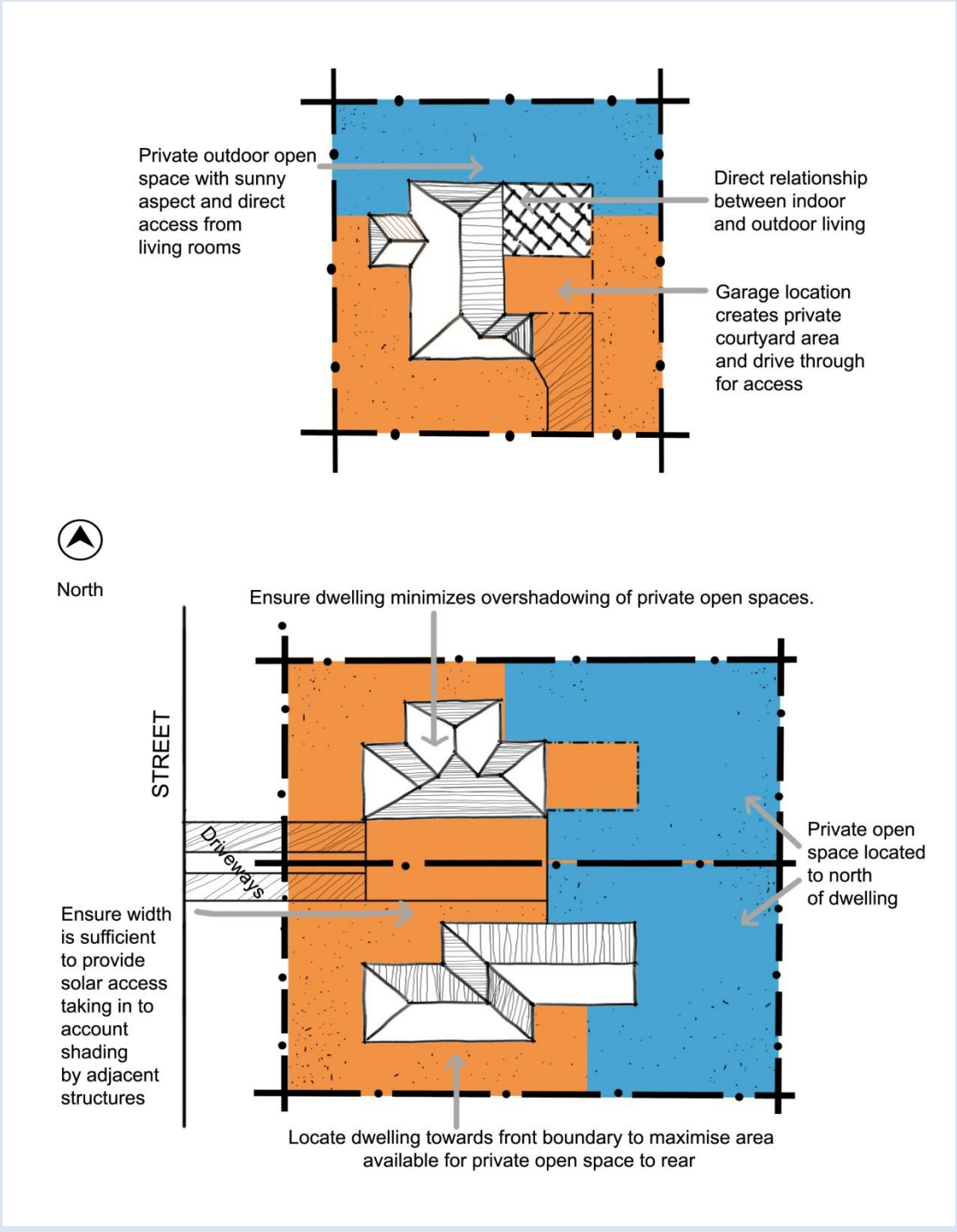
(i) Has at least one area with a minimum area of 36m²;
(ii) Is located at ground level with direct access to the internal living areas of the dwelling;
(iii) Maximises solar access;
(iv) Is visible from a living room door or window of the subject development;
(v) Minimises overlooking from adjacent properties;
(vi) Is generally level;
(vii) Is oriented to provide for optimal year round use;
(viii) Is appropriately landscaped; and
(ix) Is located or screened to ensure privacy;

Note: Private open space is not to include:

(i) Non-recreational structures (including garages, tool sheds and such like structures);
(ii) Swimming pools; and
(iii) Driveways, turning areas and car spaces, drying areas and pathways.

C2 Sites less than 250m2 may have a minimum area of 25m2.
C3 For terraces and decks to be included in calculations of areas for private open space, these must be of a usable size (minimum 10m²) with one length or width dimension being a minimum of 2 metres, and be accessible from a communal or living area of the dwelling. **Note:** To be included in a calculation of private open space, decks are not to be located more than 500mm above natural ground level.
C4 Areas within setbacks are not to be included as private open space unless they have a minimum width of 3 metres.
C5 The primary private open space area is to be located at the rear of the property.

Figure 23 - Private Open Space must have Direct Access from Living Rooms and Good Solar Access



4A.4.5 Safety and Security

Controls

C1 Dwellings must be designed to encourage passive surveillance of the street and comply with **Part 3I - Crime Prevention, Safety and Security.**

4A.4.6 Excavation

Objective

O1 To ensure that buildings respect the natural landform of a site.

Controls

C1 Buildings must not dominate or detract from the natural landform. The siting of buildings should relate to the site's natural context and topographical features.

C2 Where steep or sloping sites exist, the building should not protrude from the landscape but should be staggered or stepped into the natural slope of the land.

C3 Developments are to avoid the unnecessary use of cut and fill by designing and siting buildings within the natural slope of the land. If cut and fill is required for drainage or other purposes, Council will consider its effect on the streetscape and adjoining properties.

C4 Any excavation adjacent to RMS infrastructure must comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link: http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html

4A.4.7 Vehicle Access

Objectives

O1 To maximise off-street parking; and
O2 To ensure safety of pedestrians and motorists.

Controls

C1 Driveways within a property shall have a minimum width of 3 metres.
Note: An additional clearance of 300mm is required (for each side) if the driveway is located adjacent to a solid structure (i.e. masonry wall).

C2 The width of the vehicular crossing over the Council's road reserve shall be a minimum of 3 metres for a single garage and a maximum of 5.5 metres for a double garage at the property boundary and at 90° to the kerb.

C3 Driveways must be designed to comply with **AS2890.1** (also refer to **Part 3A - Car Parking**).

C4 Vehicular crossings shall be sited so that existing street trees, bus stops, bus zones, power lines and other services are not affected.

C5 Internal driveways characterised by large expanses of concrete are not permitted. Suitable driveway materials include paving and other textures or coloured surfaces to add visual interest.

C6 The number of vehicle crossings is to be limited to one (1) per allotment.

C7 Vehicular crossings shall be sited so as minimise any reduction in on-street kerb side parking.

C8 The alignment of driveways should where possible, create visual interest and avoid the creation of a "gun barrel" effect.

C9 Applications for new dwellings will be conditioned to require the construction or reconstruction of the kerb and gutter, footpath (including pram ramp) and the vehicular crossing along the full site frontage. Costs of such work will be the responsibility of the owner of the development site.
For corner lots, if footpath and/or kerb and gutter on are in good condition it may be required that only one street frontage is constructed or reconstructed.

C10 The location of vehicular crossings shall not be located within 6 metres from the tangent point of the kerb return (**refer to AS289.01 - Figure 3.1**)

4A.4.8 Car Parking

Objectives

O1 To maintain kerbside parking;
O2 To ensure that car parking structures respect and enhance the character of the street; and
O3 To ensure garages, carports and hardstand areas are designed to complement and not compete with the architectural character of the existing building and do not become a dominant element on the site or detract from the quality of the streetscape.

Controls

C1 Development must comply with **Part 3A - Car Parking**.
C2 The provision of car parking must reasonably satisfy the needs of current and future residents, but recognise the need to balance car parking access and provision with design, heritage, landscape and streetscape objectives.
C3 Car parking is to be located at the rear of the site with access from a rear lane. If rear lane access is not possible, parking must be provided behind the front building alignment. For existing and new dwellings, a garage or carport in order of priority must be:

(i) Located at the rear of the site with access from a rear lane;
(ii) At the rear of the site with access from the street frontage;
(iii) Located at the side of the dwelling , at least 1 metre behind the front building alignment and 5.5 metres from the front boundary; or
(iv) Located at the side of the dwelling, at least 1 metre behind the front building alignment.

Note: Refer to **Part 4A.6 - Ancillary Development** for buildings on rear or side lanes.

C4 Car parking structures must be located and designed to:

(i) Comply with AS2890.1 and
(ii) Conveniently and safely serve all users;
(iii) Enable efficient use of car spaces, including adequate manoeuvrability for vehicles between the site and the street;
(iv) Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;
(v) Be compatible in scale, form, materials and finishes with the associated dwelling;
(vi) Not reduce availability of kerbside parking;
(vii) Retain any significant trees; and
(viii) Have minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.

C5 Variations to the provision of car parking may be permitted in exceptional circumstances. However, the variations are not to allow the dominance of the garage/carport at the street frontage.

C6 Garage attachments will only be considered where the garage is integrated within the building.

C7 Council may require the narrowing of a driveway, crossover or both; or adjustments to or mirror-imaging of the ground floor of the proposed dwelling if the health of a significant tree on site or in the street is compromised.

C8 In new development the garage/carport is to be setback 5.5 metres from the front boundary. This may be difficult for small allotments with a frontage of 12.5 metres or less. In these cases Council will consider whether or not to require a setback of 5.5 metres on merit – this merit based assessment will include whether or not the proposed garage will have a dominant impact on the streetscape. Council will consider alternative design solutions where a double garage on a narrow allotment is proposed. The solution is to ensure that the garage does not dominate the views of the house and streetscape, and does not reduce the attractiveness of the street itself.

For further detail on parking on narrow allotments refer to **Part 4A.5.9 - Parking on Narrow Lots**.

C9 Garages, parking structures (i.e. carports & car spaces) and driveways are not to dominate the street.

Note: Existing situations where garages dominate the street may not be used as a precedent to justify approval of other similar proposals.

C10 Garages and carports must be designed to be sympathetic to the existing character and design of the dwelling in terms of roof pitch, materials and features.

C11 Where parking cannot be provided at the side or rear of a dwelling , a hardstand area forward of the building alignment which is integrated into the landscape character of the front yard, may be considered by Council.

C12 Council may consider a carport forward of the front building line only where:

(i) It is a single carport;

(ii) The site is of sufficient width where the carport will not dominate the existing building;

(iii) The distance between the building and the front property boundary is a minimum of 5.5 metres;

(iv) It is of a simple posted design, with no side panel infill; not overly elaborate in its decoration and colour and does not detract from the existing building or new development;

(v) There is no solid panel lift or roller shutter door proposed and the security is afforded by inward swinging gates or a panel lift type shutter which has the appearance of a low type open style fence;

(vi) The structure does not materially affect the landscaped front garden area;

(vii) Is within a varied streetscape that currently has carports forward of the building alignment;

(viii) The roof is of an appropriate pitch;

(ix) The public view will not be adversely affected; and

(x) There is no rear lane or side access.

C13 For lots with a width of more than 12.5 metres, the face of the garage and bulkhead in the front elevation is not to exceed 50% of the front elevation of the dwelling. For lots of less than 12.5 metres in width refer to **Part 4A.5.9 - Parking for Narrow Lots**.

C14 Garages and Carports must be no higher than 3 metres and has a roof form that is appropriate to surrounding developments.

C15 Cladding must consist of masonry, painted zincalume or similar non reflective materials. These materials must be compatible with the dwelling and consistent with the character of the immediate environment.

C16 Roof cladding must consist of tiles, slates, colourbond sheet metal, painted zincalume, metal or other approved non-reflective roof material. These materials must be compatible with the dwelling on the site and be consistent with the character of the immediate environment.

C17 The colour of roof and wall cladding must generally be of neutral tones, compatible with the dwelling on the site and environmentally sensitive so as to minimise visual impact on the area.

C18 Garages are subject to a stormwater concept plan and stormwater must be collected, piped and drained to the kerb or inter-allotment drainage system and comply with **Part 3G - Stormwater Management**.

Garages are to be used for car parking purposes only and are not to be adapted for residential use.

C19 Wherever possible, for busy roads, the car parking structures/bays shall be arranged so that cars can enter and exit the site in a forward direction. These roads include Botany Road, Beauchamp Road, Bunnerong Road, Coward Street, Denison Road, Gardeners Road, O'Riordan Street; Robey Street; Wentworth Avenue; and Stephen Road

Garage Doors

C20 Reflective or smooth materials are not permitted for garage doors. Materials that complement the design and materials of the house are to be used.

C21 Garage doors, gates, shutters or grilles shall be setback from the face of the surrounding wall or pier by at least 100mm so that they are not flush with the wall. The colour should be dark and/or complement the colour of the dwelling façade.

4A.4.9 Parking on Narrow Lots

For the purpose of this Part, Narrow Lots are lots with a width less than 12.5 metres.

Objectives

O1 To minimise the visual dominance of parking on the streetscape; and

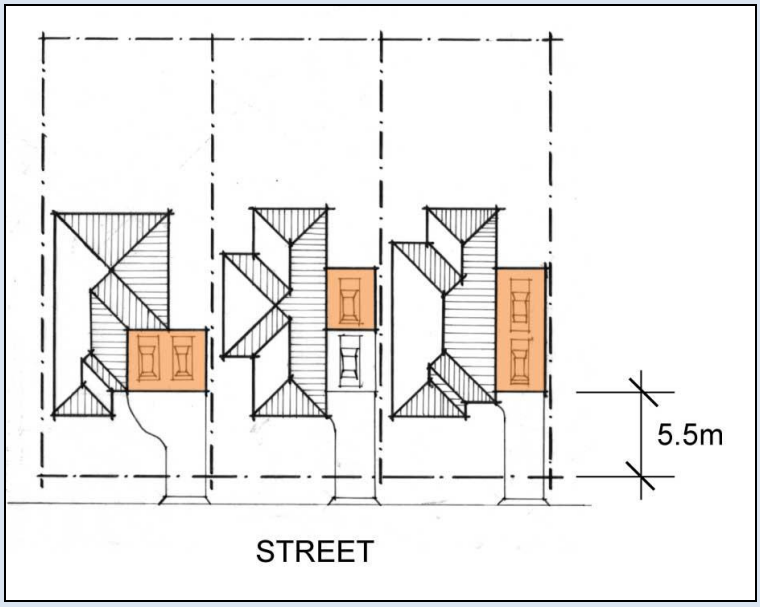
O2 To ensure that on-site car parking on narrow allotments does not compromise building design and streetscape quality.

Control

C1 Double garages (flushed or stepped) will not generally be permitted for development on sites with less than a 12.5 metres frontage due to the impact on the streetscape. Single fronted garages or single carports or a tandem garage only, is to be provided. An example of a tandem garage on a small allotment is illustrated in **Figure 24**.

Figure 24 - Illustrates the Use of Stacked or Tandem Parking Arrangements to Reduce the Impact of Double Garages on Narrow Lots.

Note: Ensure that part of the house is setback 5.5 metres to allow for stacked parking.



4A.5 Ancillary Development

Ancillary development includes structures and outbuildings that are ancillary to and generally separate from a dwelling. Ancillary development comprises garages and carports, garden sheds, swimming pools, buildings on rear lanes and secondary dwellings. These structures should be small in scale and visually compatible with the design of the principal dwelling in form, colours and materials. Ancillary development should be designed to minimise visual impact on neighbours and the public domain.

Objectives

O1 To provide for ancillary development that enhances the amenity of residents without compromising the amenity of adjoining dwellings or the area;
O2 To ensure that materials and colours are compatible with the surrounding natural environment and the dwelling;
O3 To minimise the visibility of ancillary structures from public spaces; and
O4 To minimise the size, bulk and scale of ancillary structures.

Controls

C1 The principal dwelling plus any ancillary structures are to comply with the controls for site coverage, minimum landscaped area, private open space and setback and height controls.
C2 Where multiple ancillary structures are proposed on one property, combining these within a single structure is encouraged.
C3 Swimming pools and spas must comply with **Part 7O - Swimming Pools.**
C4 Outbuildings (not including secondary dwellings) must be set back 900mm from the site's boundaries. Windows and glass doors are to face into the property. High or opaque windows may face onto a neighbouring property.
Note: A nil setback may be used for masonry building walls with no eaves, gutters or windows; and for carports and open structures such as pergolas, awnings, and the like. Compliance with the Building Code of Australia is required.

Design

C5 All ancillary structures must comply with the following criteria:
a. The structure does not exceed a maximum street wall height (or side wall height if not presenting to a street) of 3.6m;
b. The structure does not exceed a maximum roof height of 6 metres;
c. The pitch of the roof must not exceed 36 degrees; and
d. Dormer windows are permitted provided each complies with the following design criteria:
(i) The minimum distance between the main roof line and the dormer window structure is 300mm measured vertically;
(ii) The dormer window must not have a total width of more than 25% of the width of the roof, or 1200mm, whichever is the lesser; and
(iii) Any dormer windows must face within a property so as not to create overlooking concerns.

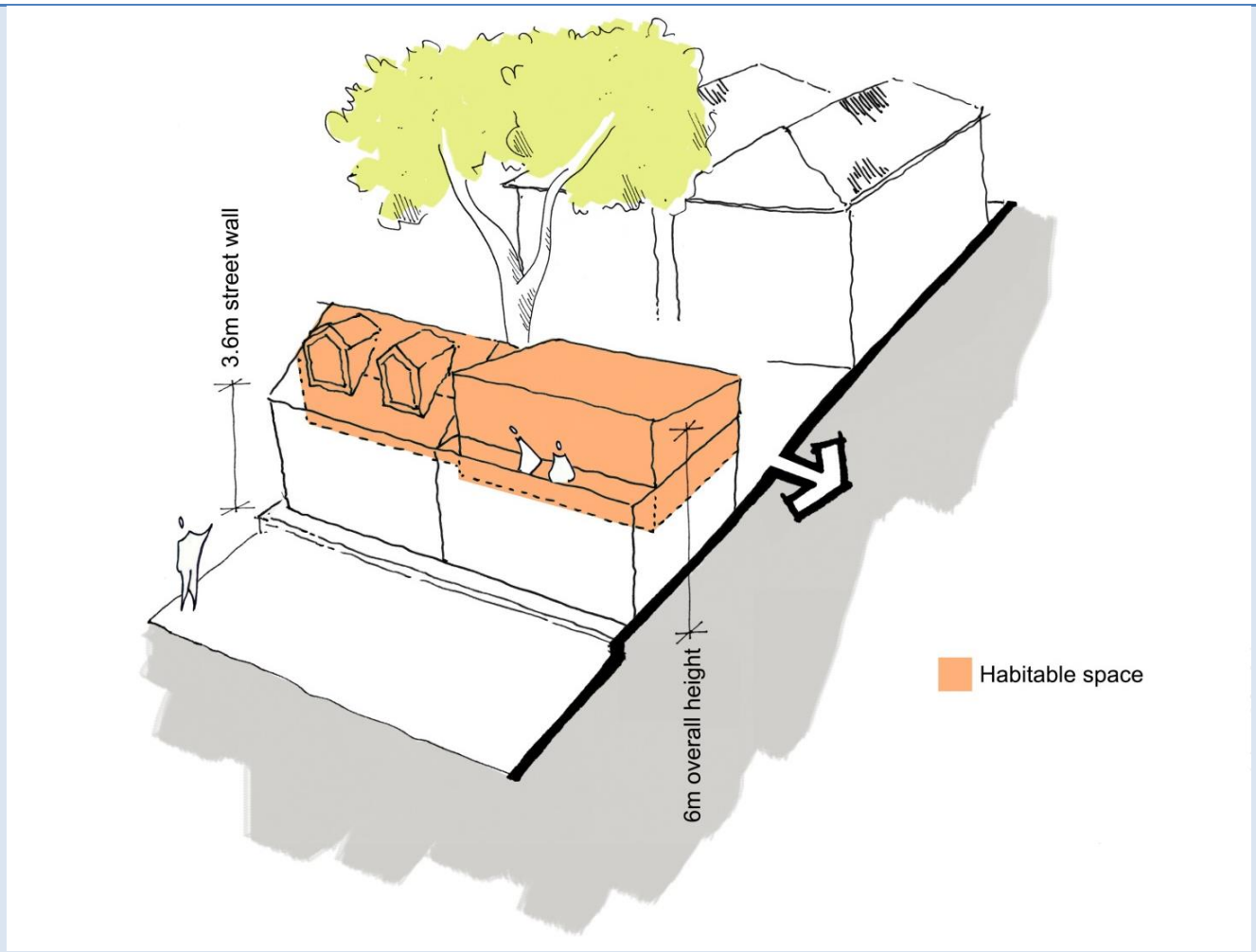


Figure 25 - Building envelope controls for ancillary structures.

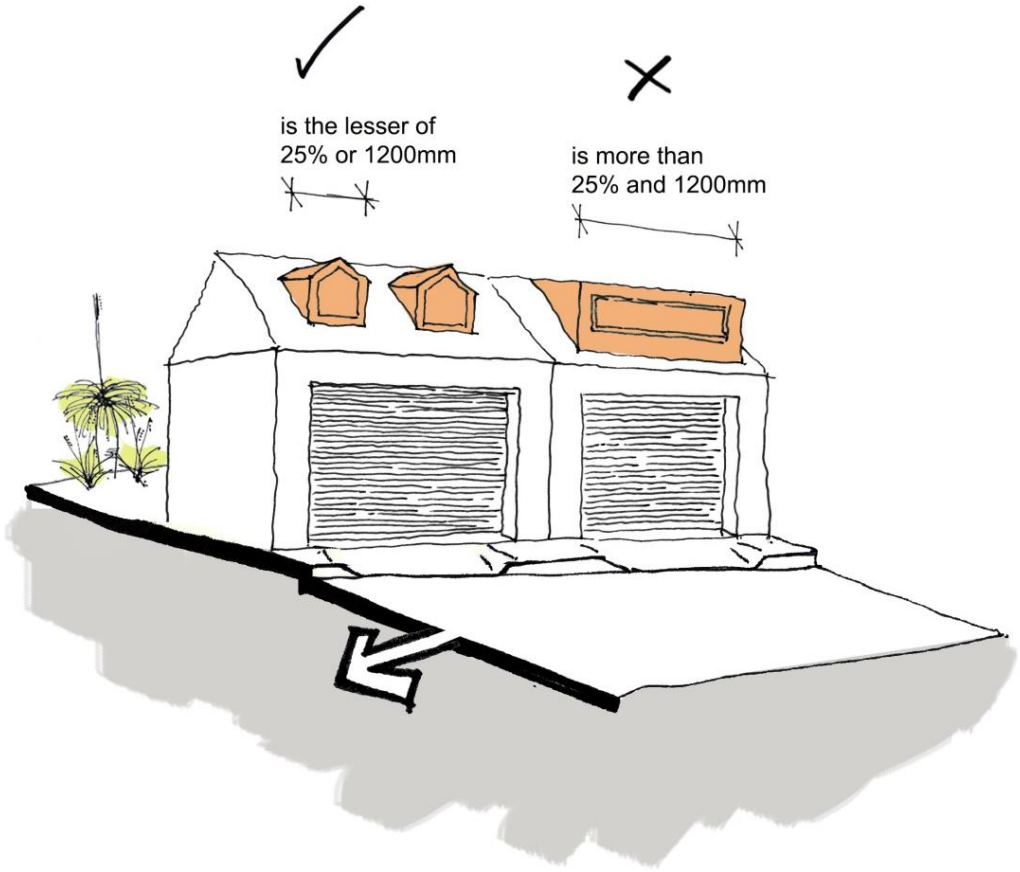


Figure 26 - A dormer is to be the lesser of 25% of the roof width, or 1200mm.

C6 Ancillary structures are to comply with **Figure 27**.

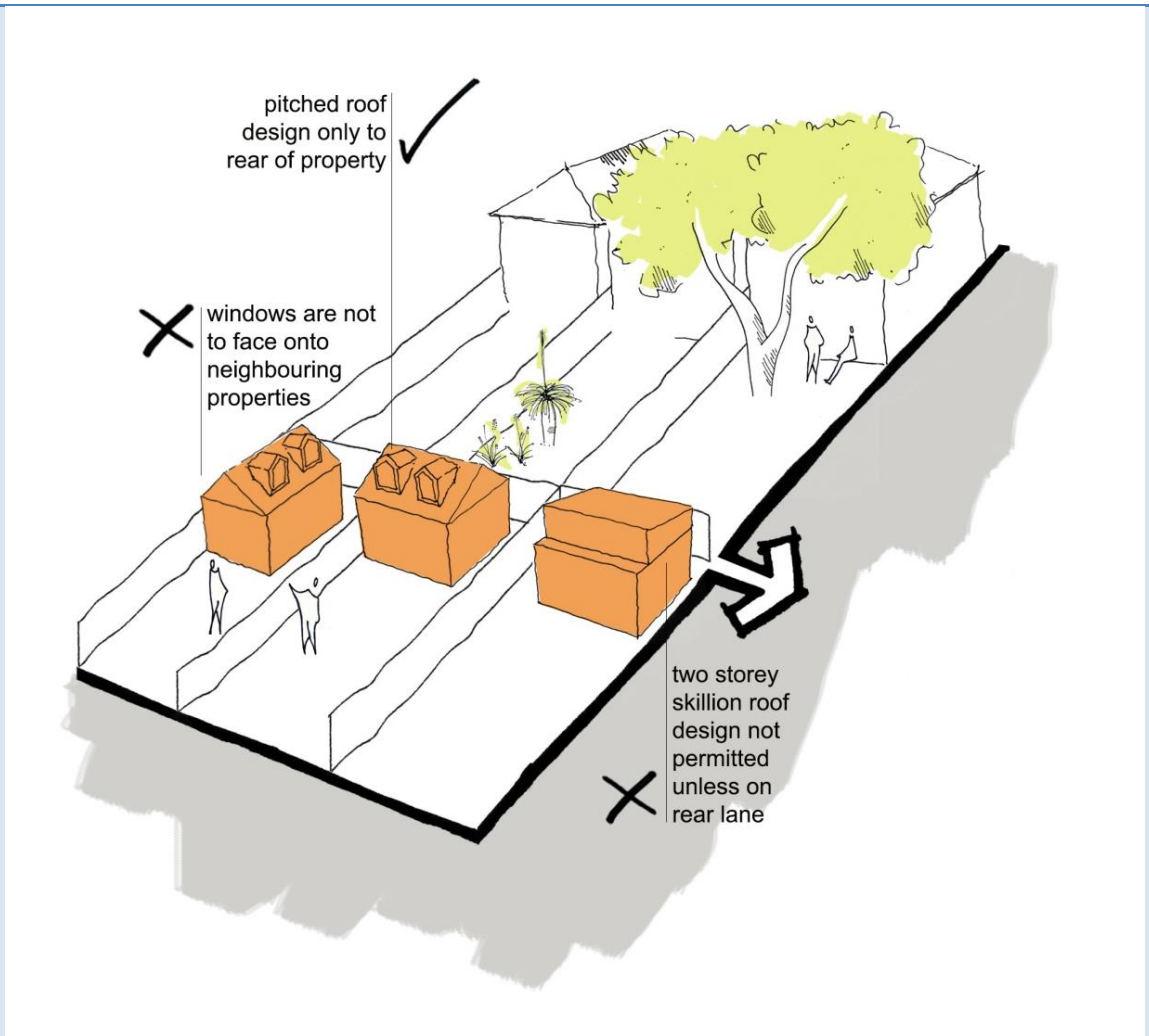


Figure 27 - Ancillary Development in Lot-to-Lot context.

4A.5.1 Buildings on Side or Rear Lanes

Parts of Bayside are characterised by narrow lot subdivisions with rear lane access. In these areas Council requires vehicular access from the rear laneway and not from the main street frontage.

Objectives

O1 To ensure that buildings to rear lanes are compatible with the surrounding environment and the principal dwelling;
O2 To ensure that ancillary development does not detract from the amenity of adjacent properties; and
O3 To minimise the size, bulk and scale of ancillary structures.

Controls

C1 Any garage or carport on a rear lane may be setback from the rear boundary providing the applicant can demonstrate that adequate sightlines can be safely achieved. Where there is a prevailing nil setback, the prevailing setback is to be retained.
C2 A building on a rear or side lane is to maximise solar access to adjoining development and must not overshadow habitable rooms or private open space.
C3 A building on a rear or side lane may not be subdivided and is considered as an extension of the existing dwelling.
C4 All parking is to be accessed from the rear lane. No parking or driveways are permitted within the front set back of the property.
C5 The siting of a building to a lane is to allow adequate private open space for the principal dwelling, and maximise solar access to the private open space of the principal dwelling and to adjoining development.
C6 A building to a rear lane may have a skillion roof, provided the roof pitch is a minimum of 5 degrees, and a setback of 1000mm is provided on the first floor to the laneway. This setback may be utilised as a balcony.
C7 Dormers are permitted to overlook a rear lane to provide additional amenity and passive surveillance of the laneway.

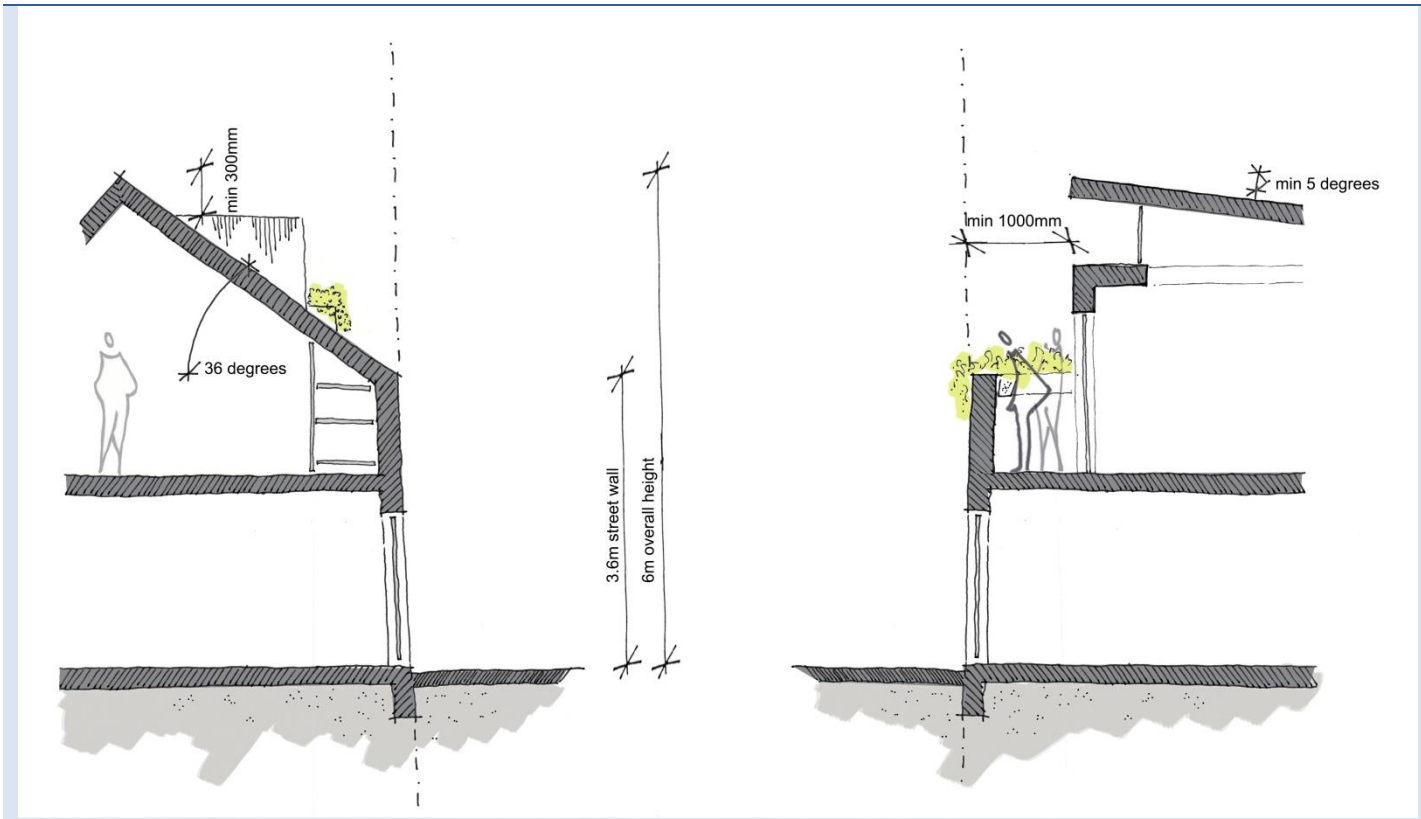


Figure 28 - Section through rear lane showing potential envelopes.

4A.5.2 Secondary Dwellings

Secondary dwellings provide a range of opportunities to respond to some of the demographic challenges anticipated over the next few decades. As the population grows and ages, secondary dwellings provide opportunities for ageing relatives to live close to their family. They can also provide opportunities for young family members who have not left home to live independently, yet affordably. As interest in these opportunities is likely to increase in coming years, it is appropriate that the planning framework be able to respond and facilitate good planning outcomes.

Council has been concerned regarding the negative impacts around the development of secondary dwellings including the loss of rear yards and the removal of existing landscaped areas, leading to reduced site amenity and a diminution of the character of the area.

As secondary dwellings are small dwellings, amenity is vitally important for these residents. Equally important however is the amenity of the residents of the principal dwelling and of adjacent dwellings. Care is to be taken to not unreasonably compromise the amenity of these residents.

Objectives

O1 To ensure that secondary dwellings that require consent from Council are compatible with the surrounding area;
O2 To ensure that secondary dwellings are appropriately designed with a high level of residential amenity; and
O3 To ensure that there is adequate rear yard area and landscaped area for both the principal and secondary dwellings.

Controls

General

C1 Secondary dwellings are to comply with all other sections within **Part 4A – Low Density Housing**, including Solar Access, Visual and Acoustic Privacy.
C2 A secondary dwelling must not result in overdevelopment of the site.
C3 A secondary dwelling must be accessed via the primary street to which the principal dwelling house presents.

Streetscape

C4 Secondary dwellings must be designed to reflect the relevant Desired Future Character Statements in **Part 8 - Character Precincts**, and are to reinforce the architectural features and identity which contributes to the character of the area.
C5 Secondary dwellings must be designed to capture predominant roof lines and patterns of the existing streetscape.
Note: Contemporary architectural design solutions are encouraged. However, designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in housing designs provided that development outcomes complement the existing character of the suburb.

Secondary Dwellings on Rear Lanes

C6 For properties with rear lane access, a detached secondary dwelling may present to, and be visible from the rear lane.

C7 Secondary dwellings over garages to rear lanes are permitted provided the development complies with the design criteria for ancillary structures to rear lanes.

Setbacks and Building Articulation

C7 Secondary dwellings are to comply with the setbacks in **Table 1** in **Part 4A.2.8 – Building** Setbacks.

C8 A secondary dwelling located to the rear of a site must provide deep soil planting within the rear setback, including trees that contribute to the tree canopy. Notwithstanding **Table 1**, a secondary dwelling in a loft form over a garage fronting a lane may have a setback in line with the prevailing rear setback.

C9 Side and rear setbacks should be stepped or modulated, and long walls articulated by projecting or recessing architectural elements to avoid bulky or monotonous development.
Note: Council may require additional setbacks from the side or rear boundaries if streetscape and bulk are an issue with the design, in order to maintain privacy and solar access to adjoining properties.

C10 Where an existing single storey dwelling has a side boundary setback of less than 900mm, consideration may be given to retaining the existing side boundary setback, where no unreasonable impacts on amenity arise. Additions less than 900mm from the side boundary must have no openings and must otherwise satisfy the requirements of the BCA.

C11 Encroachments in the front and side setbacks are only permitted to a depth of 500mm and are limited to eaves, canvas blinds, edge of verandas and sunshades. Pathways, fences and driveways are permitted in setbacks.

Car Parking

C12 Secondary dwellings are not required to include additional parking or driveway access.

C13 In areas with a resident parking scheme, residents of a secondary dwelling are not entitled to a permit.

Private Open Space

C14 One primary private open space is to be provided for the secondary dwelling. This is in addition to the private open space required for the principal dwelling in **Part 4A.5.4 – Private Open Space.**

C15 The primary private open space may be provided as a balcony, or at ground level, at the rates specified in **Table 3**.

Table 3 – Private Open Space Requirements

Number of bedrooms	Minimum area	Minimum depth
Studio	$4m^2$	1m
1	$8m^2$	2m

C16 The private open space area is to be:

i. Located with direct access to the internal living areas of the dwelling;
ii. Located to maximise solar access;
iii. Generally level and useable;
iv. Appropriately landscaped; and
v. Located or screened to ensure adequate privacy.

Note: Private open space is not to include:

- Non-recreational structures (including garages, tool sheds and similar structures);
- Swimming pools; and
- Driveways, turning areas and car spaces, drying areas and pathways.

C17 Secondary dwellings which front a rear lane are permitted to have a balcony to the lane, provided this does not compromise the amenity of the adjacent properties.

Landscaped Area

C18 Landscaping is to be provided as outlined in **Table 2** in **Part 4A.2.9 – Landscaped Area**.
Note: the landscaped area applies to the whole lot.