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Part C2 – Medium density housing – Kogarah DCP 2013

This Part contains objectives and design controls which apply to development for the purposes of multi dwelling housing and residential flat buildings within the R3 Medium Density Residential and R4 High Density Residential zones as defined in the Kogarah LEP 2012, but excludes the Kogarah North Precinct.

Where applicable, reference is to be made to *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) and the '**Apartment Design Guide**' (the Apartment Design Guide <https://www.planning.nsw.gov.au/apartmentdesignguide>) published by NSW Department of Planning, Industry and Environment.

For residential flat buildings, applications must specifically address the Design Quality principles of SEPP 65 and Parts 3 and 4 of the Apartment Design Guide.

All residential flat buildings subject to SEPP 65 must be supported by a Design Verification Statement prepared by a qualified designer verifying that they designed or directed the design of the development and that the Design Quality Principles and the objectives in the Apartment Design Guide have been achieved, as required by Clause 50(1A) and 50(1AB) of the *Environmental Planning and Assessment Regulation 2000*.

Part 1 Residential Flat Buildings

1. Minimum site requirements

Minimum lot size requirement of 1,000sqm in Kogarah LEP 2012 has been set for residential flat building development in the R3 Medium Density Residential zone with the aim of ensuring that sufficient area is available for viable redevelopment of sites for residential flat developments, to facilitate consistency with the Apartment Design Guide, allow for the retention of significant site features and to accommodate reasonable relationships with buildings on adjoining sites.

Objectives

- (a) To ensure that appropriate site width is provided to incorporate the setback and separation requirements of the Apartment Design Guide and this DCP.
- (b) To ensure development sites are of sufficient dimensions to accommodate high quality development.

Controls

- (1) Minimum lot size is 1,000sqm.
- (2) Minimum lot width is 24m.
- (3) For sites which allow development greater than four storeys, greater site width may be necessary to accommodate the greater setbacks required by the Apartment Design Guide.

Providing the minimum site area and width does not guarantee that the applicable maximum FSR will be achieved as the necessary merit assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* may identify impacts to adjoining development which limit the extent of development able to be achieved on a particular site.

Lot widths less than the minimum are less capable of achieving the applicable floor space ratio (FSR) under clause 4.4 Floor space ratio of Kogarah LEP 2012 when the requirements of the Apartment Design Guide are also incorporated into the design.

Note: The minimum site area requirements for residential flat buildings and multi dwelling housing are contained in Clause 4.1A of Kogarah LEP 2012.

2. Site isolation and amalgamation

In considering an application for residential flat building development, Council will consider the impact of the proposed development on adjoining allotments of land that will be left as isolated sites and their future development capacity is compromised.

Isolated sites are those sites whose size and locations could significantly limit development as a result of not being included in an adjoining development proposal. In this regard, a property will be considered to be an “isolated site” when it does not form part of an adjoining redevelopment site and will be incapable of satisfying Council’s development controls if it was to be redeveloped. The principles of the court case *Karavellas v Sutherland Shire* [2004] NSWLEC 587 need to be addressed in the assessment of developments where “isolated sites” will be created.

Objectives

- (a) To encourage site consolidation of allotments for residential flat developments in order to promote the efficient use of land.
- (b) To avoid the creation of isolated sites.
- (c) To encourage the development of existing isolated sites in a manner that responds to the site’s context and characteristics and that maintains a satisfactory level of amenity.

Controls

- (1) Development for the purpose of residential flat buildings is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the Kogarah LEP 2012 and this DCP.
- (2) Where amalgamation of the isolated site is not proposed, applicants will be required to demonstrate that:
 - (i) negotiations between the owners of the properties commenced at an early stage that was prior to the lodgement of the Development Application.
 - (ii) Where no satisfactory result is achieved in relation to amalgamating the land, the Development Application submission must include evidence of the negotiations with the owners of the adjoining properties. The submission must include details of the financial offers to such owners. This must be based on the development potential of the combined site, not just the adjoining site if developed independently. Such offers are to be reasonable and are to be based on at least one recent independent valuation prepared by a suitably qualified valuer and include other expenses likely to be incurred by the owner of the potentially isolated site in the process of the sale of the property.
- (3) Council will request the proponent to fund a second valuation to be undertaken on behalf of the owner of the site that would be isolated as a result of a proposed development. The valuation may be independently reviewed by Council at the applicant’s expense.

- (i) Where amalgamation of the isolated site is not achieved through negotiations, applicants will be required to demonstrate that an orderly and economically viable development of the separate sites can be achieved. Applicants will be required to prepare a concept design for the isolated site compliant with the Apartment Design Guide, and at the same density as proposed in the Development Application, indicating height, setbacks, resultant site coverage (building and basement), sufficient to understand the relationship between the application and the isolated site. The concept design will be required to demonstrate the likely impacts the developments will have on each other, such as solar access, visual and acoustic privacy, the impact of development of the isolated site on the streetscape and the compliance with the required car parking rates. The concept plans will be placed on Council records in order to form the basis for any future development proposals on the isolated site.
- (ii) The development of an isolated site is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy.

3. Building Setbacks and street interface

Building setbacks establish the minimum separation distances between buildings and site boundaries. The setbacks provide opportunities for the provision of private and common areas of open space, landscaping, view sharing and opportunities to manage visual and acoustic privacy.

The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment and neighbouring properties.

Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries.

The separation between buildings is also important and determines the urban form of the building, the rhythm of buildings in the street and the streetscape.

Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building.

Building setbacks are measured from the site boundaries to the facade of the building.

Objectives

- (a) To maintain and create a high level of amenity for neighbours with adequate access to sunlight, privacy and outlook.
- (b) To establish the appropriate spatial separation of the built form to the public domain and adjoining development.
- (c) To support opportunities to preserve existing vegetation including street trees.
- (d) To accommodate deep soil landscaping that will enable existing plantings to be retained and augmented with new canopy trees to assist with improving the visual impacts in and around the development.
- (e) To integrate new development with the desired setback and rhythm of built elements that comprise the character of the street.
- (f) To provide increased building separation where there is a transition to a lower density residential zone or a heritage item.

Controls

(1) Front setbacks:

- (i) Street setback: up to a building height of four storeys, a minimum setback of 5m is to be provided.
- (ii) Corner sites: up to a building height of four storeys, a minimum setback of 5m to both street frontages is to be provided.

- (iii) Above four storeys, the front setback of the upper building levels is to be increased to a minimum of 8m to the street, except in the circumstances addressed in (v) below. The minimum 8m setback also applies to balconies, terraces and balustrades and must be accommodated behind the setback.
 - (iv) On a corner site, both frontages are to provide the increased setback above four storeys.
 - (v) Above level four (ground plus 3 storeys); an increased setback of the upper levels/s may be required depending on the width of the street. The required additional upper level setback for sites fronting a road with a reservation width less than 20.0m will be determined based on their visual impact in the specific context of the development. If the assessment determines that an additional setback is required, the minimum additional setback will be 2.0m and up to 3.0m based on the assessment.
- (2) Side boundary setbacks:
- (i) Minimum setback of 6m from side boundary between ground floor level and up to four storeys.
 - (ii) Upper level setbacks are 9m above four storeys.
- (3) Rear boundary setbacks:
- (i) Minimum 6m setback from a rear boundary between ground floor level and up to four storeys.
 - (ii) Upper level setbacks are 9m above four storeys.
- Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide.
- (4) Side and rear boundary setbacks to adjacent lower density residential zone for the purposes of visual separation, privacy and transition:
- (i) Minimum setback of 9m from the boundary between ground level and up to four storeys.
 - (ii) Upper level setbacks are 12m above four storeys.
- Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide.
- (5) Encroachments into boundary setbacks:
- (i) Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of landscaped area to the street.
 - (ii) Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer.
- (6) The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development.
- (7) For improved streetscape and reduction in visual clutter, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site.

- (8) Sub-stations, fire booster valves and waste bin storage structures need to be integrated into the development and identified at the DA stage.
- (9) Setbacks may need to be increased to maintain the required levels of solar access to adjoining development or where the site is in a Heritage Conservation Area or in the vicinity of a Heritage Item to provide an appropriate buffer or curtilage to the Heritage Conservation Area or Heritage Item.

Application of setbacks is demonstrated in **Figures 1, 2, 3a and 3b.**

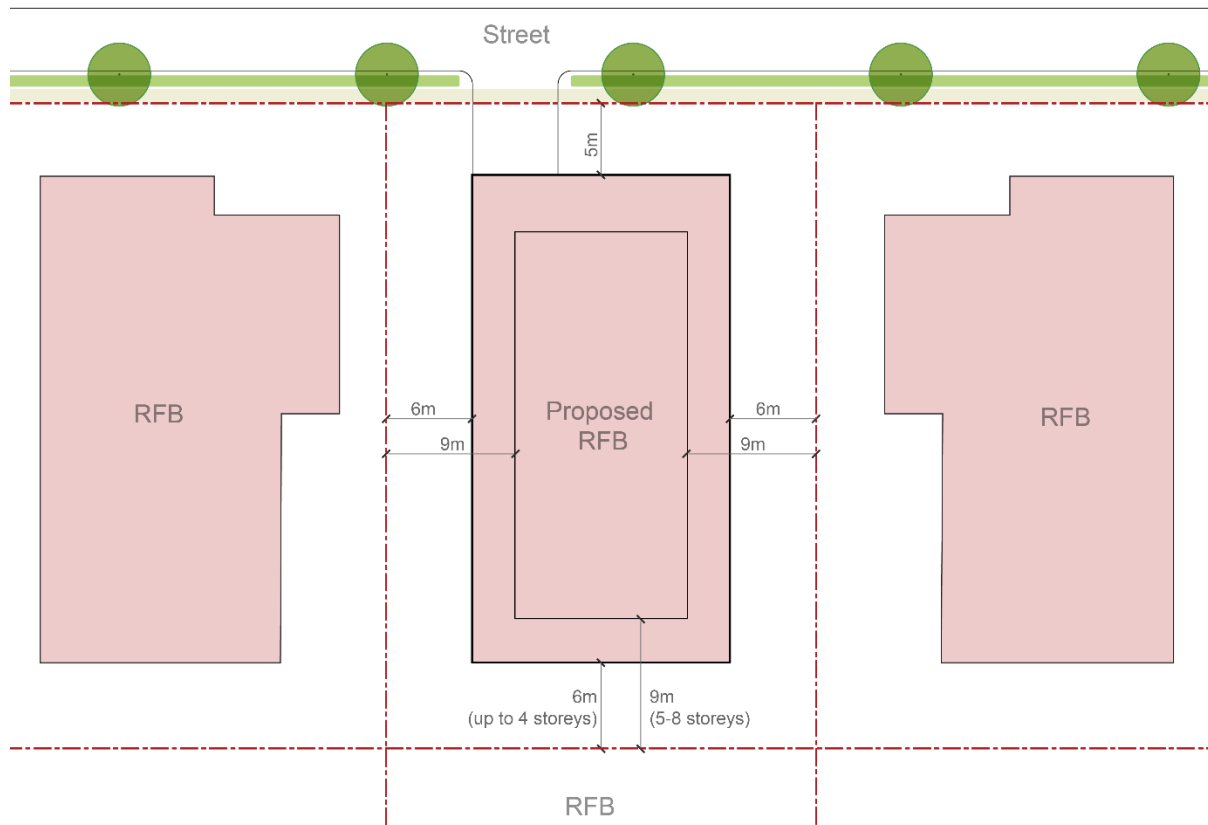


Figure 1: Application of the setbacks required for a residential flat building

Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide

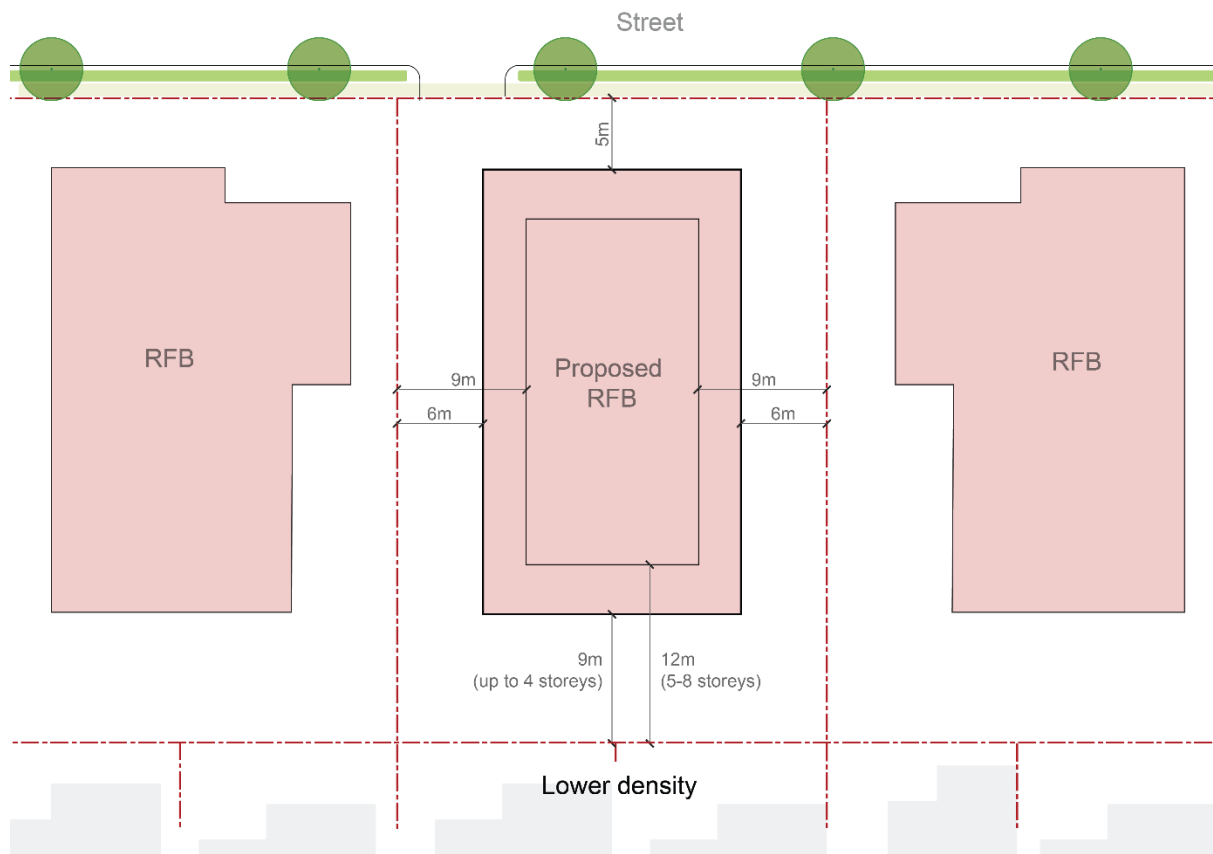
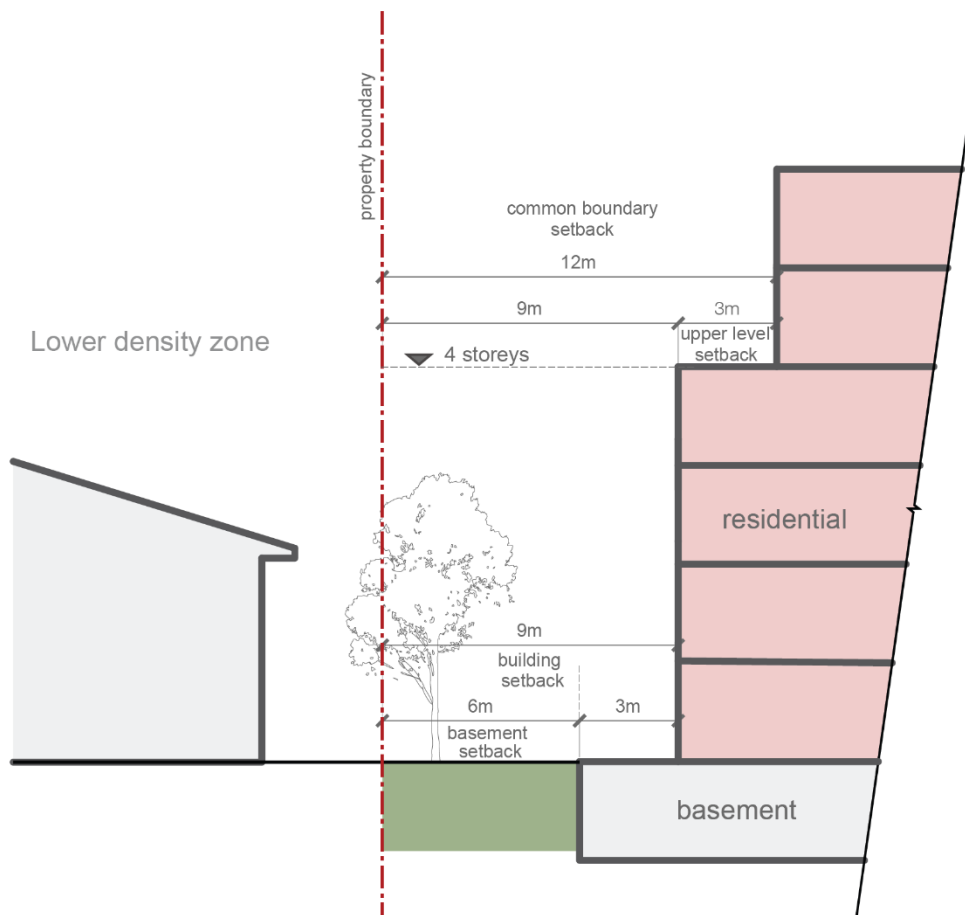


Figure 2: Application of the setbacks required for a residential flat building - with lower density interface (rear)

Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide



Key

- Deep soil
- Residential flat building
- Basement carparking

Figure 3a: Application of the setbacks required for the residential flat building and basement – Lower density interface

Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide

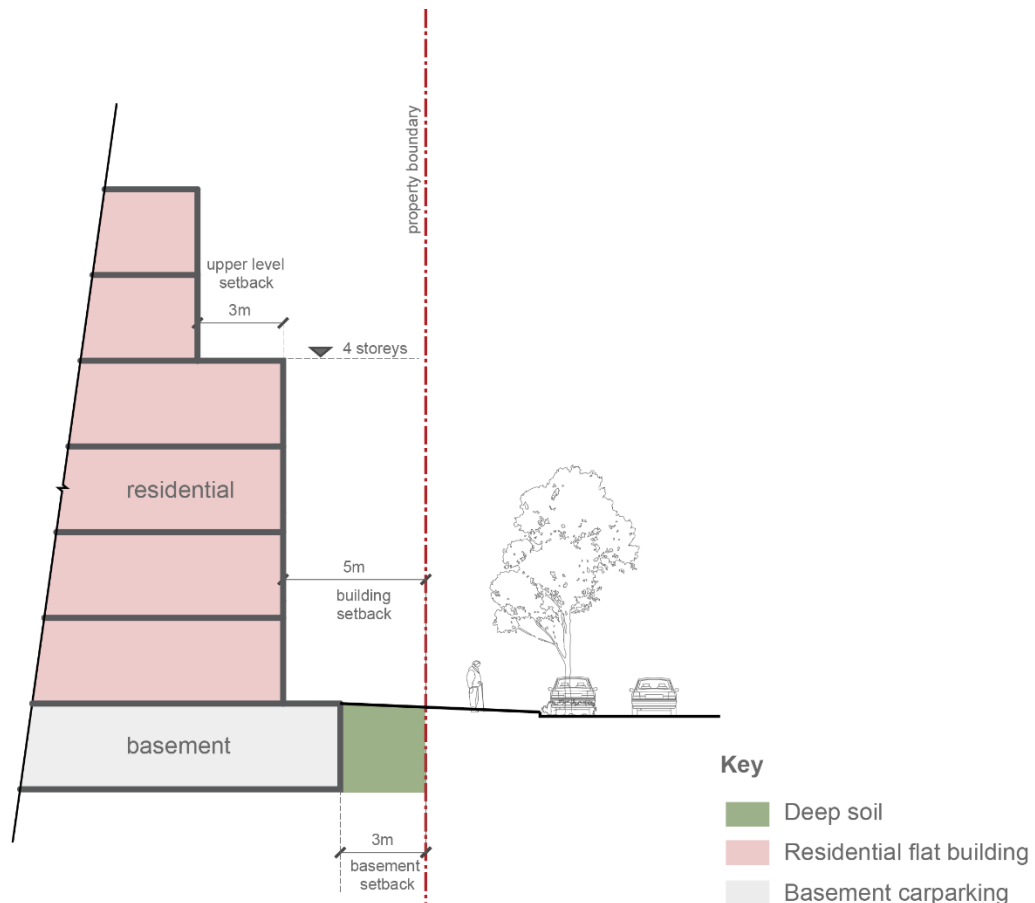


Figure 3b: Application of the setbacks required for the residential flat building and basement – Street

Note: Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide

4. Basement Setbacks

Basement setbacks have been established to limit the extent of site excavation, to provide opportunities for deep soil landscape planting around and between buildings and to provide a buffer to adjoining existing and future development. The provision of deep soil landscaping zones will assist in providing opportunities for planting to contribute to the tree canopy of Georges River.

Objectives

- (a) To limit the extent of excavation in the proximity of the site boundaries.
- (b) To provide opportunities for deep soil landscaping and new tree planting.
- (c) To accommodate opportunities for on-site infiltration of stormwater.
- (d) To accommodate landscaping that will contribute to the tree canopy of Georges River and provide shade and screening for residential development and reinforce a landscaped street character.

Controls

- (1) Basements are to be set back a minimum of 3m from the site boundaries (refer to **Figure 4**).
- (2) The basement setback areas are to be deep soil areas as defined in the Apartment Design Guide.
- (3) Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.
- (4) Where a development site shares a boundary with a lower density zone (i.e. R2 or R3 zones), the minimum setback of the basement is to be 6m from the boundary with the lower density zone (refer to **Figure 5**).
- (5) The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.
- (6) Basements fronting the primary street address are not to project more than 500mm above ground level (existing) at the street setback alignment.

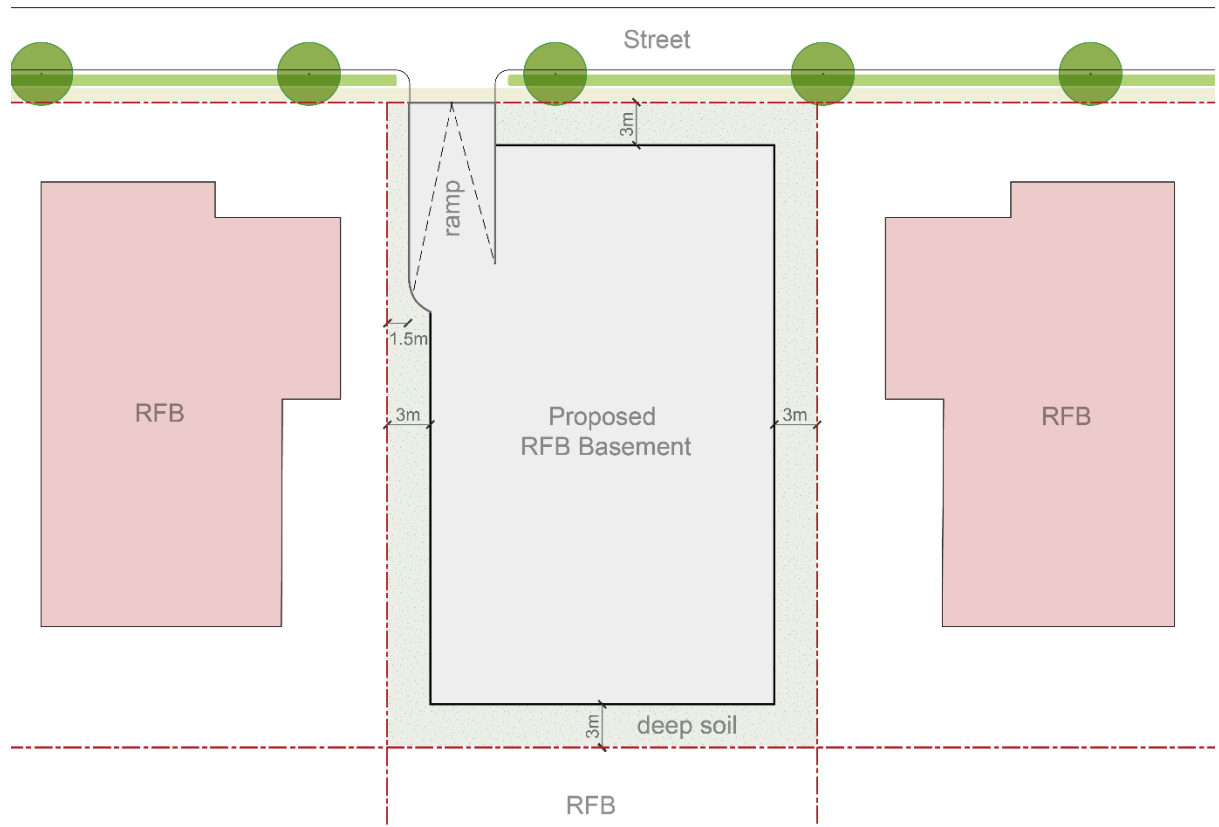


Figure 4: Application of the setbacks required for basements - with medium to high density interface

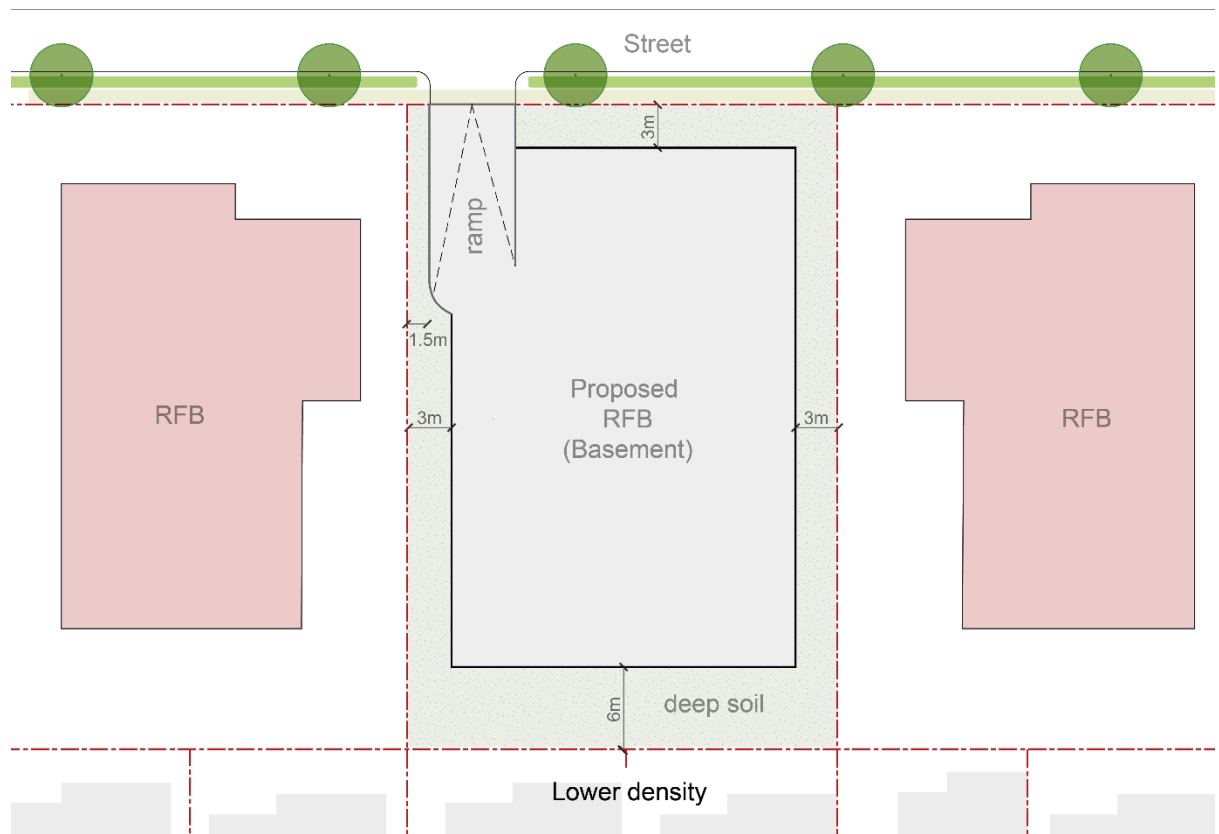


Figure 5: Application of the setbacks required for basements - with lower density interface

5. Façade Treatment and Street Corners

The LGA's streetscape and public domain are defined by its buildings, streets and public places. Any new developments should be designed to contribute positively to the amenity of the street through good facade treatment and street corner design.

Objectives:

- (a) To ensure building façades are appropriately modulated and articulated to provide visual interest from the public domain, including along the street and through-site links.
- (b) To ensure well-proportioned built forms and façade treatments that minimise the appearance of building bulk from the public domain, including along the street and through-site links.
- (c) To ensure that the street corners are clearly defined and emphasised.
- (d) To ensure that amenity of apartments (including balconies) is maximised

Controls:

- (1) Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.
- (2) Street corners must be given prominence by a change in building articulation, materials, colours, form or height.
- (3) Human scale at street level must be created through the use of scale, rhythm, materiality and/or landscaping.
- (4) Essential services such as substations and fire hydrants must be integrated into the design of the façade.
- (5) Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be explored.
- (6) Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding and green walls should be considered as alternatives to blank walls.
- (7) Clear glazing balustrades are discouraged when visible from the public domain. Screening of balconies by way of adjustable or fixed panels or incorporation of solid upturns at the base of the balustrade should be included where there are issues of privacy when viewed from lower levels, and/or excessive exposure to solar impacts.
- (8) Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that satisfy the requirements for habitable rooms in accordance with Department of Planning Industry and Environment's 'Development Near Rail Corridors and Busy Roads – Interim Guideline' and the requirements of Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007 must be considered.

6. Landscaped Treatment and Private Open Space

Landscaped treatment of setback areas and private open space areas can provide high quality spaces that can benefit all residents by meeting recreational requirements, softening new development, providing adequate landscaping for privacy and improving local habitat for plants and animals.

Landscaped treatment of these areas can also be beneficial in reducing the impervious surfaces of a development site and reducing local stormwater runoff.

Objectives

- (a) To provide sufficient landscaped treatment of development sites for the recreational needs of residents and to provide landscape amenity to the dwellings.
- (b) To ensure private open space is located to benefit from sunlight and is well integrated to complement the living area of a dwelling.
- (c) To provide deep soil areas for planting of trees from Council's *Tree Management Policy*.
- (d) To maximise catchment health by planting trees as suggested in Council's *Tree Management Policy* and to assist in stormwater infiltration and prevent runoff.
- (e) To provide open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions.
- (f) To contribute to wider landscape character and neighbourhood amenity including the public domain to achieve increased urban tree canopy cover and delivering green grid connections.

Controls

- (1) Deep soil is to be provided within the setbacks areas as required in figures 3a, 3b, 4 and 5 and consistent with Part 3E of the NSW State Government's Apartment Design Guide. To be included as deep soil as required by Part 3E of the Apartment Design Guide, the deep soil area must have a minimum dimension of 3.0m on any axis. Planting in the deep soil areas is to include trees that achieve a minimum mature height of 6.0m.
- (2) The visual appearance of developments is to be softened through the incorporation into the design planter boxes and similar design treatments that will support landscaping in a minimum soil depth of 800mm.
- (3) Where landscaping is included on balconies and terraces, the functional area of the private open space is not to be reduced to below the minimum requirements of Part 4E of the Apartment Design Guide.
- (4) Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.
- (5) Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
- (6) Unpaved or unsealed landscaped areas should be maximised and designed to facilitate on-site infiltration of stormwater.

- (7) Existing significant trees and vegetation must be incorporated into the proposed landscape treatment.
- (8) Private open space and balconies must comply with part 4E of the NSW State Government's Apartment Design Guide.
- (9) Planting of replacement trees is to be in accordance with *Council's Tree Management Policy*.

Note: Street trees proposed within the kerbside should be set back from the kerb to prevent restrictions to sight lines in accordance with AS 2890.1 (latest edition).

7. Common open space

Well designed and high quality common open space can provide benefits to all residents by meeting recreational requirements. Common open space should preferably be located on ground level and should have good amenity and accessibility.

Common open space when proposed needs to carefully consider amenity impacts upon adjoining development, particularly where the development site adjoins residential areas of a lower density.

Objectives

- (a) To ensure common open space enhances residential amenity and provides opportunities for landscaping.
- (b) To ensure common open space is designed to avoid acoustic and visual privacy impacts upon adjoining development and on dwellings within the subject development.

Controls

- (1) Common open space to a minimum area of 25% of the site area and with a minimum dimension of 5m is to be provided.
- (2) A maximum of 50% of common open space may be provided above ground level where:
 - (i) a location at ground level is not possible due to site constraints;
 - (ii) the proposed elevated common open space will provide a similar level of amenity as a common open space at ground level of the site; and
 - (iii) there will be no significant impact on surrounding properties in respect to the loss of privacy.
- (3) At least 50% of the required common open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.
- (4) A minimum of 50% of the total area of common open space provided at ground level is to comprise unpaved landscaped area
- (5) The useable and trafficable area of any rooftop common open space is to be set back a minimum of 2.5m from the edge of the roof of the floor immediately below with landscape planters provided to prevent close and direct views into adjoining properties.
- (6) Roof top common open space areas should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed in **Figure 6**.
- (7) Where rooftop common open space is proposed on a site adjoining lower density zone, any common open space is to be setback a minimum of 4m from the edge of the roof of the floor immediately below adjacent to a lower density residential zone (refer to **Figure 6**).

(8) Ancillary structures on the roof such as lift overruns and staircases should be centralised to reduce their visual dominance. Balustrades should be visually recessive.

Note: Ground level and roof top common open space to be provided in accordance with Part 3D of the Apartment Design Guide.

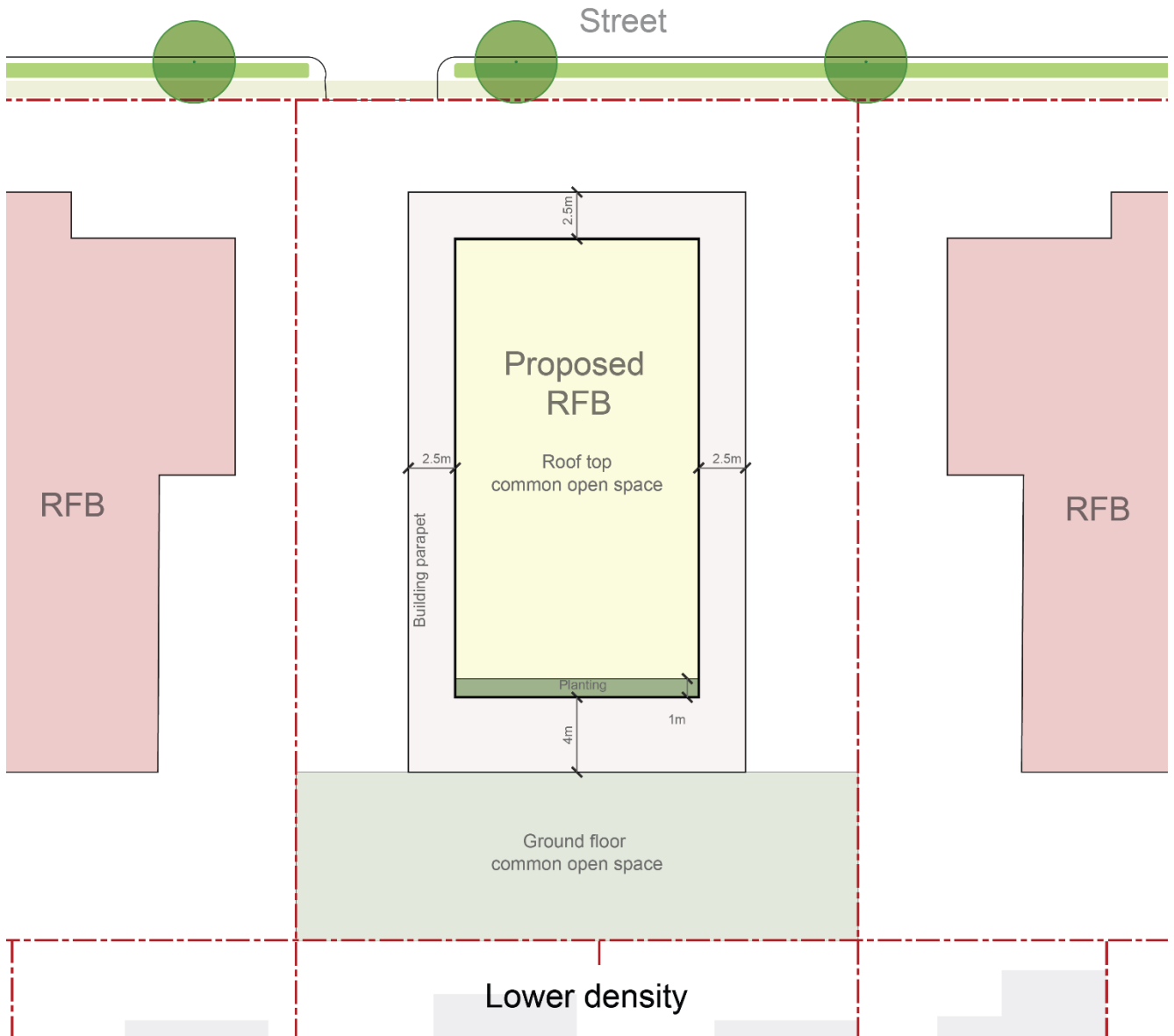


Figure 6: Application of the setbacks required for the location of common open space zone interface

8. Solar Access

Solar access is a major determinant of environmental comfort and amenity for occupants. Proposed development must have regard to the impact of a proposed building on the levels of solar access enjoyed by adjoining existing and future development.

Objectives

- (a) To minimise loss of sunlight to adjacent buildings.
- (b) To maximise mid-winter sunlight to windows of neighbouring living rooms and to the primary private open spaces of adjacent properties.
- (c) To break up building bulk to allow sunlight penetration.
- (d) To ensure building design and location minimises adverse impacts of overshadowing to neighbouring buildings and primary private open space areas.
- (e) To maximise solar access opportunities to the subject building.

Controls

- (1) Shadow diagrams are to be submitted for the winter solstice (21 June) to demonstrate impacts at a minimum of 9am, midday and 3pm.
- (2) Shadow diagrams should include elevational diagrams identifying the habitable rooms and private open space areas of the adjoining dwellings, and view from the sun diagrams, identifying solar access compliance to the proposed development.
- (3) Shadow diagrams are required to show the impact of the proposal on the sunlight to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.
- (4) Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).

Note: Achieving compliance with this control may be difficult on steeply sloping sites, east west facing allotments, irregular allotments or sites with open space to the south of the built form. In this instance, compliance with the control will be considered on its merits.

- (5) Where development adjoins public open space, the solar access amenity of the space will be considered on its merits.

9. Vehicular access, parking and circulation

Safe, accessible and convenient car parking to support a development is to be provided. Well designed and efficient car parking design facilitates ease of use and an enhanced visual quality of the proposed development. Poorly designed and configured car parking provision can detract from the visual quality of a development.

Objectives

- (a) To provide sufficient and convenient on-site parking for residents, visitors and service vehicles.
- (b) To reduce resident on-site parking where public transport is available within reasonable walking distance or where low car parking demand exists.
- (c) To ensure streets, access ways and pedestrian ways provide safe and convenient access.
- (d) To ensure on-site parking is provided for people with a disability and is consistent with the design requirements of the Building Code of Australia and the relevant Australian Standards.
- (e) To minimise the adverse impact of vehicles on the amenity of the development, streetscape and neighbourhood.
- (f) To ensure adequate provision of secure bicycle parking.
- (g) To ensure that basement car parking is appropriately designed for user safety and environmental sensitivity.
- (h) To ensure that developments on Classified Roads minimise disruption to traffic flow.

Controls

- (1) Car parking is to be provided as a maximum in accordance with the requirements in Part B4 unless Objective 3J-1 of the Apartment Design Guide applies. Car access areas and garages doors do not visually dominate either the development or the streetscape.
- (2) Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability.
- (3) On corner sites with two street frontages, vehicular access should be provided to the street with the lesser traffic volumes.
- (4) Garages and basements are to be accessed from a rear lane where this is available.
- (5) Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.
- (6) Driveways should be designed to avoid a straight, long “gun barrel” appearance by using appropriate landscaping and variations in alignment.
- (7) Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1-(latest edition).

- (8) Clearance above the general parking surface must be a minimum of 2.5m.
- (9) Tandem parking (one space immediately behind another) may be used where two spaces are provided and allocated to a single, specific dwelling.
- (10) All residential flat developments must provide a car wash bay which:
 - (i) is roofed and bunded to exclude rainwater.
 - (ii) has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay.
 - (iii) has a fixed basket trap for floor waste.
 - (iv) includes a 1000 litre general purpose pit.
- (11) Three options exist for the disposal of trade wastewater from residential car wash bays. They are:
 - (i) removal off-site by an authorised liquid waste disposal contractor;
 - (ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or
 - (iii) discharge to the sewer via appropriate pre-treatment.
- (12) If the car wash bay discharges into the sewer, a 'Permission to Discharge Trade Wastewater' issued by Sydney Water must be obtained prior to approval of the development.
- (13) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (e.g. removal by an authorised liquid waste disposal contractor)
- (14) Developments on Classified Roads are to:
 - (i) minimise the number of access points or seek alternative access wherever possible.
 - (ii) provide safe vehicle access, adequate sight distances and make provision for vehicles to leave the site in a forward direction in accordance with AS2890.1 (latest edition)
 - (iii) Sufficient space within the property boundary is to be provided to accommodate vehicles entering the property and waiting for security gates or booms to open. The queuing area is to be sufficient to ensure waiting vehicles are wholly within the property boundary.
 - (iv) comply with any conditions imposed by Council to satisfy the requirements of TfNSW.
- (15) Basement car parking should be naturally ventilated where possible.
- (16) Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location.
- (17) The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible.

10. Views and view sharing

Views of waterways, bushland and district views contribute to the amenity of property and the public domain. New development needs to be designed so that is it sensitive to existing view corridors and minimises impacts on views.

“View sharing” considers the equitable distribution of views between properties. The view sharing controls seek to strike a balance between facilitating new development, while preserving, as far as practical, access to views from surrounding properties.

Objective

- (a) To minimise view loss from adjoining or nearby properties, whilst still recognising the development potential of a site.

Controls

- (1) Development shall provide for the reasonable sharing of views.
- (2) A view impact assessment or information to assist in determining the potential impact on views on a development will be required where a development proposal could adversely impact upon existing views enjoyed by surrounding properties.
- (3) Height poles may need to be constructed (with confirmation of heights by a Registered Surveyor provided) or a detailed view analysis including accurate photomontages may be required to be provided to assist in assessing view loss impacts.
- (4) Where a detailed view assessment is required to be undertaken to consider the potential impacts of a development proposal, the view impact statement is to be prepared in accordance with the four steps detailed in the view loss principles established by *Tenacity vs. Warringah Council* [2004] NSWLEC140 may be required to be lodged with the application to assist in analysing the potential view impacts.

11. Dwelling Mix

A mix of apartment types provides housing choice and supports equitable housing access. Apartment buildings form a significant and often long term part of the urban fabric and need to accommodate a range of household types, to support the needs of the community now and into the future.

Objectives

- (a) Ensure development contains a suitable mix of dwellings that encourages social diversity within the development and addresses the needs for future residents and households.
- (b) Ensure residential development contains a mix of residential types (based on the number of bedrooms) to encourage a diverse population and achieve social diversity.
- (c) Encourage applicants to consider the varying needs of families and to design apartments accordingly.

Controls

- (1) Developments that propose more than 10 apartments are to provide a mix of dwellings consistent with the following percentage mix:
 - (i) Studio and 1 bed apartments – Minimum of 20%
 - (ii) 2 bed apartments – Maximum of 30%
 - (iii) 3+ bed apartments – Minimum of 15%
- (2) Any variations to the apartment mix are to take into consideration:
 - (i) the distance to public transport, employment and education centres.
 - (ii) the current market demands and projected future demographic trends.
 - (iii) the demand for social and affordable housing.
 - (iv) different cultural and socioeconomic groups.

Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group households.

12. Adaptable and Accessible Housing

Housing designed using accessible and adaptable design principles can benefit a wide cross section of the community as well as catering for the changing needs of individual residents over time.

Adaptable and accessible housing is designed to be flexible. Adaptable housing involves the creation of a basic shell, which can then be adapted at a minimum cost to suit a variety of housing needs, and which is appropriate to people throughout their life span, therefore allowing them to “age in place”. A report from an appropriately qualified person is to be provided demonstrating compliance with the adaptable and accessible housing requirements.

Objectives

- (a) To ensure a sufficient proportion of dwellings in a development include accessible layouts and features to accommodate changing requirements of residents.
- (b) To encourage flexibility in design to allow people to stay in their home if their needs change due to age or disability.
- (c) To require that all residential flat building developments should be designed to be accessible.

Controls

- (1) The minimum number of adaptable units designed in accordance with AS4299 - 1995 Adaptable Housing must be incorporated into the developments included in this section:
 - (i) 5-10 units – 1 adaptable unit
 - (ii) 11-20 units – 2 adaptable units
 - (iii) 21-30 units – 3 adaptable units
 - (iv) 31-40 units – 4 adaptable units
 - (v) 41-50 units – 5 adaptable units
 - (vi) 51+ units - 6 adaptable units + 10% of additional dwellings beyond 60 (rounded up to the nearest whole number).
- (2) The adaptable units must comply with the relevant Australian Standards and be certified as “adaptable housing units” and every adaptable unit needs to have an accessible car space.
- (3) Developments must be designed and constructed to comply with:
 - (i) AS 1428.1 – 1993 Design for Access and Mobility Part 1
 - (ii) AS 1428 – 1993 Design for Access and Mobility Part 2 Enhanced and Additional Requirements – Buildings and Facilities.
 - (iii) Relevant provisions of the Building Code of Australia

- (4) Notwithstanding compliance with the above, the development is to be designed to meet the needs of people with disabilities, including:
- (i) The provision for a continuous accessible path of travel from all public roads and public spaces as well as unimpeded internal access;
 - (ii) The provision in design for ease of use and comfort through appropriate gradients, rest areas, circulation space and user friendly entrances;
 - (iii) Safety design measures, including contrasting colour for points of danger and slip resistant surfaces; and
 - (iv) Legible design features such as signs and indicators to assist the location of handrails and guardrails.

Part 2 Multi dwelling housing and Attached dwellings

1. Minimum Site Requirements

Minimum lot size requirement of 800sqm in Kogarah LEP 2012 has been set for Multi dwelling housing development in the R3 Medium Density Residential zone with the aim of ensuring that sufficient area is available for viable redevelopment of sites. Minimum site width is identified to facilitate opportunities to retain significant site features, required setbacks of this DCP and to accommodate reasonable relationships with buildings on adjoining sites.

Objectives

- (a) To ensure that appropriate site width is provided to incorporate the setback requirements of this DCP.
- (b) To ensure development sites are of sufficient dimensions to accommodate high quality development and landscaping.

Controls

- (1) Minimum lot size is 800sqm.
- (2) Minimum lot width is 18m.

2. Building Setbacks

Building setbacks establish the minimum separation distances between buildings and site boundaries. The setbacks provide opportunities for the provision of private and common areas of open space, landscaping, view sharing and opportunities to manage visual and acoustic privacy.

The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment and neighbouring properties.

Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries.

Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building.

Building setbacks are measured from the site boundaries to the facade of the building.

Objectives

- (a) To maintain and create a high level of amenity for neighbours with adequate access to sunlight, privacy and outlook.
- (b) To establish the appropriate spatial separation of the built form to the public domain and adjoining development.
- (c) To support opportunities to preserve existing vegetation including street trees.
- (d) To contribute to the desired streetscape pattern.

Controls

Building Setbacks (General)

- (1) The required building setback areas are to be predominantly landscaped.
- (2) At least one canopy tree capable of achieving a minimum mature height of 6.0m is to be provided in the front setback.
- (3) A minimum of two canopy trees capable of achieving a minimum mature height of 6.0m are to be provided in the rear setback.
- (4) The setback areas can provide access paths and paved service areas that do not result in the hard surface dominating the landscaped treatment.

Building Setbacks (Front)

- (1) Minimum setback to a primary street is 4.5m.

Building Setbacks (Secondary frontage)

- (1) Minimum setback to a secondary street is 4.5m.

Building Setbacks (side boundary)

- (1) Minimum side boundary setback is 4m.

Building Setbacks (rear)

- (1) Minimum rear boundary setback is 6m.
- (2) A nil setback to a rear boundary is permitted where parking access from a rear lane is provided.

Car parking

- (1) Any basement car parking is to comply with the setbacks above and is to be located within the building footprint.
- (2) Any car parking space or access driveway is to be setback at least 1.5m from a side boundary.
- (3) Car parking is not to be provided within the required setbacks to a street other than a tandem space located on a driveway to a single garage.

3. Façade Treatment and Street Corners

The LGA's streetscape and public domain are defined by its buildings, streets and public places. Any new developments should be designed to contribute positively to the amenity of the street through good facade treatment and street corner design.

Objectives:

- (a) To ensure well-proportioned built forms and building façades are appropriately modulated and articulated to provide visual interest from the public domain, including along the streets.
- (b) To ensure that the street corners are clearly defined and emphasised.

Controls:

- (1) Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.
- (2) Street corners must be given prominence by a change in building articulation, materials, colours, form.
- (3) Human scale at street level must be created through the use of scale, rhythm, materiality and/or landscaping.
- (4) Essential services such as substations and fire hydrants must be integrated into the design of the façade.

4. Orientation and Public Domain interface

The provision of multi dwelling housing that addresses public streets; provides pedestrian access from the streets and landscaping to the front setbacks; establishes a positive streetscape and residential environment.

Objectives

- (a) To ensure development addresses the public streets.
- (b) To minimise overlooking to adjoining development and associated private open space areas.
- (c) To create opportunities for casual surveillance.

Controls

- (1) Each dwelling is to be oriented towards an existing public street or new pedestrian lane or internal driveway.
- (2) Dwellings should incorporate landscape screening along the edge of the property boundary where the private open space is orientated toward the side and rear property boundary
- (3) Each dwelling with direct orientation to a public road should be provided with a pedestrian entry directly from that public road.

5. Landscaped Treatment and Private Open Space

Landscaping and private open space provides for the recreational needs of residents as well as accommodating utility areas such as clothes drying and ancillary storage areas for items such as bicycles. The incorporation of landscaping into a development provides amenity for residents and contributes to the landscaped character of the locality.

Objectives

- (a) To ensure development provides for unpaved landscaped areas and opportunities for canopy tree planting.
- (b) To ensure that dwellings are provided with private open space to support a variety of recreational and service needs.
- (c) To ensure that private open space is appropriately located to enhance liveability and provide privacy for residents.

Controls

- (1) Each dwelling is provided with at least 40sqm of private open space with a minimum dimension of 4m.
- (2) Private open space is to be located behind the building setback to the street frontage/s.
- (3) The private open space is to be located adjacent to a living room, dining room or kitchen.
- (4) The private open space is to include a minimum of 20sqm of unpaved landscaped area.
- (5) The maximum impervious area of a site is 55%, which includes the building footprint, parking areas and driveways and paved private open space areas.

Note: Street trees proposed within the kerbside should be set back from the kerb in accordance with AS 2890.1 (latest edition).

6. Solar access

Solar access is a major determinant of environmental comfort and amenity for occupants. Proposed development must have regard to the impact of a proposed building on the levels of solar access enjoyed by adjoining existing and future development.

Objectives

- (a) To minimise loss of sunlight to adjacent buildings.
- (b) To maximise mid-winter sunlight to windows of neighbouring living rooms and to the primary private open spaces of adjacent properties.
- (c) To provide solar access amenity to proposed private open space and living rooms.
- (d) To ensure building design and location minimises adverse impacts of overshadowing to neighbouring buildings and primary private open space areas.

Controls

- (1) The living room or private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9am and 3pm on the winter solstice (June 21).
- (2) At least 50% of the neighbouring existing primary private open space or windows to primary living areas must receive a minimum of 3 hours sunlight between 9am – 3pm on the winter solstice (21 June).

Note: Achieving compliance with this control (6.2) may be difficult on steeply sloping sites, east west facing allotments, irregular allotments or sites with open space to the south of the built form. In this instance, compliance with the control will be considered on its merits.

- (3) Where less than 3 hours of sunlight is currently received by the neighbouring properties to the private open space or primary living rooms, the proposal must not reduce the amount of sunlight received.

7. Vehicular access, parking and circulation

Safe, accessible and convenient car parking to support a development is to be provided. Well designed and efficient car parking design facilitates ease of use and an enhanced visual quality of the proposed development. Poorly designed and configured car parking provision can detract from the visual quality of a development.

Objectives

- (a) To provide sufficient and convenient on-site parking for residents, visitors and service vehicles.
- (b) To reduce resident on-site parking where public transport is available within reasonable walking distance or where low car parking demand exists.
- (c) To ensure streets, access ways and pedestrian ways provide safe and convenient access.
- (d) To ensure on-site parking is provided for people with a disability and is consistent with the design requirements of the Building Code of Australia and the relevant Australian Standards.
- (e) To minimise the adverse impact of vehicles on the amenity of the development, streetscape and neighbourhood.
- (f) To ensure that car access areas and garage doors do not visually dominate either the development or the streetscape.
- (g) To ensure adequate provision of secure bicycle parking.
- (h) To ensure that basement car parking is appropriately designed for user safety and environmental sensitivity.
- (i) To ensure that developments on Classified Roads minimise disruption to traffic flow.

Controls

- (1) Car parking is to be provided as a maximum in accordance with the requirements in Part B4.
- (2) Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability.
- (3) On corner sites with two street frontages, vehicular access should be provided to the street with the lesser traffic volumes.
- (4) Garages and basements are to be accessed from a rear lane where this is available.
- (5) Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.
- (6) Driveways should be designed to avoid a straight, long “gun barrel” appearance by using appropriate landscaping and variations in alignment.

- (7) Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1(latest edition).
- (8) Council may require these dimensions to be increased where the access aisle or driveway within the parking area is less than 7m wide.
- (9) Clearance above the general parking surface must be a minimum of 2.5m.
- (10) Tandem parking (one space immediately behind another) may be used where two spaces are provided and allocated to a single specific dwelling.
- (11) All multi dwelling housing development must provide a car wash bay which:
 - (i) is roofed and bunded to exclude rainwater.
 - (ii) has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay.
 - (iii) has a fixed basket trap for floor waste.
 - (iv) includes a 1000 litre general purpose pit.
- (12) Three options exist for the disposal of trade wastewater from residential car wash bays. They are:
 - (i) removal off-site by an authorised liquid waste disposal contractor;
 - (ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or
 - (iii) discharge to the sewer via appropriate pre-treatment.
- (13) If the car wash bay discharges into the sewer, a *Permission to Discharge Trade Wastewater* issued by Sydney Water must be obtained prior to approval of the development.
- (14) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (e.g. removal by an authorised liquid waste disposal contractor)
- (15) Developments on Classified Roads are to:
 - (i) minimise the number of access points or seek alternative access wherever possible.
 - (ii) provide safe vehicle access, adequate sight distances and make provision for vehicles to leave the site in a forward direction in accordance with AS2890.1 (latest edition).
 - (iii) Sufficient space within the property boundary is to be provided to accommodate vehicles entering the property and waiting for security gates or booms to open. The queuing area is to be sufficient to ensure waiting vehicles are wholly within the property boundary.
 - (iv) comply with any conditions imposed by Council to satisfy the requirements of TfNSW.
- (16) Basement car parking should be naturally ventilated where possible.

- (17) Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location.
- (18) The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible.

8. Waste and recycling storage

Developments must accommodate storage for general waste, recycling and green waste bins in a location that allows easy access to the presentation area for collection. The storage areas must not detract from the streetscape.

Objectives

- (a) To ensure development incorporates waste storage facilities that are easy to use and access for efficient waste collection.
- (b) To ensure that waste storage areas minimise amenity impacts and do not detract from the streetscape.

Controls

- (1) Waste storage is to be provided for each dwelling in accordance with Council's waste policy.
- (2) The waste bin storage is not to be provided within the front setbacks and is preferred as part of the yard of the dwelling or garage.
- (3) Each dwelling is to have a convenient route to the presentation area for waste collection.

9. Dwelling Mix

A mix of dwelling types provides housing choice and supports equitable housing access. Well-designed developments respond to social context by providing housing and facilities to suit the existing and future social mix. It allows for dwellings to be adaptable to facilitate people living in a dwelling through different stages of life by accommodating various household types.

Objectives

- (a) To ensure the provision of a range of housing types and flexibility in building design and dwelling layout to accommodate internal configurations.
- (b) To ensure development contains a suitable mix of dwellings that encourages social diversity within the development and addresses the needs for future residents and households.
- (c) To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential to accommodate all the varied family sizes in future years.
- (d) To encourage applicants to consider the varying needs of families and to design apartments accordingly.

Controls

- (1) Developments that propose more than 10 dwellings are to provide a mix of dwellings consistent with the following percentage mix:
 - (i) Studio and 1 bed apartments – Maximum 25%
 - (ii) 2 bed apartments – Minimum 35%
 - (iii) 3+ bed apartments – Minimum 15%
- (2) Any variation to the dwelling mix is to take into consideration:
 - (i) the distance to public transport, employment and education centres.
 - (ii) the current market demands and projected future demographic trends.
 - (iii) the demand for social and affordable housing.
 - (iv) different cultural and socioeconomic groups.
- (3) Dwelling configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group household.