

# CI- Low Density Housing

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# CI- Low Density Housing

This Part applies to dwelling houses, dual occupancy development, secondary dwellings and narrow lot housing. This section of the DCP should be read in conjunction with Part A1 - Introduction, Part B – General Controls and Part C4 – Foreshore Locality Controls.

## I. Design Requirements

### I.1 Streetscape Character

Good design goes beyond the simple application and compliance with development controls. Careful consideration and systematic analysis of a site, of its relationship with adjoining development, and consideration of any natural man-made constraints are essential starting points.

An assessment of the streetscape character and site analysis are the first steps in the design process and are used to ensure that a development is the best possible solution for a site and the immediate locality.

Streetscape refers to the way a street looks and helps to provide local amenity and identity. The presentation of buildings in a street is the most critical element and determines the character of not only the street, but the locality.

Good streetscapes are those in which the houses and associated spaces form attractive streets and neighbourhoods. New buildings, and alterations and additions to existing buildings need to be sensitive and in context with the landscape setting and the environmental conditions of a locality.

Good streetscapes have:

- Houses that fit together so that no single house is dominant (consistent scale, rhythm, street edge and materials);
- Well located garages, consistent with the adjoining properties;
- Well designed fences;
- Consistent street planting of an appropriate scale.

**CI – LOW DENSITY HOUSING****Objectives**

- (a) Ensure that all elements of a development make a positive contribution to the streetscape.
- (b) Complement and conserve the visual character of the street and neighbourhood through appropriate building scale, form, detail and finish.
- (c) Reinforce existing streetscape features such as building setbacks, alignments, heights, landscaping/vegetation and fence design.
- (d) Ensure that new developments reflect the dominant building rhythm of the streetscape with regard to location, spacing and proportion of built elements in the street.
- (e) Ensure that building elements are integrated into the overall building form and façade design.
- (f) Ensure development contributes to cohesive streetscapes and desirable pedestrian environments.
- (g) Ensure that development conserves or enhances significant streetscape items (such as street tree planting) and points of interest (such as views to waterways).

**Design Elements**

The streetscape and character of an area are the result of a combination of design elements including:

- (i) the existing building scale (the height of buildings as they present to the street, the overall mass of the building or floor space, the articulation of the building and the roof form),
- (ii) the rhythm of the built elements in the street (influenced by the ratio of building to block widths and building to building separation, driveway placement, front building line setback, street front building articulation),
- (iii) fenestration and external materials (the extent of glazing and windows and door openings (including garaging) and the type and colour of wall and roofing materials),
- (iv) the street edge (front fencing and the landscape character of the front building line setback and footpath).

Each of these design elements is supported by a design objective and a range of principles and standards.

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Applicants need to demonstrate satisfaction of the design principles by direct reference to the character of the streetscape and the dominant design elements in that street.

The streetscape requirements in the following section only apply to the following development types:

- Dwelling houses
- Dual occupancy development
- Secondary dwellings, where they front the street
- Alterations to the front elevation and/or two level additions to an existing dwelling house.

Where a property has frontage to the foreshore, you will also need to refer to the relevant Foreshore Locality Controls to ensure that development meets the requirements of these controls.

**Controls**

1. A Streetscape Character Analysis (SCA) must be submitted as part of any Development Advisory Service (DAS) application for the following:
  - new dwellings
  - alterations to the front elevation and/or two level additions to an existing dwelling
  - attached dual occupancy
  - detached dual occupancy
2. The SCA should comprise an analysis of both the existing streetscape and the future desirable streetscape. It should consider the overall neighbourhood character and the potential impact of your development.

Information on what is to be included in the SCA is included in Appendix I.

## 1.2 Building Scale and Height

### Objectives

- (a) Ensure that new buildings and alterations and additions respect the dominant building forms and scale through the use of innovative architectural responses.
- (b) Distribute building height and bulk on the site so as to ensure there is no significant loss of amenity to adjacent sites, open space and public streets.
- (c) Ensure that building heights respond to the scale of the street and surrounding buildings.
- (d) Ensure that the height of buildings does not overly impact on the streetscape or neighbouring properties.

### 1.2.1 Floorspace Requirements

#### Objectives

The overall building floorspace should present a building mass that is:

- in scale with the allotment size;
- provides opportunities for modulation and articulation of the building form; and
- does not detract from the satisfaction of any other requirement.

#### Controls

- (1) The floor space ratio for dwelling houses must comply with the requirements in the table below:

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Site Area	Maximum FSR
Less than or equal to 650m <sup>2</sup>	0.55:1
Greater than 650m <sup>2</sup> Less than or equal to 800m <sup>2</sup>	$(\text{Site Area} - 650) \times 0.3 + 357.5$
Greater than 800m <sup>2</sup> Less than or equal to 1000m <sup>2</sup>	$(\text{Site Area} - 800) \times 0.2 + 402.5$
Greater than 1000m <sup>2</sup> Less than or equal to 1500m <sup>2</sup>	$(\text{Site Area} - 1000) \times 0.15 + 442.5$
Greater than 1500m <sup>2</sup>	$(\text{Site Area} - 1500) \times 0.1 + 517.5$

*Note: The maximum achievable floor space ratios/ floor areas are indicative only and all other objectives and design controls must be satisfied.*

- (2) Where a secondary dwelling is proposed, the maximum FSR/floor area includes the dwelling and the attached or detached secondary dwelling. In this regard, the overall development is not to exceed the maximum floor space ratio.
- (3) Notwithstanding compliance with the numerical requirements in Table I, applicants must demonstrate that the bulk and relative mass of the proposed development is acceptable in the street and on adjoining dwellings, in terms of the following impacts:
  - (i) streetscape considerations (bulk and scale);
  - (ii) building setbacks;
  - (iii) landscape requirements;
  - (iv) the existence of significant trees/vegetation on site;
  - (v) the size and shape of the allotment; and
  - (vi) topography of the site.
- (4) Where alterations and additions are proposed, and the existing floor space and/or floor space ratio of the development exceeds the maximum requirements, the application will be considered on merit. In these circumstances, Council will not support any increase in the floor area of the development unless it is satisfied that the development will meet the overall objectives of this Part.
- (5) Blank walls and flat facades should be avoided. Walls longer than 10m should be articulated by a minimum 300mm projection or indentation in the façade.
- (6) The overall building should present a building mass that is in proportion with the allotment size, provides opportunities for

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modulation and articulation of the building and does not detract from the satisfaction of any other applicable design principle.

- (7) Where proposed development includes a two (2) residential level element, then the second level should not extend beyond 60% of the depth of the allotment measured from the street boundary. Where side boundaries are of varying length, the second level is limited to a line across the block between the points on both boundaries, see Figures 1 and 2.



Figure 1. Walls longer than 10 metres must be articulated.

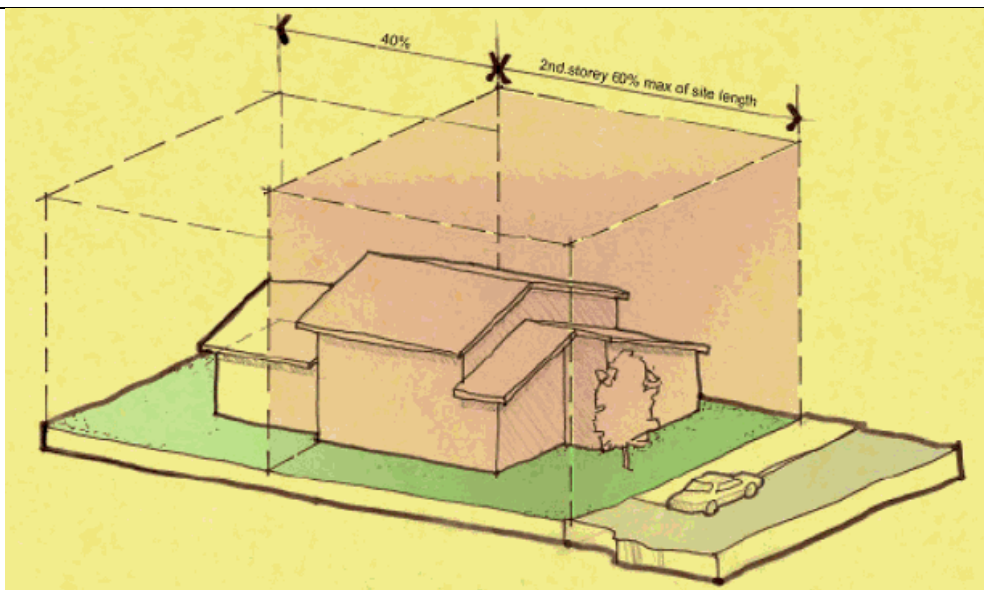


Figure 2. 3-dimensional representation of two level element



Figure 3. The second level should not extend beyond 60% of the depth of the allotment



## 1.2.2 Building Heights

### Objective

- (a) Ensure that the height of development is not excessive and relates well to the local context.

### Controls

- (1) The maximum building height must comply with the requirements specified in table below:

Dwelling Type	Maximum Height
Single dwelling Dual occupancy Attached secondary dwelling	7.2m to the underside of the upper ceiling 7.8m to the top of the parapet 9m to the top of the ridge (pitched roof)
Detached secondary dwelling	2.7m to the underside of the ceiling 3.5m overall building height

- (2) The maximum number of residential levels is two (2), except where the site has a slope exceeding 1:8 (12.5%), where the maximum number of residential levels is three (3).
- (3) Regardless of the number of levels, the maximum height of the building must be consistent with the maximum height requirements.
- (4) Foundation areas, garages, basements, storage rooms or the like must not have an external wall height greater than 1m above ground level (existing) at any point on the building.
- (5) Where the dominant built form in the streetscape is single level, new buildings and alterations and additions should present as a single level building to the street. Any second level element is to be setback a minimum of 10 metres from the street boundary.
- (6) Council may, at its discretion, approve an attic within dwelling houses provided that such development meets the overall height requirements. In this regard, the attic has the same meaning as Kogarah LEP 2012.
- (7) The habitable area in an attic is included as gross floor area for the purposes of determining the floor space ratio.

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- (8) Where an attic is proposed, the roof must have a pitch of between 30 degrees and 40 degrees and the attic space:
- (i) must be wholly within the roof space;
  - (ii) must be designed to comply fully with the building height; and
  - (iii) may only project beyond the roof plane in the form of a traditional or non-traditional dormer, depending on the streetscape, and are not to incorporate balconies (Figure 5).
- (9) Attics are prohibited in flat roofed developments.
- (10) Rooftop terraces are prohibited in dwelling houses, dual occupancy development and secondary dwellings.

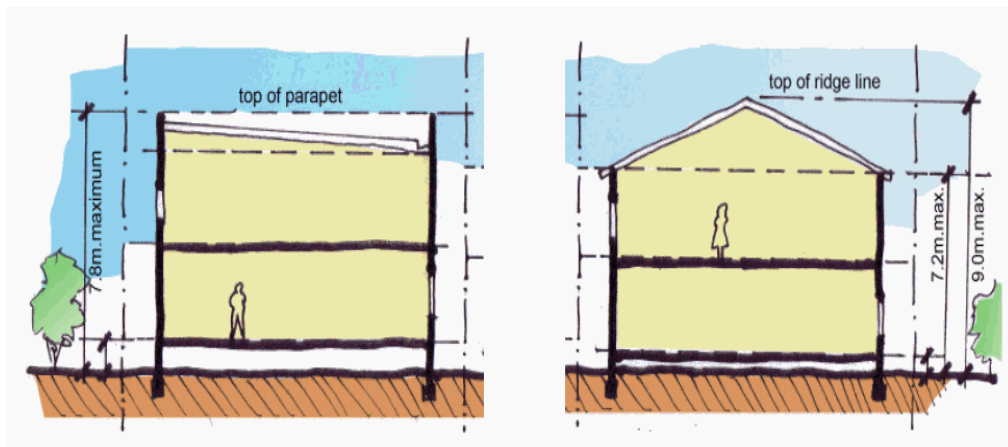


Figure 4. Application of height controls for a two level flat roof and two level pitched roof building for dwellings and dual occupancy development



Figure 5. Traditional front dormer window.

### 1.2.3 Rhythm of the Built Elements in the Streetscape

#### Objectives

- (a) New buildings and alterations and additions should reflect the dominant building rhythm of the streetscape with regard to the location, spacing and proportion of built elements in the street elevation.
- (b) Where the dominant street front elevation of the buildings provides for a double fronted or articulated front façade, new buildings and additions should provide an articulated front façade.

#### Controls

- (1) The primary building façade should not exceed 40% of the overall width of the total frontage (Figure 6).
- (2) The secondary building façade should be set back a minimum of 1.5 metres from the primary building façade (Figure 7).
- (3) Where the dominant built form in the streetscape provides for a pitched hip or gable ended presentation to the street, the new buildings and/or additions should reflect that roof form.

Figure 6. Primary building façade must not exceed 40% of the overall width of the total frontage of the site.

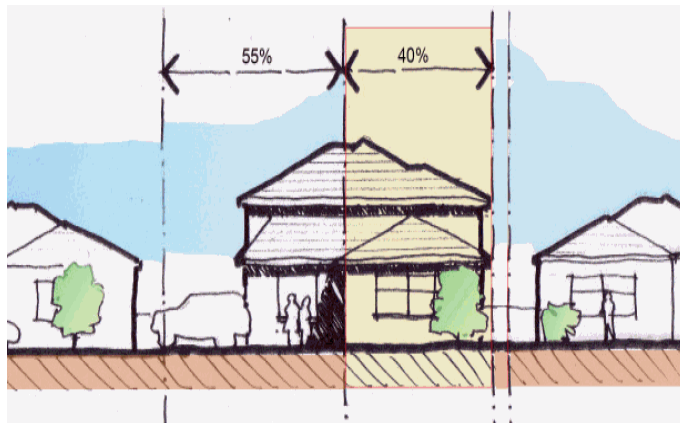


Figure 7. Secondary building façade must be setback 1.5m from the primary building façade.

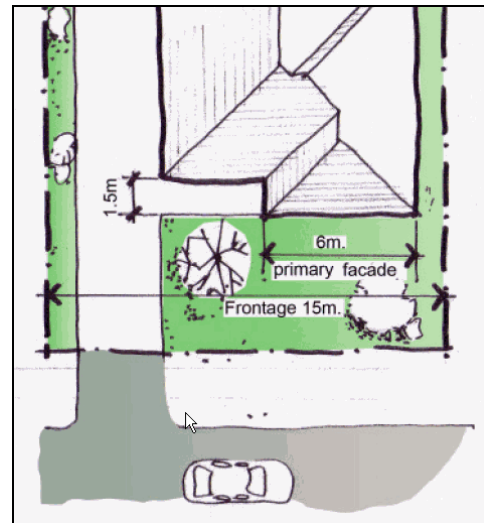


Figure 8. A second storey addition with a sympathetic gable ended presentation to the street.



## 1.2.4 Building Setbacks

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

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

Note: building line or setback is defined in Kogarah LEP 2012

### Objectives

- (a) Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be enhanced.
- (b) Integrate new development with the established setback character of the street by ensuring front setbacks are consistent with adjoining buildings.
- (c) Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.
- (d) Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.

### 1.2.4.2 Front Setbacks

#### Objectives

- (a) Ensure front building setbacks are representative of the character of the area.

#### Controls

- (1) Where the setback of an adjacent building is greater than 5m, an appropriate setback may be achieved by ensuring development is set back:
  - (i) the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2.0m (Figure 9); or

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- (ii) the average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m (Figure 10).

Figure 9. Where the difference between the setback of the two adjoining properties is less than or equal to 2m.

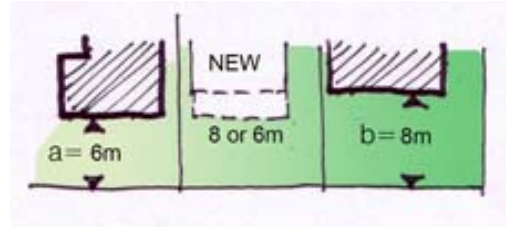
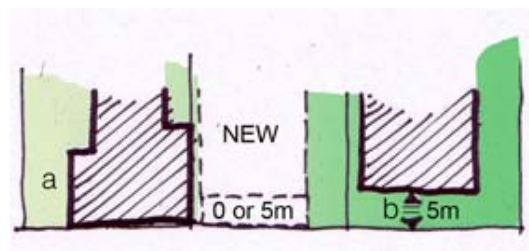


Figure 10. Where the difference between the setback of the two adjoining properties is greater than 2m.



- (2) Where the setbacks of the adjacent buildings are 0m-5.0m, an appropriate setback may be achieved by ensuring development is set back the same distance as one or the other of the two adjoining dwellings (Figure 11).

Figure 11. Where the setback of the two adjoining properties is less than 5m.



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- (3) Where a development has a frontage to two (2) streets, then the setback to the secondary street shall be 1.2m, with the exception of dual occupancy (detached), where the setback to the secondary street shall be 4.5m.

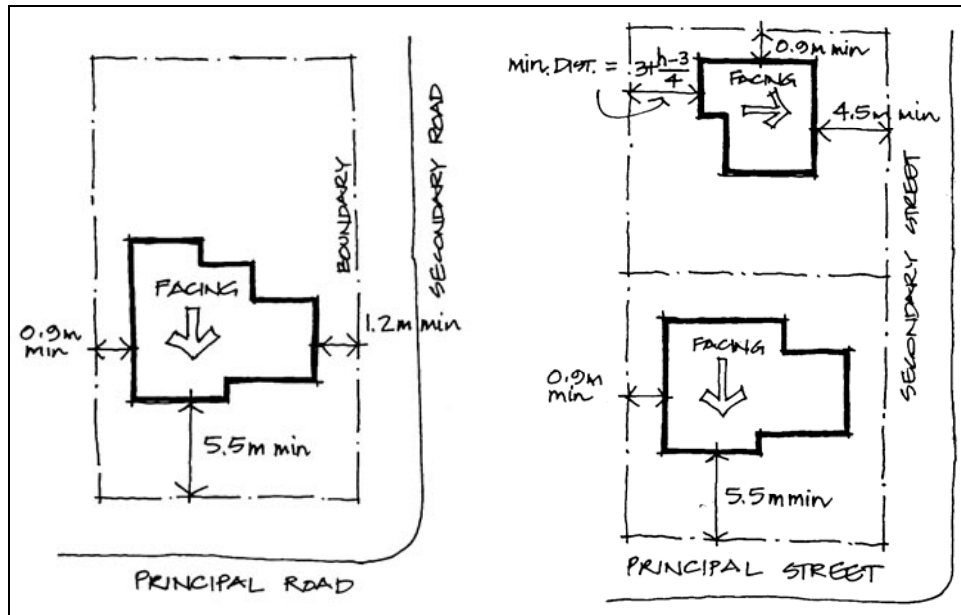


Figure 12. Setbacks for a single dwelling with two street frontages.

Figure 13. Setbacks for a detached dual occupancy with two street frontages.

### 1.2.4.3 Side & Rear Setbacks

#### Objectives

- (a) Side setbacks should protect privacy to adjoining buildings and protect access to natural light and ventilation.
- (b) Rear setbacks should facilitate natural infiltration of stormwater and protect privacy to adjoining buildings.

#### Controls

- (1) The side and rear boundary setbacks should comply with the table below.

Dwelling Type	Rear Setback	Side Setbacks
Single dwelling, dual occupancy development and Secondary dwellings (attached to primary dwelling)	Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is greater.  Where the existing pattern of development displays an established rear setback, development should recognise and respond to site features and cross views of neighbouring properties.  Council may permit a variation to the rear setback if it can be demonstrated that this will result in the retention of significant trees or site features, has no adverse impacts on neighbouring amenity	For buildings having a wall height of 3.5m or less, the minimum side boundary setback is 900mm.  For buildings having a wall height of greater than 3.5m, the minimum side boundary setback is 1200mm.  The above numerical requirements may be varied to ensure side boundary setbacks and building to building relationships are consistent with those setbacks established within the streetscape.
Secondary dwelling (detached from primary dwelling)	3m	900mm or existing dwelling setback, whichever is the greater of both



## 1.2.5 Fenestration and External Materials

### Objective

- (a) Developments should present an external appearance that complements the dominant character of the streetscape.

### Controls

- (1) New buildings and alterations and additions should present a primary building façade and roofing that is constructed of materials, and within a colour range, that is complementary to the dominant character of buildings in the streetscape.
- (2) Garage doors should not dominate the street front elevation (Figure 16).
- (3) The roof should be similar to the angle of pitch, materials and colour of roofs in the streetscape (Figure 14).
- (4) The colours of garages, window frames, and balustrading on main facades and elevations are to be integrated with the external design of the building.
- (5) Glazing shall be limited to a maximum 35% of the total area of the overall street front façade. This includes both primary and secondary façade bays (Figure 15).
- (6) Where garaging is in the front façade it should be limited to a maximum of two garage bays, with separate garage door openings of a maximum width of 3 metres.

Figure 14. New addition constructed with similar materials and colour palette to the dominant character of buildings in the streetscape.



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Figure 15. Glazing limited to 35% of total area of the overall street front façade.

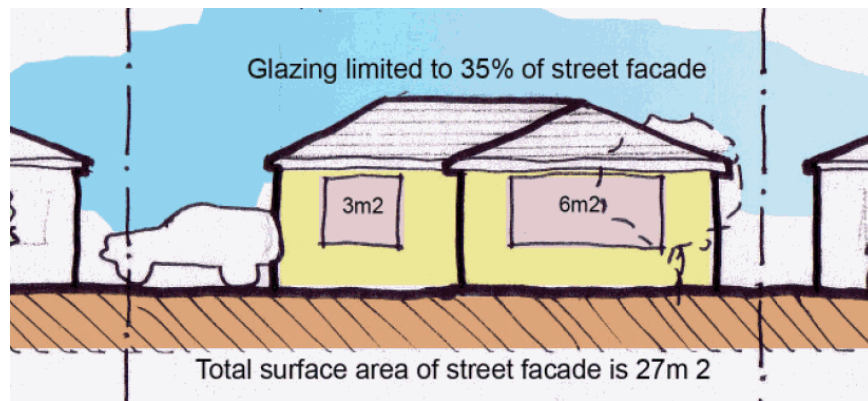


Figure 16. Garage doors should not dominate the street front elevation.



## 1.2.6 Street Edge

### Objective

- (a) Developments must present a street edge that complements the dominant character of the streetscape.

### Controls

- (1) New developments should provide front fencing that complements fencing within the streetscape.
- (2) Fencing is to be consistent with the requirements of Section 4.2.
- (3) Existing vegetation in the front building line setback or on the street verge that contributes to the character of the streetscape should be preserved.
- (4) The driveway location should not result in the removal of any street trees or removal of substantial trees on the site.

## 1.3 Open Space

### Objective

- (a) Open space provided of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions.

### Controls

- (1) 15% of the site area must be deep soil landscaped area.
- (2) Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.
- (3) Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
- (4) Where soil and drainage conditions are suitable, unpaved or unsealed landscaped areas should be maximised and designed to facilitate on site infiltration of stormwater.
- (5) Existing significant trees and vegetation must be incorporated into proposed landscape treatment.

## 1.4 Vehicular access, parking and circulation

### Objectives

- (a) Car parking is to be provided to suit the needs of the development.
- (b) Vehicular access routes and parking areas are easily accessible and visible to motorists.
- (c) Car access areas and garages/carports do not visually dominate either the development or the streetscape.
- (d) Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.

### Controls

- (1) Car parking is to be provided in accordance with the requirements in Section B4.
- (2) On corner sites with two street frontages vehicular access should be provided to the secondary frontage.
- (3) Garages should be accessed from a rear lane where this is available.
- (4) 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.

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- (5) Garaging should be setback behind the primary façade.
- (6) The maximum driveway width between the street boundary and the primary building façade is 4m.
- (7) Where the dominant provision of garaging within the streetscape is provided to the rear or side of developments, new developments and additions to existing development should provide for a side driveway or garaging behind the main street front elevation of the building.
- (8) Basement parking is not encouraged on flat sites. Garaging should be provided at ground level unless the slope of the site exceeds 1:8 (12.5%) in which case a basement or suspended garage may be acceptable.
- (9) Where a basement garage is proposed, the maximum height of the basement above ground level (existing) is 1m measured to the underside of the basement ceiling. Where the basement exceeds 1m above ground level (existing), the basement will be considered to be a floor (Figure 17).  
  
*Note: Floor means the space within a building which is situated between one floor level and the floor level next above or if there is no floor above, the ceiling or roof above.*
- (10) For basement garages the maximum amount of excavation is to be limited to required carparking and any manoeuvring areas, access stairwells, lift wells and storage areas.
- (11) Storage areas within basements or garages must not exceed 10m<sup>2</sup> per dwelling (with a minimum width of 500mm).
- (12) Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1-2004.
- (13) Dual occupancy development must have only one single fronted garage per dwelling. Where garaging is required for 2 cars, this must be tandem parking.

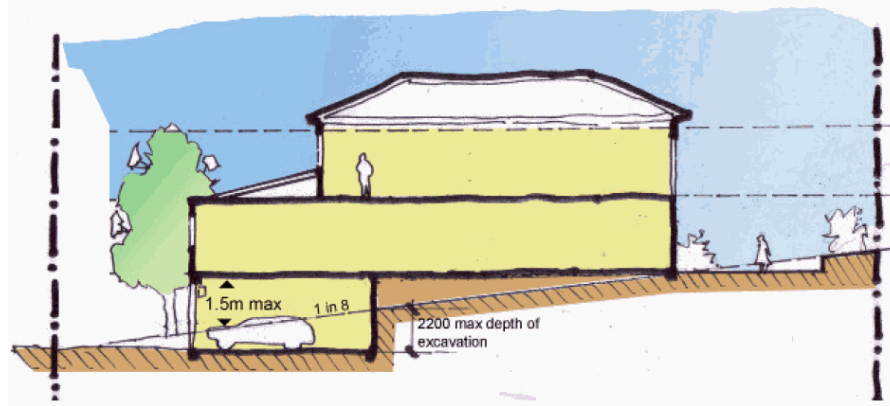


Figure 17. Section of development with basement garage, where slope of site is 12 degrees or more.

## 1.5 Privacy

Good design can minimise loss of visual privacy by reducing the extent of overlooking from one dwelling to another, and into the private and rear open spaces of neighbouring dwellings.

Careful thought about uses and placement of rooms and facilities also increases acoustic privacy.

### 1.5.1 Visual Privacy

#### Objectives

- (a) Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.
- (b) Direct overlooking from active windows, balconies and terraces is minimised.
- (c) Council will only consider the impact of a proposed development on a neighbouring property's privacy in certain circumstances.
- (d) The transmission of sound and vibration between adjoining properties should be minimised.

#### Controls

- (1) Windows from active rooms are to be offset between adjacent dwellings so as to avoid direct overlooking onto neighbouring windows.

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- (2) Where terraces and balconies are proposed and are elevated more than 1.5m above ground level (finished) and are located behind the street front façade, they are restricted to a maximum width of 2.5m and must be setback a minimum 3m from any adjoining property boundary.
- (3) The area of balconies or terraces greater than 1.5m above ground level is limited to a cumulative total of 40m<sup>2</sup> per dwelling.
- (4) Council may consider a variation to the above requirements where it is considered that the terrace or balcony will not result in a loss of privacy to neighbouring properties.
- (5) For active rooms or balconies on an upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties (Figures 18 and 19).

Figure 18. Sufficiently offset windows between adjacent dwellings can maintain a sense of visual privacy.

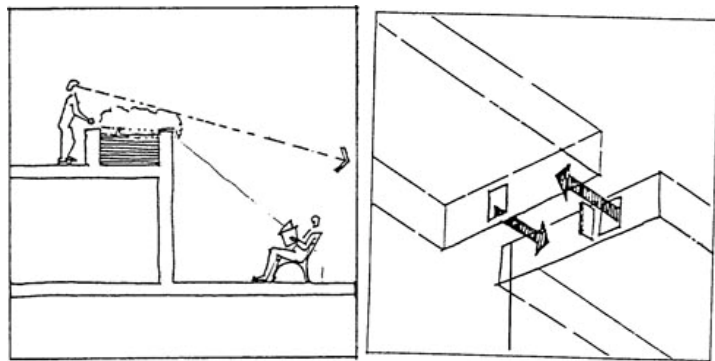


Figure 19. Landscape screening can be used to maintain visual privacy.



- (6) Loss of privacy to neighbouring properties, as a result of a proposed development, will only be considered where a variation is sought to the objective or the design solution for floorspace ratio, building height, building envelope, side boundary setbacks, extent of second level development or size of balcony/terrace.
- (7) In these circumstances, Council will undertake an assessment of the impact of the proposed development on the neighbouring properties having regard to:
- (i) The types of rooms that are located on the upper levels;
  - (ii) Whether the rooms are “active” or “non-active”
  - (iii) The size and location of proposed upper level windows, balconies, terraces and any other area (elevated more than 1500mm above ground level).
  - (iv) The extent of overlooking onto neighbouring properties.
  - (v) Notwithstanding the above, where rooms on the upper levels are “non-active”, no consideration will be given with respect to privacy issues.

*Active rooms are rooms used for normal domestic activities and include a living room, lounge room, music room, television room, dining room, family room, kitchen, playroom, parents retreat and the like.*

*Non-active rooms are rooms of a generally passive nature and include bathroom, laundry, water closet, walk in wardrobe, bedroom, sewing room and the like.*

## 1.5.2 Acoustic Privacy

### Objective

- (a) Residential development fronting busy roads should be designed and sited to minimise noise impacts.

### Controls

Residential development adjacent to a rail corridor or a busy road should be designed and sited to minimise noise impacts. Refer to requirements in State Environmental Planning Policy – Infrastructure and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guidelines*.

## 1.6 Solar Access

Solar access is a major determinant of environmental comfort. Good passive solar design offers financial benefits as well as conserving non-renewable energy.

### Objectives

- (a) Minimise loss of sunlight to adjacent buildings.
- (b) Maximise mid-winter sunlight to windows of neighbouring living rooms and to the primary private open spaces of adjacent properties.
- (c) Break up building bulk to allow sunlight penetration.
- (d) Building design and location minimises adverse impacts on the overshadowing of neighbouring buildings and primary private open spaces.

### Controls

- (1) At least 50% of the primary private open space of the proposed development should have access to a minimum of four hours of sunlight between 9am–3pm on 21 June.
- (2) Where private open space is proposed on the southern side of the building the distance from the southern boundary of the open space to the nearest wall to the north must be a minimum of  $3m + h$ , where  $h$  is the height of the wall (Figure 20).
- (3) Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on 21 June (Figure 21).



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- (4) Shadow diagrams are to be submitted for the winter solstice (21 June) and the spring equinox (22 September).
- (5) Shadow diagrams are required to show the impact of the proposal on solar access to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.

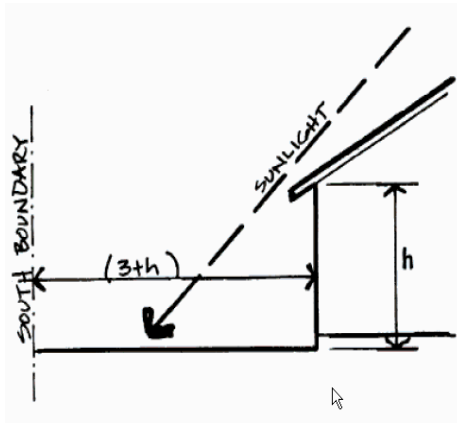


Figure 20. Sunlight to Southern Side Open Space

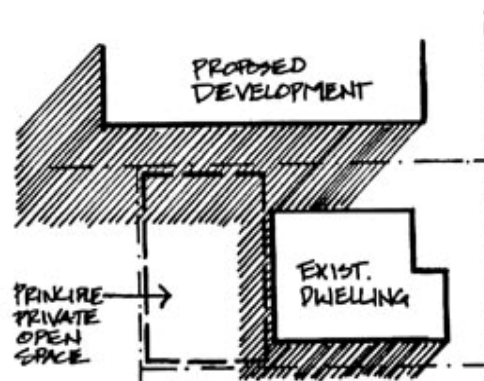


Figure 21. Sunlight access to adjacent primary private open space

## 1.7 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 it is 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) Minimise view loss from adjoining or nearby properties, whilst still recognising the development potential of a site.

### Controls

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- (1) Development shall provide for the reasonable sharing of views.

Note: Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in [Tenacity Consulting vs Warringah Council \(2004\) NSWLEC 140](#)

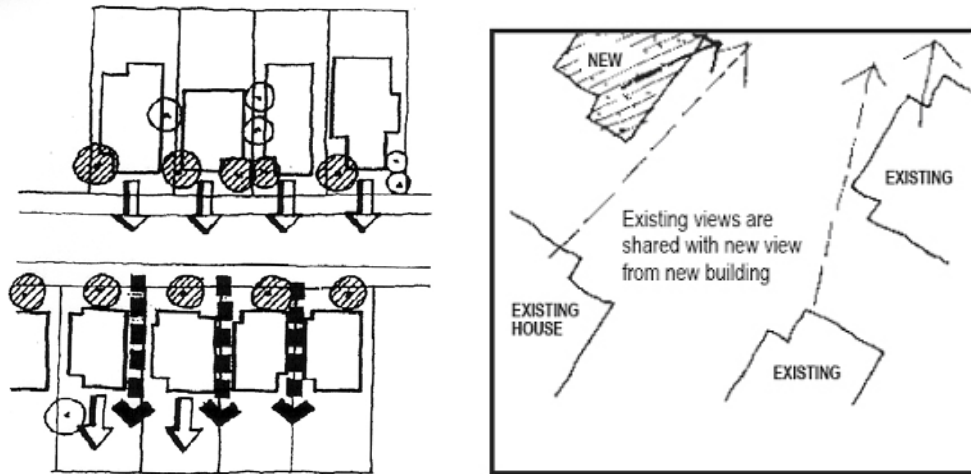


Figure 22. Building forms and siting enable sharing of views.

## 2. Dual Occupancy & Secondary Dwellings – additional design requirements

Well designed attached dual occupancies and secondary dwellings can blend unobtrusively with existing building patterns and streetscapes so as to maintain and strengthen the character of a neighbourhood.

### Objective

- (a) Ensure that the design of attached dual occupancies and secondary dwellings complements and enhances the character and streetscape of their locality and protects the amenity of neighbouring properties.

### 2.1 Dual occupancies (attached)

#### Objectives

- (a) Attached dual occupancies should appear as a single dwelling when viewed from the street.
- (b) Attached dual occupancies should be designed to reinforce the rhythm of buildings in a street where a building pattern is established.
- (c) Driveways and accessways should not dominate the street front setting.

#### Controls

- (1) Minimum site requirements for dual occupancies

Dwelling Type	Minimum Frontage	Minimum Site Area	Note
Dual occupancies (attached)	18m	850m <sup>2</sup>	The minimum site area requirements for dual occupancies are contained in Clause 4.1A of Kogarah LEP 2012.

- (2) Each dwelling within an attached dual occupancy development should either be side by side or one dwelling above the other. It is not acceptable to have one dwelling behind the other.

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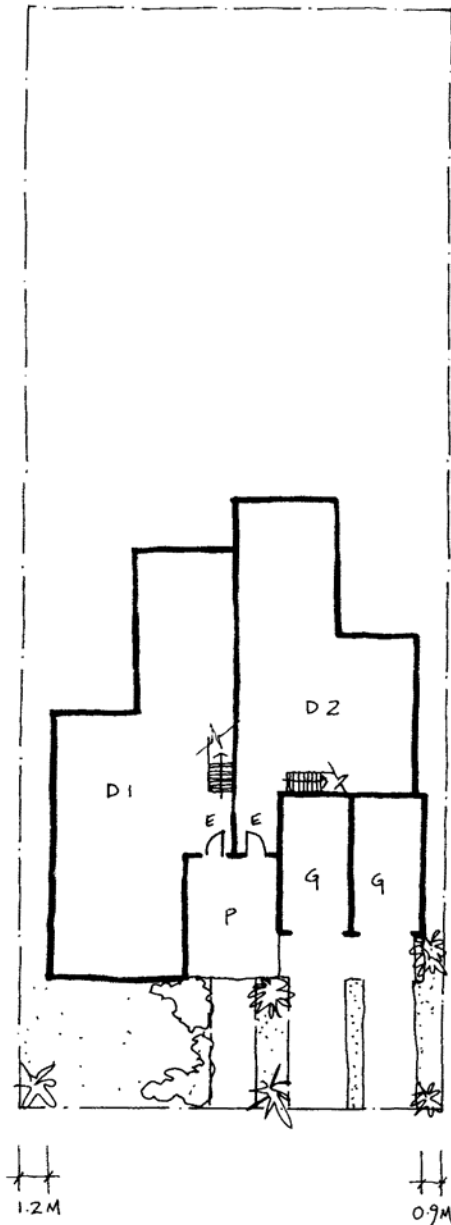
- (3) One dual occupancy dwelling must not intrude into the rear yard further than 5 metres beyond the other, see Option 2 – Acceptable design solutions.
- (4) Attached dual occupancies should take account of the building form and roof lines of adjoining dwellings, where a pattern is established by a group of adjoining houses.
- (5) No more than one third of the width of the frontage of a property should be used for driveways and accessways.
- (6) Access to garaging and additional parking spaces for dual occupancy dwellings should not result in large expanses of paved surfaces to the front of the building.
- (7) Garages for each dwelling within an attached dual occupancy development must be single fronted only, however garages that provide for tandem parking may be acceptable.
- (8) Where existing dwellings in a streetscape are on one side of a block and have a side driveway, this pattern should also be observed by the design of the attached dual occupancy.
- (9) Attached dual occupancies should not have central garages or driveways (examples of these are shown under unacceptable designs).

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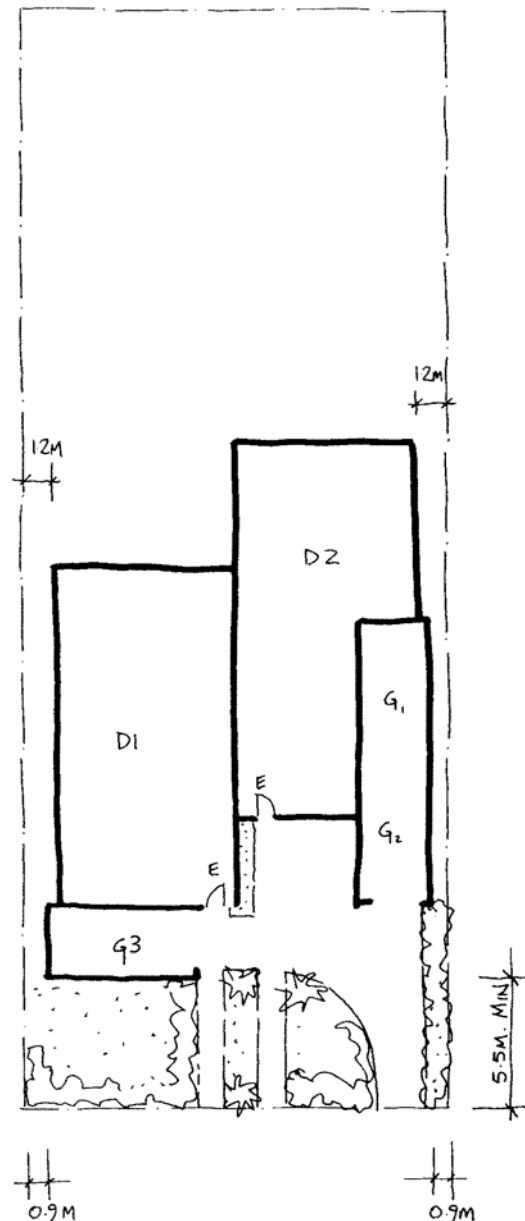
## Design of attached dual occupancies

The following diagrams illustrate acceptable and unacceptable design solutions for attached dual occupancy dwellings and extended family units.

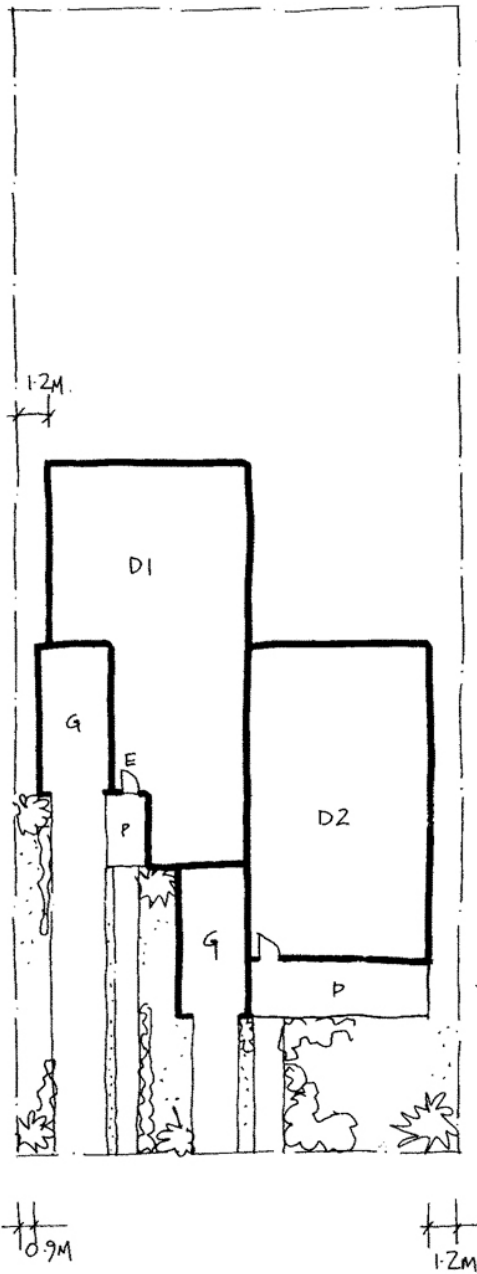
Below are examples of acceptable design solutions for attached dual occupancy development.

**Option 1:**

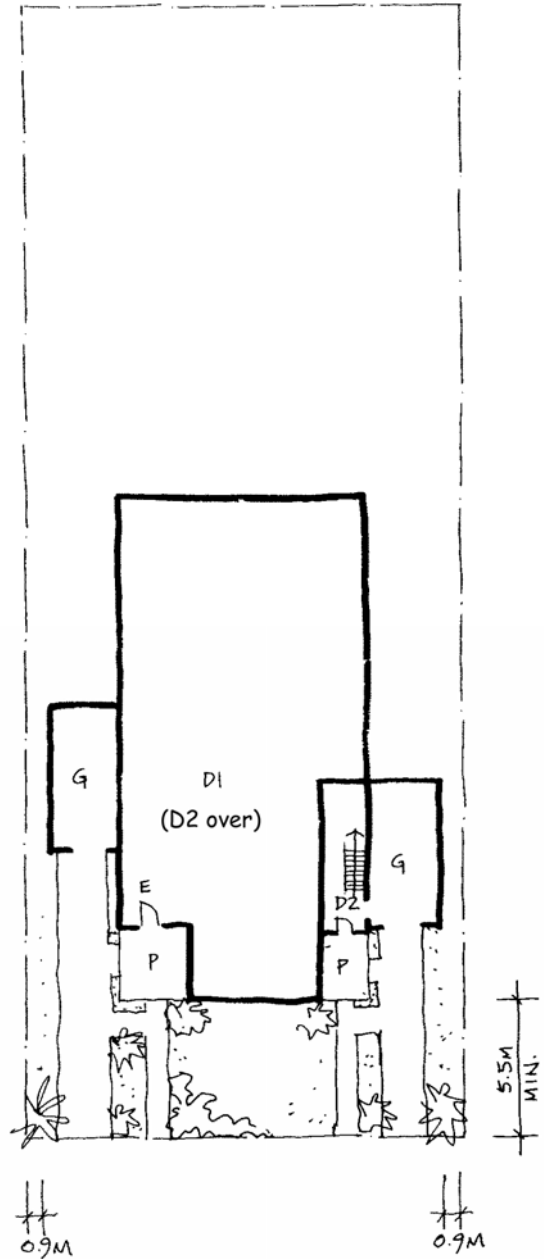
So that the dual occupancy development will have the appearance of a single dwelling the garages should be along side each other. This is Council's preferred layout (except in cases where a pattern has been established in the street eg. house and side driveway). It shows one single fronted garage per dwelling. A second parking space is provided to the front of the garage.

**Option 2:**

If this layout is adopted, there must be a large window along the wall of G3, designed so that, when the house is viewed from the street directly in front of the development, the garage has the appearance of a habitable room.



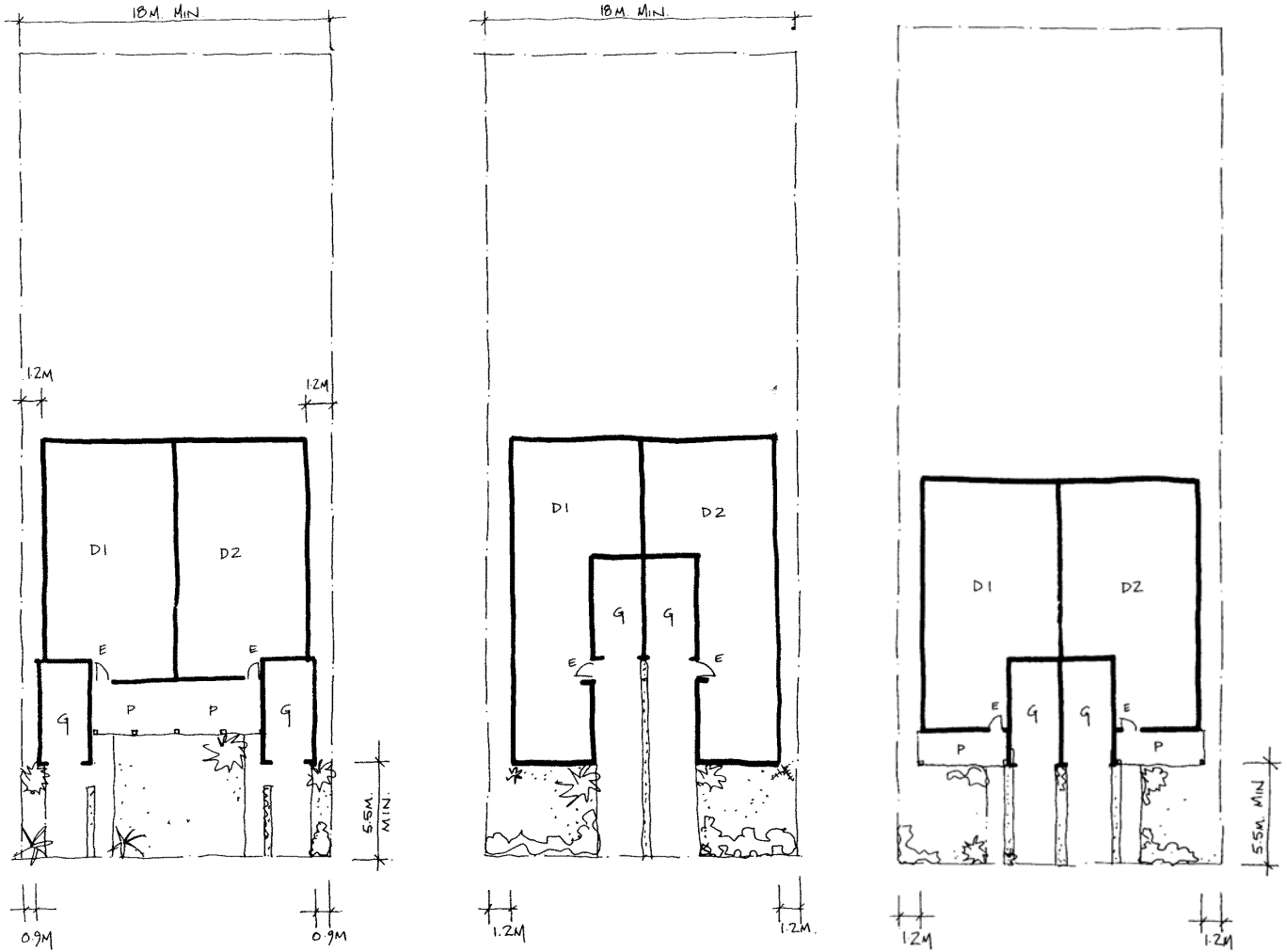
Option 3:  
Attached dual occupancy



Option 4:  
Attached dual occupancy (duplex style)

### Design of attached dual occupancies

Below are examples of **unacceptable** design solutions for attached dual occupancy development.



## 2.2 Secondary Dwellings

### Objectives

- (a) Secondary dwellings should not adversely impact on neighbouring properties.
- (b) Secondary dwellings are not to provide additional on site parking or off street access.

### Controls

- (1) Where a secondary dwelling is being incorporated into a new development, or where part of an existing dwelling is being converted into a secondary dwelling, the secondary dwelling must comply with the height and setback requirements for single dwellings.
- (2) Where it is proposed to create a secondary dwelling by way of a second storey addition, the overall development must not result in the floor space ratio and height exceeding the maximum permitted for a single dwelling.
- (3) Where it is proposed to create a detached secondary dwelling or an attached secondary dwelling by way of extensions that increase the footprint of an existing dwelling, such extensions are permitted at ground level only, to the rear of the principal dwelling. In this regard, the development must not be visible from the principal street frontage and must not result in the gross floor space ratio and height exceeding the maximum permitted for a single dwelling.
- (4) Detached secondary dwellings must be setback from the rear boundary a minimum of 3 metres.
- (5) Secondary dwellings must not have additional on-site car parking.
- (6) Detached secondary dwellings on corner sites must not have a separate street frontage (including pedestrian access ways and driveways).
- (7) For properties with rear lane access, a detached secondary dwelling may present to, and be visible from the rear lane, but must not include additional parking or driveway access from the lane.
- (8) A secondary dwelling located at the rear of a site must include deep soil planting within the rear setback, including trees that contribute to the tree canopy.



### 3. Narrow lot housing – additional design requirements

The following provisions apply to nominated sites within Bellevue Estate, which is bounded by Bellevue Parade, Russell Lane, Buraneer Close and First Avenue. The nominated Narrow Lot sites are shown on the following plan:



Where applicable, the specific controls of this Part override any other similar provisions of the DCP. Where this section is silent on a matter, the general controls will apply.

### 3.1 Purpose

This estate contains lots that are significantly smaller than the average allotment in the Kogarah LGA. Some sites within this estate consist of older dwellings that currently straddle multiple lots. Legally these sites (predominantly only 6m wide) can be redeveloped individually. These controls aim to recognise such constraints and to enable development that is contextually appropriate to the scale and character of the existing subdivision pattern and improve the quality and amenity of housing stock within this area.

### 3.2 Objective

- (a) Ensure that good design outcomes and a high level of residential amenity, for both future residents and adjoining neighbours, is achieved.

### 3.3 Building Scale

#### **Objective**

- (a) To provide buildings that are proportionate to the existing subdivision pattern and ensure appropriate bulk and scale.

#### **Controls**

- (1) A floor space ratio of 0.60:1 is permitted to enable adequate internal amenity and functional building design that a lesser floor space cannot provide. This allows an additional 5% floor area compared to the standard floor space allowances.
- (2) The maximum number of dwellings that may be attached (nil setbacks) is two (2) so as to break up development and minimise bulk.

### 3.4 Building Height

#### Objective

- (a) To provide consistent and well scaled dwellings and minimise shadowing impacts to adjoining properties.

#### Controls

- (1) The maximum permitted number of residential levels at any point is two (2).
- (2) The maximum permitted ceiling height is 6.5m to the underside of the ceiling. This wall height is lower than the standard permitted heights so as to minimise overshadowing impacts on adjoining properties, which is more substantial due to narrow property widths.
- (3) The maximum permitted ridge height is 9m.
- (4) Only pitched roof forms are permitted within this area to ensure wall heights are not excessive in relation to property widths.

### 3.5 Setbacks

#### Objective

- (a) To ensure consistency with the established character and rhythm of built elements in the streetscape by providing adequate separation between buildings and front setbacks.

#### Controls

- (1) The ground floor must be setback a minimum of 5.5m from the front boundary. This would enable one car to stand in the driveway.
- (2) The first floor must have a minimum front setback of 7.5m to relieve the front façade of bulk and create articulation and variety.
- (3) Dwellings must be setback 1m from the boundary on one side and a nil setback is permitted on the other where it forms part of a multiple lot development application.
- (4) Dwellings must be setback 1m on both sides where developed individually.

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- (5) Where courtyards are required, dwellings must be positioned a minimum of 2m from the side boundary at both ground and first floor.
- (6) The ground floor must be setback 1.3m from the rear boundary to provide opportunity for adequate private open space.
- (7) The first floor must be setback 1.5m from the rear boundary to minimise overshadowing and the impact of a long side elevation as viewed from adjoining properties.
- (8) Where utilising rear lane access, garage setbacks to the lane must be consistent with adjoining garages.

### 3.6 Parking/Access

**Objective**

- (a) To encourage parking provision relative to lot sizes.

**Controls**

- (1) One (1) garage space must be provided. A reduced rate of parking is permitted to reflect the smaller site areas and encourage a lower rate of car usage.
- (2) Where there is no lane to the rear, garaging must be incorporated within the dwelling (Figure 23).
- (3) If more than one (1) space is required, the space must be tandem with only a single garage door presenting to the street.
- (4) The front setback must allow for a car to stand in the driveway so as not to force parking onto the street (minimum 5.5m).
- (5) Where properties adjoin Burraneer Close to the rear, vehicular access must be via the laneway. Garaging of this nature must be detached from the dwelling and have a maximum floor to ceiling height of 3m.

### 3.7 Courtyards

**Objective**

- (a) To create courtyards that provide light and ventilation whilst maintaining privacy.

## Controls

- (1) Courtyards are to be incorporated to break up continuous side elevations, provide light wells, ventilation and alternative opportunities for glazing.
- (2) The maximum length of any wall is 10m. Walls longer than 10m should be articulated by a minimum 300mm projection or indentation in the elevation.
- (3) For individual dwellings, a courtyard must be located along the setback elevation (see Figure 23).
- (4) For attached dwellings, courtyards are to be provided along both setback elevations (see Figure 23).
- (5) The minimum size required for courtyards is 2m (deep) × 4m (wide).
- (6) Courtyards are to be offset from courtyards / open space on adjoining properties to maximise privacy.

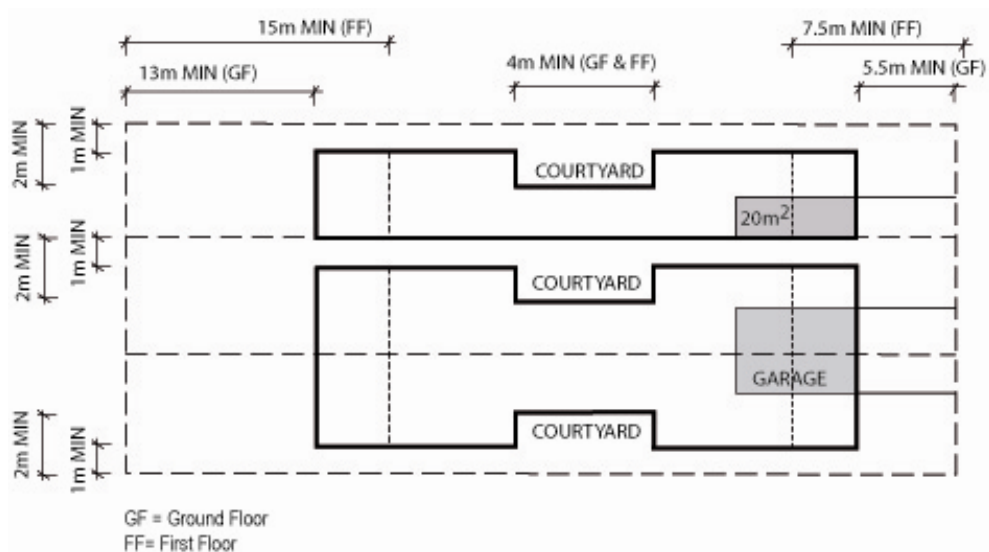


Figure 23. Narrow lot housing setbacks

### 3.8 Privacy

#### Objective

- (a) To minimise detrimental privacy and noise impacts to adjoining properties.

#### Controls

- (1) The maximum permitted width for rear elevated balconies is 2m. This width is 0.5m less than normally permitted as the 3m setback to the side boundary is not required (or practical).
- (2) Privacy screens are required along the side of balconies to minimise direct overlooking.
- (3) Window glazing is to be concentrated to front and rear elevations so as to maximise privacy to adjoining properties.
- (4) In some instances, first floor glazing along side elevations must be highlight or obscured to prevent direct overlooking.

### 3.9 Common Walls

#### Objective

- (a) To ensure that developments with a common wall are structurally sound.

#### Controls

- (1) Where it is proposed that dwellings share a common wall, a reciprocating easement for support must be placed on each property title adjacent to the position of a common boundary at the common wall.
- (2) Council will condition any application to ensure that this occurs and that proof of lodgement to the Land Titles Office is given to Council prior to the issue of any Occupation Certificate.

## 4. Ancillary Structures

### 4.1 Site Facilities – General

#### Objectives

- (a) Ensure adequate provision is made for site facilities.
- (b) Ensure that modern services do not detract from the amenity of neighbourhoods and streets.

#### Controls

- (1) All dwellings are to have a street number, which can be clearly identified from the street.
- (2) All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc).
- (3) Provision for water, sewerage and stormwater drainage for the site shall be to Council's satisfaction.
- (4) Waste facilities are to be located and designed for attractive visual appearance and function, and complement the neighbourhood character.
- (5) Waste and recycling areas are to be appropriately located so that waste and recycling containers can be easily moved to a nominated Council collection point.
- (6) Letterboxes are to be located on the main street entrance of a property and be compatible in design and character with the buildings on site.
- (7) Each dwelling shall have a laundry and external clothes drying facilities. The open-air clothes drying facilities are to be easily accessible and visually screened from the street.

### 4.2 Fences & Walls

Fences and walls play major roles in determining the appearance of developments and their contribution towards the streetscape. Carefully designed fences and walls help to integrate developments into the existing streetscape. However, when poorly designed they have the ability to unduly dominate the streetscape and reduce opportunities for neighbourhood surveillance and social interaction.

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**Note:** Some fences are permitted as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Objectives**

- (a) Ensure fences and walls improve amenity for existing and new residents and contribute positively to the streetscape and adjacent buildings.
- (b) Ensure materials used in fences and walls are of a high quality and in keeping with the existing streetscape character and character of the dwelling.
- (c) Ensure fences and walls are sympathetic to the topography.
- (d) Protect and retain significant fences and walls and those that represent important character elements.
- (e) Ensure retaining walls minimise the impact of run off on adjoining properties and public land.
- (f) Minimise interference with natural drainage patterns
- (g) The design and materials of front fences and walls are compatible with those fences and walls that contribute positively to the streetscape
- (h) Ensure retaining walls minimise the impact of run off on adjoining properties and public land.

**Controls****4.2.1 Front Fences**

- (1) In cases where an applicant can demonstrate the need for a front fence higher than 1.4m, the maximum height of the fence must not exceed 1.8m.
- (2) Fences over 1.4m must be setback 1.2m from the street alignment, except where Council considers a lesser distance is warranted due to the siting of the existing residence, levels or width of the allotment or exceptional circumstances of the site.
- (3) In the event of Council agreeing to a lesser setback, 1/3 of the length of the fence shall be permitted to be on the street alignment. The area between the fence and the street alignment shall be appropriately landscaped to soften the appearance of the fence. Details of the landscaping must be included on the landscaping plan.
- (4) Gates must not encroach over the street alignment when opening or closing.



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- (5) Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.4m, a 45° splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2.0m by 2.0m.
- (6) Services, including pipes, conduits and the like must not be attached to the face of front fences and walls.
- (7) Front fences must not be made of colorbond steel or timber palings. Preferred materials are masonry, stone, ornate timber and ornate metal.
- (8) For sloping streets, the height of fences and walls may be averaged and fences and walls may be regularly stepped.

**4.2.2 Side and rear fences**

- (1) Side and rear boundary fences must not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary. An additional 300mm of lattice is permitted for privacy screening.
- (2) In the case of corner sites, the 1.8m height is only permitted behind the front building line.



Figure 25. Some examples of possible fence types.

**4.2.3 Retaining walls**

- (1) Retaining walls over 600mm in height must be designed by a suitably qualified structural engineer.
- (2) Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining walls or structures. All components, including

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- footings and aggregate lines, must be wholly contained within the property.
- (3) A retaining wall that is visible from the street or public area must:
    - (i) be constructed to a height no greater than 1.0m, and
    - (ii) be designed so that there is a minimum setback of 1.0m between retaining walls and landscaping is provided in the setback areas, and
    - (iii) be constructed of materials that do not detract from the streetscape.
  - (4) No part of any retaining wall or its footings can encroach onto a drainage easement or transmission line easement unless approval from the appropriate consent authority is obtained.
  - (5) Any retaining walls required as part of the dwelling construction to control potential land stability and/or the structural integrity of adjoining properties, must be completed prior to occupation of the structure.
  - (6) Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.

### 4.3 Air conditioning

*Note: Air conditioning units are permitted as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Where they do not comply with the exempt provisions, then a Development Application will be required.*

#### **Objectives**

- (a) The positioning of air conditioning units should not detract from the streetscape.

#### **Controls**

- (1) Air conditioning units should be sited so that they are not visible from the street.
- (2) Air conditioning units should not be installed on the front façade of a building.
- (3) Air conditioning units should not be installed within window frames or otherwise obscure a window.
- (4) Air conditioning units should not obscure architectural details visible from the street.

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- (5) The noise level from air conditioning systems is not to exceed the Laeq 15 minute by 5dBA measured at the property boundary.

## 4.4 Outbuildings

### Objectives

- (a) To ensure outbuildings are thoughtfully integrated into development.
- (b) To minimise noise, overlooking and visual impacts.
- (b) Design and location of outbuildings should be an integral part of landscape design.
- (c) Outbuildings must be placed and designed to minimise impact on privacy and amenity of neighbouring properties.
- (d) The design of structures, including roofline, should complement the principal residence and adjoining properties

### Controls

- (1) Outbuildings are not to be located within the front building line and must be set back 900mm from the site boundaries. Windows and glass doors must face into the yard, or be frosted if facing a neighbour's property.
- (2) Outbuildings must not be used as a secondary dwelling or dual occupancy.
- (3) Outbuildings must be positioned so they do not overshadow habitable areas or open space of adjoining properties.
- (4) The sum of the floor space of all outbuildings on a site (excluding carports and open structures such as pergolas, awnings and the like) must not exceed 70m<sup>2</sup>.
- (5) Maximum height of outbuildings is 3.5m to the ridge and 2.5m to the underside of the eaves above natural ground level.

## 4.5 Tennis Courts

### Objectives

- (a) Ensure that tennis courts are appropriately located and do not adversely affect the amenity of the locality.
- (b) Tennis courts must be positioned to minimise the impact on the streetscape.
- (c) Materials used, including the type and colour of court surfaces, must not adversely impact adjoining properties.

### Controls

- (1) Tennis courts are to be located at the rear of properties.
- (2) For corner allotments or where the property has two street frontages, the location of tennis courts is not to be in the primary frontage.
- (3) For courts on corner sites, a distance of 3m must be provided between the court fencing and the property boundary to the secondary street frontage.
- (4) A minimum of 5m must be maintained between the tennis court fencing and habitable rooms of any dwelling.
- (5) Tennis courts must be positioned having regard to the location of habitable rooms both on site and on adjoining properties and maintenance of private open space.
- (6) Screen planting should be provided between court fencing and the nearest property boundary or any dwelling on an adjoining property.
- (7) The court playing surface must be of a material that minimises light reflection.
- (8) Flood lighting is generally not permitted unless it can be demonstrated that the lighting and use of the court at night will not interfere with neighbour amenity.
- (9) Fencing material is to be a recessive colour.
- (10) Fences are to be setback a minimum of 1.5m from boundaries.
- (11) Cut and fill associated with the construction of a tennis court must not unreasonably intrude into the natural topography of the land.

## 4.6 Swimming pools, spas and enclosures

### Objectives

- (a) Ensure swimming pools do not adversely affect the amenity of the locality.
- (b) Ensure all swimming pools meet the safety, health, location and noise requirements of the relevant legislation.
- (c) Ensure swimming pools are appropriately fenced.
- (d) Swimming pools and spas must be positioned to minimise the visual impact of the structure.
- (e) Swimming pools are located such that cut and fill is minimised and the visual impact on the surrounding area is reduced.
- (f) Swimming pools/spas must be located to minimise impacts from noise.
- (g) Pumps must be suitably enclosed and positioned to minimise noise.
- (h) All swimming pools are to have safe and adequate access in accordance with legislative requirements.

### Controls

- (1) Swimming pools/ spas should be located at the rear of properties.
- (2) For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary frontage.
- (3) Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.
- (4) In-ground swimming pools shall be built so that the top of the swimming pool is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool at the low side.
- (5) Provided one point on the swimming pool or one side of the swimming pool is at or below existing ground level, then one other point or one other side may be up to 500mm above existing ground level.
- (6) When consent is granted for a swimming pool having a height above natural ground level in excess of 500mm, any landscaping treatment must be completed before the swimming pool is filled with water. This will be imposed as a condition of development consent.
- (7) On steeply sloping sites, Council may consider allowing the top of the swimming pool at one point or along one side to extend up to 1m above natural ground level, provided that the exposed face of the swimming pool wall is treated to minimise impact. The materials and

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design of the retaining wall should be integrated with, and complement the style of the swimming pool.

- (8) Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.
- (9) Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.
- (10) A pool fence complying with the legislation should separate access from the residential dwelling on the site to the pool.
- (11) Safety and security measures for swimming pools must comply with the relevant requirements of the Swimming Pools Act and any relevant Australian Standards.