



**ATTACHMENTS TO REPORTS –
Item 13.3 – Report to Exhibit Draft DCP
Provisions for Residential Development**

ORDINARY COUNCIL MEETING

Wednesday 24 May 2017

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Attachments to Reports

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ATTACHMENTS TO REPORT

Item 13.3

Report to Exhibit Draft DCP Provisions for Residential Development

Attachment 1

Draft Residential DCP provisions

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1. Flood Liable Land provisions with regard to Seniors Housing (Part A Section 4)

These amendments would apply to the Flood Liable Land chapter of all DCPs.

In assessing sensitivity to flood risk, the land use definitions in WLEP 2010 have been grouped into eight categories. These are:

Category	Included Land Uses
Critical uses and facilities	Emergency services facility; administration building or public administration building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); Hospital.
Sensitive uses and facilities	Community facility; Telecommunications facility; Institution; Educational establishment; Liquid fuel depot; Public utility undertaking (including electricity generating works and utility installations) which is essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; Seniors housing.
Residential	caravan park (approved long-term sites and/or “annuals”); child care centre; exhibition home; home-based child care centre; home business; home industry; home occupancy; moveable dwelling; neighbourhood shop; residential accommodation; tourist and visitor accommodation.
Commercial or industrial	Air transport facility; airport; amusement centre; bulky goods premises; business premises; community facility (other than critical and sensitive uses and facilities); correctional centre; crematorium; depot; entertainment facility; exhibition village; freight transport facility; function centre; funeral chapel; funeral home; hazardous industry; hazardous storage establishment; health services facility; heavy industry; heliport; highway service centre; industrial retail outlet; industry; liquid fuel depot; light industry; market; mixed use development; mortuary; night club; offensive industry; offensive storage establishment; office premises; passenger transport facility; place of public entertainment; place of public entertainment; place of public worship; pub; public administration building (other than critical uses and facilities); recreation facility (major); registered club; restricted premises; retail premises; self-storage units; service station; sex services premises; shop top housing; storage premises; timber and building supplies; transport depot; truck depot; vehicle body repair workshop; vehicle repair station; vehicle sales or hire premises; veterinary hospital; warehouse or distribution centre; waste disposal facility; waste management facility; waste or resource management facility; waste or resource transfer station; and wholesale supplies.
Recreation and non urban	Animal boarding or training establishment; biosolid waste application; biosolids treatment facility; boat launching ramp; boat repair facility; boat shed; caravan park (with no approved long term sites and no “annuals”); charter and tourism boating facility; environmental facility; environmental protection works; extensive agriculture; extractive industry; information and education facility; horticulture; kiosk; landscape and garden supplies; marina; mine; mining; moveable dwelling; port facilities; public utility undertaking (other than critical uses or facilities); recreation area; recreation facility (indoor); recreational facility (outdoor); research station; resource recovery facility; utility installations (other than critical uses and facilities); water recreation structure; water recycling facility; and water storage facility.
Concessional	(a) In the case of residential development :

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development	<ul style="list-style-type: none"> (i) an addition or alteration to an existing dwelling of not more than 10% or 30m² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan; (ii) the construction of an outbuilding with a maximum floor area of 20m²; or (iii) rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building. <p>(b) In the case of other development:</p> <ul style="list-style-type: none"> (i) an addition to existing buildings of not more than additional 100m² or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser); (ii) rebuilding of a development which substantially reduces the extent of flood risks to the existing development; (iii) a change of use which does not increase flood risk having regard to property damage and personal safety; or (iv) subdivision that does not involve the creation of new allotments with potential for further development.
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The 'sensitive uses and facilities' category (second on list above) currently contains the term 'seniors housing' which includes both self-contained housing as well as residential care facilities.

Following discussion between Council's Flood Plain & Stormwater Engineer and Senior Town Planner, it was considered that grouping all types of seniors housing into the 'sensitive uses and facilities' land use category under this section of the DCP provided little scope for more independent self-contained seniors housing to be considered separately to residential care facilities. This approach is considered to be inconsistent with the seniors housing policy direction set by the Department of Planning and Environment. The proposed amendments comply with the Department's policy direction.

It is proposed to amend the 'sensitive land uses & facilities' category in the schedule of sensitivity to flood risk to replace 'seniors housing' with 'residential care facilities'.

Sensitive uses and facilities	Community facility; Telecommunications facility; Institution; Educational establishment; Liquid fuel depot; Public utility undertaking (including electricity generating works and utility installations) which is essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; Seniors housing Residential care facilities.
Residential	caravan park (approved long-term sites and/or "annuals"); child care centre; exhibition home; home-based child care centre; home business; home industry; home occupancy; moveable dwelling; neighbourhood shop; residential accommodation including seniors housing; tourist and visitor accommodation.

It is noted that, under this proposed amendment, the balance of seniors housing types, i.e. self-contained dwellings, would still be included in the existing 'residential' flood land use category (third on list above) under the DCP, but the term has been specifically included anyway to avoid any misunderstanding.



2. Cut and Fill provisions (Part A Section 6)

This amendment would apply to all DCPs. In order for these DCP controls to comply with the Exempt and Complying SEPP, it is proposed to replace with following controls

A6.4.3 Development Controls

- a) For allotments of less than 4,000 m² of area, cut and fill is not to exceed 500 mm of cut and 500 mm of fill, measured over the building footprint.
 - b) For allotments equal to or greater than 4,000 m² of area, cut and fill is not to exceed 750 mm of cut and 750 mm of fill, measured over the building footprint.
 - c) Excavation above these levels can generally only be approved where it is retained by the wall of a proposed building, e.g. underfloor garage.
 - d) If the cut/fill is to be retained is over 600mm then a retaining wall designed by a Professional Engineer is required.
- a) Cut and fill provisions shall generally comply with the relevant controls in the NSW General Housing Code for Complying Development.

3. Amendment to the prohibition of shipping containers (Part A Section 6)

In order to enable the conversion of shipping container for use for a dwelling or ancillary building, it is proposed to amend the provisions for shipping containers as follows:

A6.5 Shipping Containers

The installation of shipping containers on any site is prohibited unless approval has been granted by Council for their use as part of a residential building.

- a) Such approval will be granted based on the lodgement and assessment of a development application for a residential dwelling. Assessment will be based on the relevant provisions contained in Part C of this Plan.
- b) A development application may not be lodged for the use of a shipping container as a basis for a residential dwelling in a Heritage or Draft Heritage Conservation Area or on a property which is an Item or Draft Item of Heritage.
- c) Where a development application may be lodged for the use of a shipping container as a basis for a residential dwelling, it is essentially the framework of the shipping container which may be permitted with consent in the construction of a residential building. In no other way is the building to resemble a shipping container. To ensure this, in considering the use of shipping containers for use in the construction of a residential building, particular attention will be given to
 - (i) roof pitch
 - (ii) roof material
 - (iii) external wall materials



4. Part C Residential Development

Section 1 Introduction – no changes

Section 2 Detached Dwellings & Associated Development

C2.3 Dual Occupancy and Secondary Dwellings

This section has been redrafted to provide clarity. It presents differently from the current DCP format, but the current content has not changed unless indicated.

Identification of deleted material. Identification of new material.

The revised format will also be adapted to each DCP type (Township / Village / Rural etc, when the DCPs are amended to ensure that only the relevant content is included in each DCP.

Introduction – Applicable to all DCPs

Dual Occupancies and Secondary Dwellings provide increased housing choice and allow for the sympathetic intensification of residential densities within existing urban areas. They can make an important contribution to the provision of affordable housing within the towns and villages across the Shire.

However, applicants please note that it is not intended by Council that a property may contain both a Dual Occupancy and a Secondary Dwelling. Nor will Council permit an existing dwelling to be classified by an applicant as a 'Secondary Dwelling' so that a new 'principal' dwelling larger than the existing one may be constructed. Applicants are directed to the definition of Secondary Dwelling in Dictionary WLEP 2010 and the related clause 5.4 (9). – Replaced by (b) in Controls below.

Explanation of Terms - Applicable to all DCPs

To distinguish between a single dwelling and dual occupancies or secondary dwellings, the first dwelling on a property is generally referred to as the 'principal dwelling'. The terms 'Dual Occupancy' and 'Secondary Dwelling' then take their meaning in relation to the principal dwelling. Under WLEP 2010, the term Dual Occupancy applies only to the additional dwelling, not to a 'primary dwelling/additional dwelling' combination.

Dual Occupancies may be 'Attached' to the principal dwelling or 'Detached' from the principal dwelling. The specific permissibility of each type of Dual Occupancy depends on the zone and is contained within the land use table of WLEP 2010.

A Dual Occupancy is deemed to be 'Attached' where the building is internally divided to create two separate dwellings which retaining the external appearance of a single dwelling. It is also noted that the term 'duplex' is not used in the Standard Instrument on which WLEP is based. An Attached Dual Occupancy is considered to best represent a 'duplex'.

It is also noted that the term 'granny flat' is not used in the Standard Instrument on which WLEP is based. However, a Secondary Dwelling or Detached Dual Occupancy is considered by the state government to best represent a 'granny flat'.

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Controls

To be included in Town & Village DCPs only.

The following controls apply to development for the purposes of Dual Occupancy and Secondary Dwellings.

- a) The provisions of this DCP require that a Dual Occupancy or Secondary Dwelling will only be considered on a lot that is at least 1,000m² in area.
- b) A lot may not contain both a Dual Occupancy and a Secondary Dwelling. *(replacing deleted text previously)*.
- c) On a parcel of land that cannot be subdivided under WLEP 2010, the maximum floor area for a Dual Occupancy is 100m².
- d) For lots that are less than 1,000m², but at least 450m², *State Environmental Planning Policy (Affordable Rental Housing) 2009* (known herein as the Affordable Housing SEPP) provides an alternative option for consideration of Secondary Dwellings. The maximum area of a Secondary Dwelling permitted under the Affordable Housing SEPP is 60m².
- e) Applicants intending to use the provisions of the Affordable Housing SEPP are advised to acquaint themselves directly with the provisions of the SEPP on the NSW Legislation website.

(To be included in the Rural Lands and Rural Living DCPs only)

(a) Under clause 5.4 of WLEP 2010, the gross (total) floor area of a Secondary Dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

Under WLEP 2010, gross floor area means *the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) *the area of a mezzanine, and*
- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
 - (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*

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- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 (h) any space used for the loading or unloading of goods (including access to it), and
 (i) terraces and balconies with outer walls less than 1.4 metres high, and
 (j) voids above a floor at the level of a storey or storey above.

(b) Attached Dual Occupancies and Secondary Dwellings are permitted with consent under WLEP 2010 to a maximum floor area as defined in clause 5.4 of WLEP 2010.

Subdivision of Dual Occupancy and Secondary Dwellings

New content - to be included in Part C of Town DCPs & Village DCPs.

The construction of a Dual Occupancy or Secondary Dwelling does not automatically permit subdivision of the dwellings either under Torrens or strata title unless the site is capable of subdivision under the provisions of WLEP 2010. Council only permits subdivision of Dual Occupancies as prescribed under WLEP 2010 and maintains this position. The Wingecarribee Local Planning Strategy 2015-2031 identifies rental housing as a valuable contribution to affordable housing especially for older residents living alone and generally does not support applications to subdivide dual occupancies which will create lots which are below the minimum lot size under WLEP 2010. This is particularly the case in the R5 Large Lot Residential zone.

New content - to be included in Part C of Town DCPs & Village DCPs, except Berrima (clause 7.2 excludes Berrima), with reticulated water & sewer

Clause 7.2 of WLEP 2010 does permit the subdivision of a lawfully constructed dual occupancy on a corner allotment within an R2 Low Density zone provided the lot is at least 1,000m² in area and has access to reticulated town water supply and sewerage system. The use of clause 7.2 may only be used to create one additional lot. The resulting additional lot may not be further subdivided using this clause.

The intent of this clause is to permit infill development within the towns and those villages where necessary infrastructure is available, without creating an adverse impact on existing street patterns and perceptions of density.

The resulting subdivision is intended to create dwellings with their own independent street frontage and access. Applicants are directed to section A0.11 below which provides further detail on development on corner allotments.

Objectives of Low Density Residential Development

This section of the Plan applies to what is generally described as Low Density Residential Development and describes the objectives against which such development will be measured and the controls by which such development will be assessed. These objectives and controls apply to new dwellings as well as to alterations and additions to existing dwellings.

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All objectives and controls in this Section are additional to those contained in the previous Section C1 of this Plan. Applicants are also reminded to consult Section C6 of this Plan for requirements with regard to Universal Design (Adaptable Housing). Applicants with corner lots should also address the specific controls in section A0.12 below.

To ensure that all forms of Low Density Residential Development, including Dual Occupancy and Secondary Dwellings, provide good amenity and do not adversely impact on existing dwellings, the following controls apply. (NB: These remain the same as those currently under C2.3.1 in current DCPs which appear under the Dual Occupancy & Secondary Dwellings heading.)

All low density residential development shall:

- (a) Maintain and improve the amenity and character of residential areas in (locality).
- (b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.
- (c) Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.
- (d) Promote ecologically sustainable development.
- (e) Maximise solar access to the proposed development.
- (f) Maximise privacy between existing development and proposed development.
- (g) Ensure that adequate on-site car parking is provided for residents and visitors.
- (h) Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.
- (i) Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.
- (j) Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.

C2.4 Development Density and Scale – no change

C2.5 Dwelling Orientation – no change

C2.6 Front Setbacks

Front setbacks provide separation and privacy between residential dwellings and the public domain. The size and consistency of front setbacks is an important character element in the streetscape. Front setbacks also provide the opportunity for a spacious and well-designed area of private open space which engages with the street and which can be utilised for both active and passive recreation.

~~Due to the variety of front setbacks contributing to existing streetscapes, this Plan uses a contextual approach to establish front setback requirements. Where the existing streetscape contains a range of front setbacks, this Plan uses a contextual approach to establish front setback requirements.~~

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New development should adopt front setbacks similar to those of existing adjacent dwellings, or of relevant development in the immediate vicinity.

A0.1.1 Objectives

The objectives of these front setback controls are to:

- (a) Ensure the front setback of new infill development is consistent with the existing streetscape.
- (b) Provide areas for trees and vegetation to enhance the streetscape and provide privacy.
- (c) Preserve existing vegetation connections.

A0.1.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) Front setbacks of new residential development shall be consistent with those of the dwellings immediately adjacent to the site and to those in the immediate vicinity.
- (b) Where properties immediately adjacent to the proposed development do not feature a consistent front setback, the following guidelines will apply:
 - (i) If the difference between existing front setbacks is 2 metres or greater, new dwellings shall adopt a setback within the range established by adjacent dwellings.
 - (ii) If the difference between existing front setbacks is greater than 2 metres, the new dwellings shall adopt an average of the existing setbacks.
 - (iii) In general, subject to site assessment, Council requires the following front setbacks, exclusive of garage setbacks:

Lot size	Minimum front setback
Less than 900m ²	4.5 metres
Between 900m ² and 1500m ²	6.5 metres
Over 1500m ²	15 metres

- (c) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (d) Proposals that seek to vary these front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:
 - (i) will complement or enhance the quality of the existing streetscape, and
 - (ii) will not compromise the amenity of any proposed or existing dwellings immediately adjacent to the proposed development.
 - (iii) where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should complement this pattern.

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A0.2 Side Setbacks

Side setbacks provide separation between adjacent dwellings, contributing to the quality of the overall streetscape as well as ensuring privacy, ventilation and solar access between dwellings.

A0.2.1 Objectives

The side setbacks controls below are intended to achieve the following objectives:

- (a) Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.
- (b) Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.
- (c) Ensure consistent patterns of built and unbuilt spaces within the streetscape.
- (d) Offer opportunities for deep soil areas and landscaping.

A0.2.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) Side setbacks of new development will be generally consistent with those of immediately adjacent existing development.
- (b) Where the side setbacks of immediately adjacent existing development are inconsistent, Council will assess the proposed setbacks of the new development on merit, taking into consideration potential impacts on:
 - (i) The character of the existing streetscape;
 - (ii) Privacy of the proposed dwellings and existing adjacent dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
 - (iv) Building Code of Australia issues relating to Fire Safety.
- (c) In general, subject to site assessment, Council requires the following side setbacks:

Lot size	Minimum required side setback
Less than 900m ²	0.9 metres
Between 900m ² and 1500m ²	1.5 metres
Over 1500m ²	2.5 metres

- (d) Setbacks shall be measured to the outermost projection of the building excluding balconies.

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A0.3 Rear Setbacks

Rear setbacks provide private open space opportunities for both passive and active recreation. Such spaces also provide opportunities for contiguous mid block tree canopy and significant areas of deep soil.

A0.3.1 Objectives

The following objectives apply to the provision of rear setbacks:

- (a) Provide private open space for both active and passive recreation which has good solar access.
- (b) Ensure sufficient area on the site for mature trees and vegetation.
- (c) Ensure mid block tree canopy can be established or conserved.

A0.3.2 Specific Controls

All applications for residential development must comply with the following controls:

- (a) Rear setbacks of new development will be generally consistent with those of existing adjacent development.
- (b) In the case of inconsistent rear setbacks in the immediate vicinity of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration impacts on:
 - (i) Existing vegetation and natural features on the site;
 - (ii) Privacy of the proposed dwellings and existing dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
- (c) In general, subject to site assessment, Council requires the following rear setbacks:

Lot size	Minimum Required rear setback *
Less than 900m ²	3.0m - 8.0m depending on building height
Between 900m ² and 1500m ²	5.0m – 12.0 depending on building height
Over 1500m ²	10m – 15m depending on building height

* Applicants are advised that the minimum rear setback increases on a sliding scale once the building height at the rear of the dwelling exceeds 3.8m. In this case, the rear setback is calculated as the minimum rear setback for the relevant lot size plus three times the height of the rear of the dwelling which exceeds 3.8m.

- (d) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (e) With regard to development on a corner allotment, please refer to clause A0.8 below which notes that Council may apply a side setback instead of a rear setback where appropriate to do so.



A0.4 Building Height

The existing (locality) residential environment currently reflects a low scale domestic character *(or appropriate alternative description depending on the locality – villages would be described differently from the towns.)*

New development which proposes to significantly exceed the height of existing residential development would be detrimental to the retention of that character and would not be supported by Council. Such development can also create overshadowing and privacy issues.

A0.4.1 Objectives

Height constraints are intended to ensure that the following objectives are achieved:

- (a) Retention of a low scale domestic residential character,
- (b) Minimal overshadowing of neighbouring properties by new development,
- (c) Minimal disruption to the views of existing and future development,
- (d) Minimal loss of privacy for existing and future development,
- (e) ~~Reduction of the overall height and bulk of new development to minimise overshadowing (moved to section on overshadowing & solar access)~~

A0.4.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) ~~The maximum height of a dwelling house shall not exceed two (2) storeys, with 'storey' being defined under the Building Code of Australia (BCA) as:~~

~~a 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, but not –~~

- (a) ~~a space that contains only –~~

- (i) ~~a lift shaft, stairway or meter room, or~~
- (ii) ~~a bathroom, shower room, laundry, water closet, or other sanitary~~
- (iii) ~~compartment, or~~
- (iv) ~~accommodation intended for not more than 3 vehicles, or~~
- (v) ~~a combination of the above, or~~

- (b) ~~a mezzanine.~~

- (c) Notwithstanding subclause (a) above, within a Heritage Conservation Area, or Draft Heritage Conservation Area, the maximum height of a dwelling house shall not exceed one (1) storey with additional rooms permissible within the roof spaces of buildings, provided the inclusion of such additional rooms does not result in a roof form that is incompatible with the desired streetscape character.

- (d) ~~The roof pitch shall reflect the dominant roof forms of the existing streetscape. (moved to following section)~~

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- (e) On steeper sloping sites, applicants shall consider the stepping of buildings, or the provision of underfloor garages and non-habitable rooms, in order to reduce the overall height and bulk of development.

A0.5 Roof Forms

Roof forms, including pitch, shall reflect those of the existing streetscape. It is noted that modern roofs tend to be pitched at around 22 degrees, which is not sympathetic with older residential forms where roof pitches tend to range from 27.5 - 33 degrees. Accordingly, in Heritage Conservation Areas, or Draft Heritage Conservation Areas, or other areas where older housing predominates, roof pitches should be no less than 27.5 degrees.

A0.6 Dwellings on Corner Allotments

Corner allotments are a significant aspect of the streetscape because they provide landmarks that assist people to navigate the neighbourhood. It is also important to the streetscape that dwellings on corner allotments address both street frontages in an appropriate manner.

~~Clause 7.2 of WLEP 2010 permits the subdivision of a lawfully constructed dual occupancy on a corner allotment within an R2 Low Density zone provided the lot is at least 1,000m² in area and has access to reticulated town water supply and sewerage system. The resulting subdivision is expected to create dwellings with their own independent street frontage. Included in previous section on page 6 above.~~

A0.6.1 Objectives

The objectives of controlling the position and design of dwellings on corner allotments are to ensure that:

- (a) Such development enhances the streetscape of both the streets involved.
- (b) The design of both dwellings is suited to a corner allotment in that it presents an attractive façade to both streets.

A0.6.2 Specific Controls

All applications for residential development on corner allotments shall comply with the following controls:

- (a) Address both street frontages through either built form or landscaping. The location of secondary doorways and windows, such as those associated with laundries and bathrooms, should be specifically designed to minimise adverse impact on any street presentation.
- (b) Where the width of the block is longer on one street than the other, the main entry to the principal dwelling should preferably be located on the longer frontage.
- (c) On the secondary street frontage the dwelling is to be set back at least three (3) metres from that boundary for a maximum length of nine (9) metres, then by at least four (4) metres thereafter.
- (d) The front façade is to be set back at least two (2) metres from a splayed corner boundary.
- (e) The rear setback provisions may be replaced with the relevant side setback provisions is so determined by Council.

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- (f) The front fence is to continue along each street frontage for a minimum of 30% of the frontage length.
- (g) No timber paling fences shall be permissible on any street frontage.
- (h) Fencing to a maximum height of 1.2 metres shall extend along the both street frontages and along the side boundaries for a length of two (2) metres from behind the front façades.

A0.7 Garaging & Driveways

The location and treatment of garages and driveways can have a significant impact on the streetscape, particularly in the case of infill development in streets with more traditional forms of housing design. Garages must not dominate the streetscape and, preferably, should be situated behind the primary building line.

The appropriate location of garages can also provide additional covered space for both active and passive recreation. Garages with front and back doors which can be fully opened provide opportunities for casual entertaining spaces which link front and rear private open spaces.

A0.7.1 Objectives

The objectives of considering the location of garages associated with dwellings are to ensure that:

- (a) Garages are located to minimise the dominance of garages and driveways in the streetscape.
- ~~(b) In established residential areas, the location of new garages should reflect the current garage location pattern. – Moved to Control (a) below.~~
- (c) Where possible, garages should not impede solar access to key internal and external living areas.
- (d) Where possible, garages should offer linkages between on-site open space areas.
- ~~(e) Driveways shall be designed and located so as to be recessive in the streetscape.~~
- ~~(f) Driveways shall be located so as not to impact on existing street trees.~~

A0.7.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) In established residential areas, the location of new garages should reflect the current street pattern.
- (b) The height of the garage shall not exceed the height of the principal dwelling.
- (c) Where garages form part of the dwelling they shall not exceed 40% of the total width of the dwelling frontage to a maximum width of six (6) metres.
- (d) Double garages are only permitted on allotments of at least 12.5 metres in width.
- (e) Triple fronted garages are not permitted where they face directly on to the street.

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- (f) The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.
- ~~(g) New development shall provide a minimum of two car spaces behind the building line which may include an access way to the side of the dwelling of a minimum width of 2700mm.~~
- New dwellings (including principal, dual occupancy or secondary dwellings) shall provide a minimum of two car spaces behind the building line for each dwelling which may include an access way to the side of the dwelling of a minimum width of 3000mm.
- (h) Driveways are to be located a minimum of 1.5 metres from the nearest street tree.
- (i) Driveway and verge crossing materials shall complement the current streetscape, and shall be preferably of compacted earth, gravel, stone cobble or plain concrete surface. Strong textures and bright colours, including stamped concrete, shall not be permitted on driveways or verge crossings.
- (j) The vehicular crossing point to the garage from the street shall be located to reflect the existing vehicular access point pattern in the street.
- ~~(k) The width of the driveway at the street shall reflect the current streetscape. Council's Customer Services Branch can provide the standard driveway design details.~~
- (l) The width of the driveway on site shall not exceed the width of the garage opening and shall reflect the surface material currently in the streetscape.
- (m) Where possible, the edges of hard surfaces shall be softened through landscaping and material treatment.

A0.8 Private Landscaped Open Space - *'Private' removed to clarify*

Useable private landscaped open space is an essential element of residential development. Private open space serves a number of functions - separation between adjacent dwellings, visual and acoustic buffering, areas for planting and opportunities for various forms of outdoor passive and active recreation. Back yards, front yards, courtyards, verandahs, porches and balconies are all forms of private open space. When designing new residential development, the location, orientation and configuration of private open space should all be considered.

Front gardens are also a major contributor to the residential streetscape and are a particularly important element in the landscape character of Bowral. Together with front verandahs, porches and paved areas, front gardens encourage greater use of this space for both active and passive recreation.

Council is not satisfied with a residential design approach which relegates private open space to those areas around and in between buildings which are affectively 'left over' spaces. Therefore applicants are advised to pay particular attention to the following objectives and controls.

Mature trees and shrubs within private open space areas are also crucial environmental resources providing shade, clean air, stormwater absorption and wildlife habitats. Applicants are directed to Part A5 of this Plan regarding tree and vegetation preservation controls and

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should familiarise themselves with the provisions of Clause 5.9 of WLEP 2010 in this regard. Large trees and shrubs require deep soil areas and new plantings should seek, wherever possible to contribute to a continuous corridor of vegetated open space throughout the length of the residential block.

The gardens associated with items of Heritage or within Heritage Conservation Areas can in fact be essential to the heritage value of that Item or Area. It is critical that this contribution is recognised and protected in any development proposal, including alterations and amendments to existing buildings.

It is Council's experience that inadequate and inappropriate landscaping can significantly reduce the contribution of a new development to the amenity of the urban environment. This is particularly the case with larger scale development. Therefore, applicants must consult with Council staff regarding the level and nature of landscaping required and then submit with their application sufficient detail as to how these requirements will be met.

Properties that contain identified Ecological Communities should also review the Chapter on Ecologically Sustainable Development in this Plan.

A0.8.1 Objectives

In designing any new dwelling house development, including alteration and additions to existing dwellings, Council requires that the design address the following private open space elements.

- (a) Retains and protects ~~those individual remnant native specimens~~ identified Ecological Communities that are found scattered throughout the locality.
- (b) Protects the plantings on any site which is, or is in the vicinity of, an Item of Heritage or is within a Heritage Conservation Area.
- (c) Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block.
- (d) Retains existing natural features on the site that contribute to the character of the site and/or the local area.
- (e) Meets minimum Private Landscaped Open Space standards applicable to low density residential development to ensure maximum site coverage by buildings, driveways, paved areas and other impervious surfaces is maintained.
- (f) Plans for several generously designed outdoor spaces, rather than allowing such spaces to be simply 'left over' spaces after the siting of buildings.
- (g) Provides useable open space, located to maximise solar access.
- (h) Allows for both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.
- (i) Ensures that the dimensions of verandahs and porches are sufficient to make a legitimate contribution to private open space.
- (j) Ensures ease of movement between living areas of dwellings and private open space.
- (k) Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.

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- (l) Creates attractive, landscaped front gardens that include a number of small trees and shrubs.
- (m) Encourages the use of the front garden and front of dwelling spaces such as verandahs and porches, for both active and passive recreation.

A0.8.2 Specific Controls

- (a) Low density residential development, including additions and alterations to existing dwellings, shall meet the following minimum private landscaped open space standards.

Area of Total Lot	Maximum Area of Development Footprint	Minimum Area of Open Space
Less than 2,000m ²	35% of the site area or 90m ² , whichever is the greater.	65% of the site area
Less than 2,000m ² on a site which is an Item of Heritage or located within a Heritage Conservation Area	50% of the site area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area	50% of the site area
Over 4,000m ²	75% of the site area	25% of the site area

Table C2.1 Minimum Open Space Standards

- (b) Applicants are also directed to Part A5 of this Plan regarding tree and vegetation preservation controls and should familiarise themselves with the provisions of Clause 5.9 of WLEP 2010 in this regard. Development, alterations or additions to existing buildings, on any site which is, or is in the vicinity of, an Item of Heritage or is within a Heritage Conservation Area, shall provide A Landscape Plan prepared by a person considered by Council to be suitably qualified for such a task which:
 - (i) maps and identifies the plantings of any private open space on the development site.
 - (ii) Identifies the heritage significance of each planting.
 - (iii) Indicates which, if any, plantings may be removed from the garden without any adverse impact on the heritage significance of the garden.
 - (iv) Indicates the extent to which any environmental weeds form an integral part of the heritage value of the property.
 - (v) Offers potential alternative plantings to replace environmental weeds which are not considered an integral part of the heritage value of the property.
- (c) The private open space shall provide at least one (1) consolidated area with minimum dimensions of (six) 6 metres in width and depth.
- (d) Designated deep soil areas must be a minimum of two (2) metres by two (2) metres. (Refer to Figure C2.2 below).

Figure C2.2

A typical residential development showing the area that can be included in the deep soil area (light grey). White areas, although not covered, are not included because they are less than the minimum 2m x 2m.



- (e) There must be at least one consolidated deep soil area with a minimum dimension of five (5) metres by five (5) metres.
- (f) Designated deep soil areas must be a minimum of two (2) metres by two (2) metres as indicated below.

A0.9 Fencing, Gates and Letterboxes

Front fences can make an important and positive contribution to the streetscape, provided they are appropriate to the style of existing surrounding fencing, the style of development and the nature of the roadway.

Fences clearly define the front boundary of the property and encourage more active use of open space at the front of the development, enabling neighbours to engage with each other and with pedestrians, as well as providing informal surveillance of the street, thereby contributing to a safer community.

Similarly front gates can play an important role in defining the front boundary of the property and contributing to the existing streetscape. This is particularly the case in Heritage Conservation Areas.

In order to make the positive contribution that such elements can provide, the following specific controls apply to all residential development in (locality).

A0.9.1 Specific Controls

- (a) Fence heights shall match the heights generally in use in the immediate vicinity, to a maximum of 1200mm in front of the front building line and 1800mm behind the front building.
- (b) Fences shall be of a form which provides an open appearance over 50% of its surface.
- (c) The use of zincalume or other reflective materials, barbed wire or electric fences is prohibited on residential zoned land.
- (d) Timber paling fencing is not permissible along the front boundary of any residential development.

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- (e) Gates are to be compatible with the streetscape and must provide a front setback of six (6) metres to allow for queuing off the street when the gate is closed.
- (f) Functional, but attractive letterboxes, which conform with Australia Post guidelines, are to be incorporated into the design of the front fence.

Section 3 Medium Density Development

To be included in the Township DCPs only where the R3 zone applies. This section has been consolidated to include Residential Flat Building controls which are addressed in a separate chapter under the current DCPs.)

A0.10 Introduction

This Section of the Plan contains the principles, controls and guidelines that apply to the assessment of applications for medium density development, including multi dwelling housing and residential flat buildings, within the R3 Medium Density Residential zone.

WLEP 2010 provides several R3 Medium Density Residential areas within each of the townships of Mittagong, Bowral, Moss Vale and Bundanoon. The objectives of the R3 Medium Density Residential zone under WLEP 2010 are:

- (a) To provide for the housing needs of the community within a medium density residential environment.
- (b) To provide a variety of housing types within a medium density residential environment.
- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The key difference between the R2 Low Density Residential and R3 Medium Density Residential zones is that R3 permits, with consent, attached dwellings, multi dwelling housing, residential flat buildings and semi detached dwellings, all of which are prohibited in the R2 zone.

A0.10.1 Objectives *(currently contained in Residential Flat Buildings chapter only)*

- (a) Wingecarribee Shire offers a variety of housing forms to cater for differing lifestyles and income levels;
- (b) The provision of medium density housing does not adversely affect the amenity of existing and likely future residents of a locality;
- (c) The design of medium density housing is appropriate to the existing residential streetscape;
- (d) The proposed development takes advantage of any particular site features to maximum urban amenity and convenience for residents;
- (e) Development is located within reasonable walking distance of public transport;
- (f) Development is located within reasonable walking distance of retail and service facilities.



A0.11 Site Amalgamation & Minimum Frontage requirements

Traditional residential subdivisions in the villages and townships of Wingecarrabee typically feature deep, narrow lots intended to accommodate detached dwellings. The size and proportions of these lots, and the blocks of which they form part, were not designed with medium or high density development in mind. As a consequence, higher density development on individual lots often leads to high levels of site coverage, significant loss of vegetation and few dwellings with direct access to a public street.

The amalgamation of adjoining land parcels can achieve better quality medium and high density development, particularly if that amalgamation aims to maximise the amount of site frontage to public streets and other public spaces. Corner sites or other allotments with two street frontages can also be used to improve the amenity of medium and high density development.

Amalgamated sites offer opportunities for more efficient site planning to minimise site coverage, provide good solar access to dwellings, minimise adverse impacts on the streetscape and allow sufficient open space, including the retention of existing mid-block tree canopy and other vegetation.

Figure C3.1 - Site amalgamation, cumulative impacts of current practice -The possible cumulative impacts of current practice site amalgamation are high site coverage, loss of mid-block vegetation and poor privacy for new and existing dwellings.



Figure C3.2 - Preferred amalgamation - Amalgamation of a corner site or shallow site allows higher density development with less site coverage and less vegetation loss. The rear portion of some amalgamated lots has been subdivided to form a single housing lot in the middle of the block, allowing retention of vegetation and providing a buffer between the medium density developments.

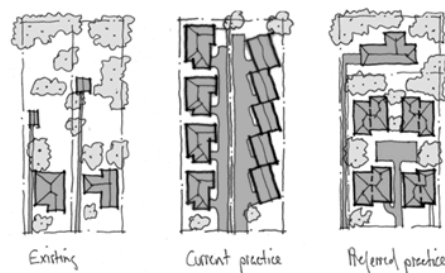
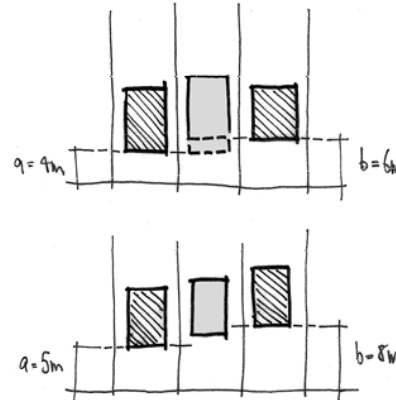


Figure C3.3 - These drawings illustrate the relative site coverage and street front impacts between current and preferred practice in the redevelopment of a site for medium or high density development.



A0.11.1 Objectives

The controls described below are intended to achieve the following objectives:

- Encourage the efficient use of existing residential land in urban areas.
- Provide a high level of amenity for dwellings in medium density development.
- Design the position and orientation of dwellings to maximise the integration of the higher density development into the existing neighbourhood character.
- Minimise the loss of mid-block tree canopy and other vegetation on site.

A0.11.2 Specific Controls

Council shall not grant consent to the carrying out of medium density development unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that it:

- Has at least 25 metres of site frontage to a public street or other appropriate public place;
- Does not unreasonably compromise the development potential of adjoining allotments;
- Allows for an acceptable level of amenity for residents and neighbours of the proposed development at the density proposed.
- In the case of a battle-axe block, Council will consider a street frontage of less than 25 metres provided the width of the block at the end of the access handle is at least 25 metres and the area of the site provides for a development which meets the objectives and other controls contained in this section of the Plan.
- The minimum width of access handle shall be at least 6.5m at the street frontage. A wider access handle may be required dependent on the length of the access handle.



A0.12 Site Planning

Applicants are directed to the site analysis details described in Section A and must prepare a site analysis report which incorporates the following objectives and specific controls.

A0.12.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide a high level of amenity for new medium density residential development.
- (b) To maintain the amenity of existing residential development.
- (c) To ensure that medium density housing provides a street frontage compatible with that already existing.
- (d) To retain any significant landscape features on the site.
- (e) To minimise the dominance of garaging and vehicular circulation areas on the streetscape.
- (f) To provide continuous areas of deep soil planting in residential areas.
- (g) To provide and maintain mid-block street canopy.

A0.12.2 Specific Controls

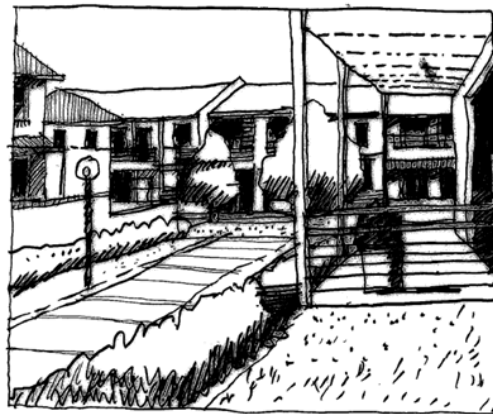
Council shall not grant consent to the carrying out of medium density housing development unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that it:

- (a) Maximises the number of dwellings that address a public street rather than internal driveways.
- (b) ~~Maintain existing patterns of dwelling fronts and backs.~~ Maintains existing street patterns to all streets addressed by the development.
- (c) Avoids long, unbroken building forms greater than 25 metres in length.
- (d) Limits the proportion of dwellings which are more than 50 metres from a public street.
- (e) Uses landscape plantings to reduce the apparent bulk of new dwellings when viewed from the street or adjoining land.
- (f) Minimises the dominance of areas set aside for the vehicular circulation and storage.
- (g) Ensures buildings are designed and sited so as to preserve the visual and acoustic privacy of adjoining residential development and to ensure adequate privacy of dwellings and courtyards within the proposed development; - *currently in residential flat building provisions only*
- (h) Locates dwellings, driveways and open space so as to allow for the retention of existing natural and cultural features on the site.
- (i) Orients and configures dwellings to respond to opportunities for good solar access.

Figure C3.4
An example of medium density development addressing the street frontage.



Figure C3.5
Internal site view of desirable character for two-storey R3 Medium Density Residential development.



A0.13 Density and Site Coverage

All land zoned R3 Medium Density Residential has been divided into three sub-zones – A, B and C with the relevant density controls as indicated in [Figure C3.6](#) below.

Sub-Zone	Maximum floor space ratio
R3 - A	0.40:1 floor space ratio
R3 - B	0.50:1 floor space ratio
R3 - C	0.60:1 floor space ratio

Figure C3.6 Density controls by zone and dwelling type

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With regard to R3 zoned land within (locality), the following maps indicate the location of each sub-zone.

(The relevant R3 zone maps indicating each sub zone will be included for each locality)

A0.13.1 Objectives

The controls described below are intended to ensure that:

- (a) the site is developed to provide adequate amenity for future residents.
- (b) the development maintains the amenity of existing residents.
- (c) the impacts upon existing streetscapes of the local area are minimised.

A0.13.2 Specific Controls

Council will not grant consent to the carrying out of medium density housing unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that:

- (a) It respects the maximum density permissible for medium density housing within the relevant sub-zone;
- (b) It limits development for the purposes of residential flat buildings to land identified in sub-zone C above.
- (c) Any proposals that seek to exceed the maximum floor space ratios set out in sub clause (a) above must demonstrate to the satisfaction of Council that despite the additional density, the proposed development:
 - (i) satisfies all relevant controls and guidelines;
 - (ii) will not detract from the quality of the existing streetscape or the character of the local area;
 - (iii) will not compromise the amenity of the proposed or existing dwellings.
- (d) Applicants undertaking residential development in a defined residential precinct must also consult the provisions of that Area for any variation to these density controls.

A0.1 Street Presentation

Redrafted to clarify intent

~~Council does not want the current practice of locating dwellings on a site so that they address a common driveway to continue. Such a layout usually results in a high site coverage, loss of vegetation, poor quality open space and negative streetscape impacts. The preferred practice is to maintain the same dwelling orientation as in the existing street pattern and use common walls to reduce the apparent bulk of and provide privacy. This also has the benefit of reducing the dominance of the central driveway. If there is sufficient space, the rear of the lot may be subdivided off to provide for a separate detached dwelling.~~

Council requires that those dwellings in a medium density dwelling located closest to the street should maintain the same dwelling orientation as in the existing street pattern.

The presentation of medium density development to the street is particularly important when the development occurs at the interface between the R3 Medium Density Residential zone and a R2 Low Density Residential zone. In this case, the use of front setbacks and street frontage landscaping can do much to reduce the visual impact of the medium density development. This is especially so when residential flat buildings are proposed. Consideration should be given to lower building heights on dwellings fronting the street, with higher rooflines more towards the centre of the development.

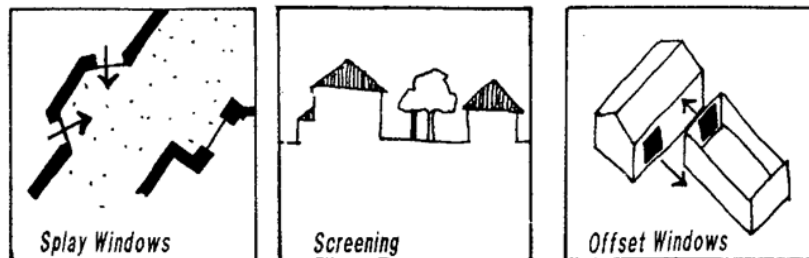
Dwelling Mix & Building Height have been moved to 0.8 and 0.5 below and Privacy included to follow below.

A0.2 Privacy

The privacy of adjoining neighbours is an important consideration in the design of new medium ~~and high~~ density developments. Buildings should be designed and oriented so as to provide a reasonable level of privacy.

This is particularly so with battleaxe blocks, which, as well as being viewed from the street, the development will generally be viewed by neighbours from the sides and rear. Setbacks, design and landscaping should be used accordingly to minimise adverse impacts on surrounding neighbours. Setback provisions are contained in the following sections.

Within a site, visual privacy can be achieved by arranging the layout of the building so as to reduce opportunities for overlooking, the use of screening, separation of buildings and the considered placement of windows and openings. Examples are illustrated below.



A0.2.1 Objectives

The controls described below are intended to encourage new medium ~~and high~~ density development to provide privacy between dwellings within the development as well as between the development and existing ~~or future~~ adjoining development.

A0.2.2 Development Controls

- (a) Windows are to be designed and located so as to reduce direct overlooking into an adjoining dwelling.
- (b) Where a transparent window in a second storey is to be located less than 9 metres from an adjoining dwelling, the window must:
 - (i) be offset from the edge of any windows in the adjoining dwelling by a distance of 0.5 metres; or

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- (ii) have a sill height of at least 1.7 metres above the floor or have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.

A0.3 Front Setbacks

Front setbacks provide separation and privacy between residential buildings and the public domain. The size and consistency of front setbacks is an important character element in the streetscape, including the R3 Medium Density residential zones.

~~In general the front setbacks of residential dwellings in Wingecarribee are greater in less urban areas, and typically decrease in size towards the centres of towns and villages where lot sizes are smaller. There can however be exceptions to these patterns. – considered redundant~~

Due to the variety of front setbacks contributing to existing streetscapes, this Plan uses a contextual approach to establish front setbacks. New development should adopt front setbacks similar to those of existing adjacent development in the immediate vicinity. However, as the process of medium density development replacing low density housing occurs, new streetscapes will develop and the following objectives and controls are intended to provide a clear context for that transition.

A0.3.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure the front setback of new ~~infill~~ development is consistent with the existing streetscape. ~~(not limited to infill)~~
- (b) ~~Preserve existing vegetation in front gardens where possible, or provide a detailed Landscape Plan for appropriate replacement.~~
- (c) ~~Provide areas for trees and vegetation to enhance the streetscape and provide privacy. Provide deep soil landscaping within the front setback area to support trees and vegetation to enhance the streetscape and provide privacy. (more specific)~~

A0.3.2 Specific Controls

- (a) ~~Setbacks shall be measured to the outermost projection of the building excluding balconies.~~
- (b) Front setbacks of new development will be consistent with those of the buildings immediately adjacent to the site and to those in the immediate vicinity.
- (c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback:
 - (i) If the difference between existing front setbacks is 2 metres or greater, new buildings can adopt a setback within the range established by adjacent buildings;
 - (ii) If the difference between existing front setbacks is greater than two (2) metres, new buildings will adopt an average of the existing setbacks;
- (d) In the case where there are inconsistent setbacks immediately adjacent to the site, or in the immediate vicinity of the proposed development, or there are no

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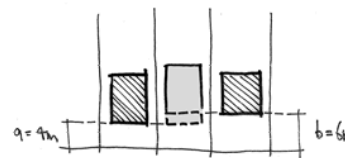
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dwelling immediately adjacent to, or in the vicinity of the proposed development, the following setbacks shall generally apply:

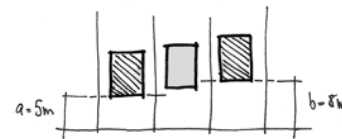
- (i) Nine (9) metres for residential flat buildings
- (ii) Eight (8) metres for multi dwelling housing, other than other than residential flat buildings. *(to consolidate)*
- (e) Secondary setbacks on corner blocks will be the subject of a contextual approach and will generally be half the requirement of the primary setback.
- (f) Proposals that seek to vary the front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:
 - (i) will enhance the quality of the existing streetscape, and
 - (ii) will not compromise amenity of the any proposed or existing dwellings immediately adjacent to the proposed development.
- (g) Where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should reflect this pattern as illustrated in Figure C3.7 below.

Figure C3.7

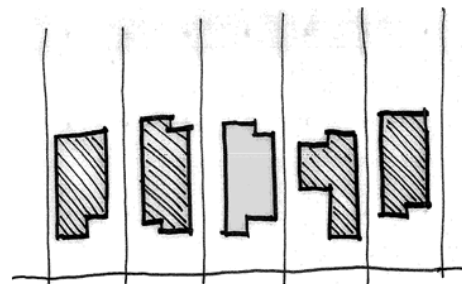
If the difference between existing front setbacks is 2 metres or greater, new dwellings can adopt a setback within the range established by adjacent dwellings.



If the difference between existing front setbacks is greater than 2 metres, new dwellings will adopt an average of the existing setbacks.



Where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should reflect this pattern.



A0.4 Side Setbacks

Side setbacks provide separation between adjacent dwellings, permit access to back yards and facilitate solar access to proposed and adjoining dwellings. The dimension and use of areas in side setbacks are important character elements in the streetscape. New development should adopt side setbacks similar to those of existing dwellings in the immediate context.

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Side setbacks are of particular relevance with larger blocks or battle axe blocks where several neighbours may be impacted by the development. Deeper setbacks may be required by Council in such circumstances.

A0.4.1 Objectives

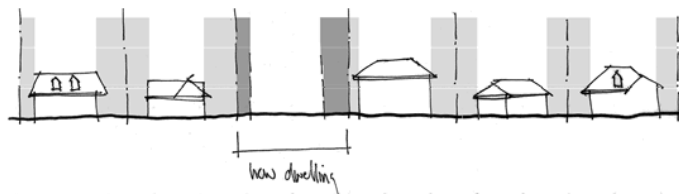
The controls described below are intended to achieve the following objectives:

- (a) Provide adequate building separation between new and existing development for privacy, ventilation, fire safety and solar access
- (b) Provide breaks between dwellings that give individual identity and visual interest, and maintain the detached housing character.
- (c) Ensure consistent patterns of built and unbuilt spaces within the streetscape.
- (d) Provide sufficient area on the site for deep soil areas and landscaping.

A0.4.2 Specific Controls

- (a) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (b) Side setbacks for new development will be generally consistent with those of existing development in the immediate adjacent context (see Figure C3.8 below).
- (c) Where there are inconsistent side setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration potential impacts on:
 - (i) The character of the existing streetscape;
 - (ii) Privacy of the proposed dwellings and existing adjacent dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
 - (iv) Building Code of Australia issues relating to Fire Safety.
- (d) Notwithstanding the above controls, Council's standard minimum side setbacks for medium density housing are:
 - (i) 2 metres where development is up to 3 metres in height above natural ground level, or
 - (ii) 3.5 metres where development is more than 3 metres in height above natural ground level.
- (e) Notwithstanding the above controls, Council's standard minimum side setback for residential flat buildings is 1.5 metres plus the height of the building metres.
 (to consolidate)

Figure C3.8
 New development should maintain the existing pattern of separation between buildings



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A0.5 Rear Setbacks

Rear setbacks provide private open space opportunities for both passive and active recreation. Such spaces also provide opportunities for contiguous areas of mid block tree canopy and significant areas of deep soil.

Rear setbacks are of particular relevance with larger blocks or battle axe blocks where several neighbours may be impacted by the development. Deeper setbacks may be required by Council in such circumstances.

A0.5.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provide opportunities for active and passive open space that are both private and allow good solar access.
- (b) Ensure sufficient area on the site for mature trees and vegetation.
- (c) Ensure mid block tree canopy can be established or conserved.

A0.5.2 Development Controls

- (a) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (b) Rear setbacks of new development will be generally consistent with those of existing adjacent development.
- (c) In the case of inconsistent rear setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration impacts on:
 - (i) Existing vegetation and natural features on the site;
 - (ii) Privacy of the proposed dwellings and existing dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.

A0.6 Building Height

A0.6.1 Introduction

There are no maximum building height controls for residential zoned land under WLEP 2010.

Maximum building heights are contained within this DCP, but are referred to in terms of 'storeys'. In accordance with Department of Planning and Environment requirements.

Under the Building Code of Australia (BCA), 'storey' means:

a 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, but not –

- (a) a space that contains only –
 - (vi) a lift shaft, stairway or meter room, or

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- (vii) a bathroom, shower room, laundry, water closet, or other sanitary compartment, or
- (viii) accommodation intended for not more than 3 vehicles, or
- (ix) a combination of the above, or
- (b) a mezzanine.

It is noted that residential building heights in the area are generally as follows, measured from the natural ground level to the highest point of the roofline. Therefore, residential buildings in this locality should not exceed the following maximum heights:

- (a) For single (1) storey development, six (6) metres.
- (b) For two (2) storey development, nine (9) metres.
- (c) For three (3) storey development, twelve (12) metres.

It is further noted that where a new medium density development is proposed for a battle axe block, Council may require limitations on building height across all or part of the site to reduce adverse impacts on surrounding neighbours.

A0.6.2 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To maintain a modest scale domestic residential character in areas of medium density development. To achieve a medium density residential character which respects existing development patterns across the locality while still providing opportunities for medium density housing.
- (b) To manage building heights to minimise adverse impacts on new and existing residents.
- (c) To minimise overshadowing of neighbouring properties by new development.
- (d) To minimise disruption of view and loss of privacy to existing and future development.

A0.6.3 Specific Controls

All applications for multi dwelling housing shall comply with the following controls:

- (a) The maximum height of a medium density development, other than a residential flat building, shall not exceed two (2) storeys, as defined above.
- (b) The maximum height of a residential flat building shall not exceed three (3) storeys in height as defined above, the third storey being located within the roofline. The following diagram illustrates the application of this control. (for consolidation)

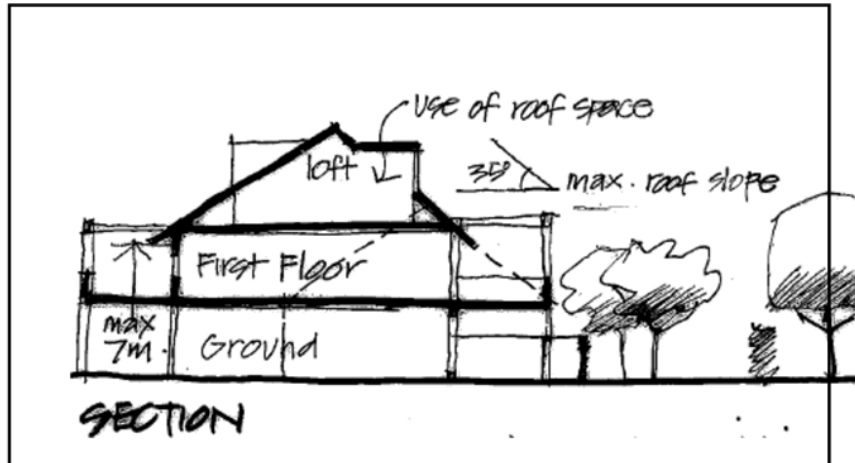


Figure C4.2 - Section showing two storeys and the use of roof space in residential flat development

- (c) Notwithstanding subclauses (a) and (b) above, within a Heritage Conservation Area, or Draft Conservation Area, the maximum height of a medium density development shall not exceed one (1) storey with additional rooms permissible within the roof spaces of buildings, where the inclusion of such additional rooms does not result in a roof form that is incompatible with the desired streetscape character.
- (d) The roof pitch shall reflect the dominant roof forms of the existing streetscape.
- (e) On steeper sloping sites, applicants shall consider the stepping of buildings, or the provision of underfloor garages and non-habitable rooms, in order to reduce the overall height and bulk of development. The following diagram illustrates this approach.

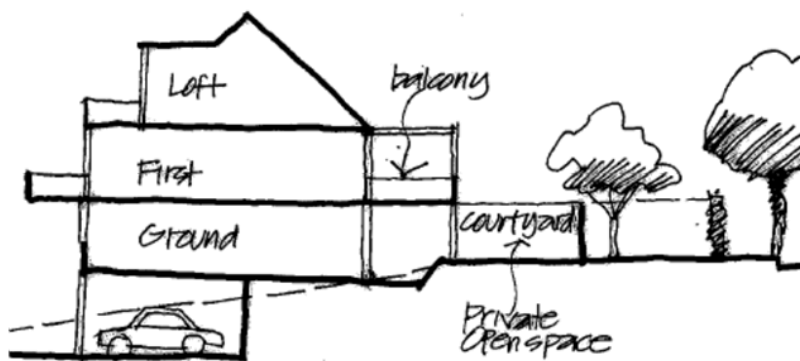


Figure C4.3 - Section showing residential flat development on a sloping site.

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A0.7 Dwelling Orientation

Dwellings orientation refers to the siting of buildings and the configuration of internal spaces so as to optimise opportunities for solar access and natural ventilation. Good dwelling orientation will reduce the need for artificial heating and cooling, contributing to thermal comfort and reduced energy consumption.

A0.7.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure that proposed and existing dwellings receive adequate sunlight to living areas of dwellings and private open space.
- (b) Maximise opportunities for passive heating and cooling of dwellings to reduce reliance on artificial heating and cooling systems.

A0.7.2 Development Controls

- (a) For any new dwelling, a living area and 50% of the primary private open space of that dwelling must receive a minimum of 3 hours of direct sunlight on June 21st.
- (b) Any new development must not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so be less than 3 hours of direct sunlight on June 21st.

A0.8 Building Design

Council will only consider multi dwelling housing proposals which complement the design of other residential development throughout the locality. In preparing designs for medium density housing, including residential flat buildings, applicants are directed to design guidelines on the Department of Planning and Environment's website.

Council may obtain an independent assessment of the architectural merit of a medium density development proposal if deemed necessary.

A0.8.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure that the external appearance of medium density housing, including residential flat buildings, provides a high standard of urban design and residential amenity.
- (b) Ensure that the layout of medium density housing, including residential flat buildings, on the site provides residents with a high standard of amenity and safety.
- (c) Ensure that the internal layout of medium density housing, including residential flat buildings, provides amenity, safety and comfort to residents.
- (d) Ensure that the design minimises the need for the artificial heating and cooling of dwellings.

A0.8.2 Controls *(consolidation of residential flat building controls)*

In addressing the design of medium density housing applicants must meet the following minimum standards:

NEW MATERIAL **MATERIAL TO BE REMOVED**

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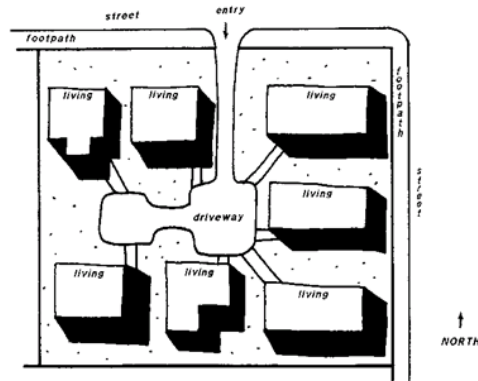
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- (a) The design and arrangement of the buildings is to take proper and sensitive account of such natural features of the site as slope, vegetation, aspect, drainage and the like.
- (b) Buildings shall be designed and sited to be energy efficient by making best use of natural lighting, heating and ventilation wherever practicable. Landscaping shall also be designed to increase the energy efficiency of the dwellings.
- (c) Wherever practicable, buildings shall be orientated to the north in order to allow efficient use of solar energy. Excessive overshadowing of north facing walls and roofs by adjoining buildings is to be avoided through proper design and siting of dwellings.
- ~~(d) No dwellings should have a solely southern (southeast to southwest) orientation.~~
- (e) The bulk, scale, height, dwelling type, and construction material of the development shall be such that it is compatible with, and does not affect the amenity of, existing or future residential development in the vicinity.
- (f) Particular attention shall be given to the effect of shade on adjoining properties. Sunlight and shade indications shall accompany a development application where shade from a proposed residential flat building will infringe upon adjoining property.
- (g) The development shall be designed to provide attractive on-site visual variation by use of staggered building setbacks, variation of roof lines, curved driveways and access roads, landscaping and the like.
- (h) Dwellings should not be identical in design and façade treatment, but should be compatible with each other. If only a limited number of dwelling designs are to be used they should be so arranged on the site that different façade are presented to any public place, communal area, or adjoining residential development.
- (i) All buildings in the development shall be generally of brick, brick veneer or masonry construction, allowing that a proportion of the external cladding may be of special feature material.
- (j) Windows of habitable rooms shall be screened or adequately separated from communal areas, windows of other dwellings and adjoining private open space within and outside the proposed development.
- (k) Buildings shall be sited to ensure that courtyard areas of the same and adjoining dwelling receive direct sunlight during the major part of daylight hours.
- (l) Courtyard walls, walls of buildings, carport screen walls and the like shall be regarded as acceptable screening. Physical separation distances may vary depending on land slope, angle of vision from the windows, window height, degree of overlooking and the like.
- (m) A balcony shall not encroach more than 2 metres or 25 per cent, whichever is the lesser, on the setback to the front, rear and side boundaries. No part of any means of enclosure of a balcony shall exceed a height of 1.2 metres.
- (n) Living areas and private open spaces shall be located towards the north and west to maximise solar access to these areas.
- (o) Bedrooms, kitchens and utility rooms shall be located in those parts of a dwelling where solar access is reduced.

NOTE: Referral to BASIX is compulsory for all medium density housing in order to incorporate energy saving design measures. The web site is www.sustainability.nsw.gov.au

Figure C3.9

It is possible to achieve northern orientation of living areas regardless of the orientation of the allotment.



A0.9 Dwelling Mix

Developments which contain a range of dwellings types and sizes support social diversity objectives by providing for the housing needs a broader range of potential residents.

Medium density developments should seek to provide a range of dwelling sizes, both in terms of the number of bedrooms and the overall size of rooms, and the size and configuration of private open spaces associated with the dwelling.

Such diversity also provides opportunities for a mix of building size and height and for the arrangement those buildings in such a way as to maximise residential amenity, both for residents of the new development and for existing residents living near to that development.

A0.9.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provide a range of dwellings types and sizes.
- (b) Arrange that mix on the site so as to maximise resident amenity and minimise adverse streetscape impacts.

A0.9.2 Controls

- (a) Medium or high density developments that proposes more than eight (8) dwellings should provide a mix of dwelling sizes, both in terms of both the number of bedrooms and the size of the rooms.
- (b) All medium or high density development should provide a variety of private open space areas.
- (c) Buildings should be arranged on the site to maximise resident amenity and minimise adverse streetscape impacts.

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A0.10 **Materials and Colours** – for clarity

A0.10.1 **Objectives**

The use of materials and colours are important in determining the way in which residential development responds to the local environment.

- (a) In established areas, materials and colours should be sympathetic with other buildings within the vicinity.
- (b) In newer areas or subdivisions, materials and colours should be of a type which can be easily maintained.

The controls described below is intended to encourage the use of materials in the construction of residential developments that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form.

A0.10.2 Development Controls

- (a) The use of zincalume is prohibited.
- (b) All other materials and colours shall require Council consent. *(for clarity)*

A0.11 **Landscaping and Landscaped Communal Open Space**

Inserted before private open space for clarity. Changes reflect inclusion of residential flat buildings.

Council will not accept a residential design approach which relegates private open space to those areas around and in between buildings which are affectively 'left over' spaces. Applicants are also directed to Part A5 of this Plan regarding ongoing tree and vegetation preservation controls and should familiarise themselves with the provisions of Clause 5.9 of WLEP 2010 in this regard.

Mature trees and shrubs within open space areas are also crucial environmental resources providing shade, clean air, stormwater absorption and wildlife habitats. Large trees and shrubs require deep soil areas and new plantings should seek, wherever possible to contribute to a continuous corridor of vegetated open space throughout the length of the residential block.

The gardens associated with items of Heritage or within Heritage Conservation Areas can in fact be essential to the heritage value of that Item or Area. It is critical that this contribution is recognised and protected in any development proposal, including alterations and amendments to existing buildings.

A0.11.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provides all new development with at least the minimum requirement for open space, located to enhance the streetscape, neighbouring residential amenity and on-site resident enjoyment.
- (a) Provides several generously designed outdoor spaces, located to maximise solar access.

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- (b) Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.
- (c) Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.
- (d) Retains and protects ~~individual remnant native specimens~~ identified Ecological Communities scattered throughout the locality.
- (e) Retains existing natural features on the site that contribute to the character of the site and/or the local area.
- (f) Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.
- (g) Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.
- (h) Creates attractive, landscaped front gardens that include a number of small trees and shrubs.
- (i) Provide each dwelling with at least the minimum requirement for open space, located to maximise solar access.
- (j) Ensure ease of movement between the living areas of each dwelling and the private open space associated with it.
- (k) Encourages the use of the front garden and front of dwelling spaces such as verandahs and porches, for both active and passive recreation.
- (l) Ensures that the dimensions of verandahs and porches are sufficient to make a legitimate contribution to private open space.
- (m) Ensures ease of movement between living areas of dwellings and private open space.

A0.11.1 Development Controls

- a) Fifty per cent (50%) of any site developed for ~~multi-dwelling~~ medium density housing, including residential flat buildings, shall comprise Open Space and be landscaped to the satisfaction of Council.
- b) In calculating the total area of Landscaped Open Space, the following areas shall be included:
 - (i) Paths
 - (ii) Patios
 - (iii) Soft landscaping areas
- c) In calculating the total area of Landscaped Open Space, the following areas shall be excluded:
 - (i) Building footprint
 - (ii) Driveways
 - (iii) Car parking
 - (iv) Garbage storage areas and the like
- d) Landscaping shall be in accordance with a detailed Landscape Plan, prepared by a person who is, in the opinion of Council, suitably qualified to prepare such a plan, indicating the location of proposed plantings and the botanical names of proposed

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plant species. The level of detail required will be determined by the type of development and size of the allotment.

- e) The Open Space shall include outdoor entertainment areas for resident use;
- f) All dwellings shall have a consolidated principal (main) private open space area;
- g) Where ~~multi-dwelling medium density~~ housing is erected on a site having a frontage to a public road, public place or public open space, Council shall require an appropriate treatment of boundaries to those frontages and the whole of the site which remains undeveloped. Such treatment may include the planting of trees, shrubs, plants and lawns (the species of which may be specified by Council), the erection of fences, walls and screens, or the exclusion thereof;
- h) The area of the site between the building line and the street alignment shall be devoid of any structure, concrete area, or hard standing surface other than that which is necessary to gain access to the residential flat building;
- i) Landscape plantings will not overshadow neighbouring properties or block solar access.
- j) Particular provision shall be made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate.
- k) All plantings shall be sufficiently advanced to provide an immediate landscaping effect.
- l) Provision shall be made to ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained to allow them to not just survive, but flourish.
- m) Adequate arrangements shall be made for the restoration of the area of any public space, including a public footpath, pedestrian plaza adjoining the proposed development to the extent that such area has been damaged by the development.
- n) Where no street tree is currently in the footpath or verge area adjoining the site, a street tree compatible with the predominant street tree species in the street shall be provided at the applicant's expense. This will assist in softening the appearance of new development while also improving the aesthetic appeal of the public space.
- o) A tradesmen's toilet, independent of a sole occupancy unit, will be required where 10 or more dwellings are intended on a site. The toilet shall be appropriately screened from any public road, public place or public open space.
- p) ~~Garbage collection receptacles are to be located to the satisfaction of Council and are to be designed and screened so as to be screened from any public road, public place or public open space; (duplicated elsewhere)~~

A0.12 Private Open Space

Current text & layout revised to specifically reference medium density development and to incorporate residential flat buildings

A part of the total on-site open space provision in a ~~multi-dwelling medium density residential~~ development must be in the form of 'private' open space applicable to each individual dwelling.

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Useable private open space is an essential requirement for all dwellings in a medium density development. Private open space serves a number of functions, providing separation between adjacent dwellings, visual and acoustic buffering, areas for planting, and opportunities for various forms of outdoor passive and active recreation. When designing new medium density residential developments, the location, orientation and configuration of private open space should all be considered.

Rear and side setback areas, courtyards and balconies can form part of the private open space requirement provided they are not accessible by other residents. Areas within the front setback may also be used as private open space, provided these areas are carefully designed to ensure adequate privacy without presenting solid high walls to the street.

A0.12.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provide all new dwellings with useable open space, located to maximise solar access.
- (b) Allow for both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.
- (c) Ensure ease of movement between living areas of dwellings and private open space.

A0.12.2 Development Controls

In addition to the communal landscaped open space requirements above, all dwellings must have a consolidated principal (main) private open space area which complies with the following controls:

- a) All dwellings, other than ground floor dwellings in a residential flat development, shall provide a minimum private open space area of 50 m² with a minimum length of 5 metres;
- b) All ground floor dwellings in a residential flat development shall provide a minimum private open space area of 30 m² with a minimum length of 4 metres;
- c) All above ground floor dwellings in a residential flat building shall provide a minimum private open space area of 15 m² with a minimum length of 3 metres;
- d) Private open space shall be located to maximise solar access;
- e) Private open space shall allow for a variety of activities by providing a combination of hard surface, landscaping and deep soil areas.
- f) The primary private open space should be located adjacent to, and be immediately accessible from, the primary living area.

A0.13 On-site Car Parking, Garaging, Driveways and Common Paved Areas

Current text & layout revised to specifically reference medium density development and to incorporate residential flat buildings. The order of controls has been changed to better group parking, driveways and garages matters.)

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The location and treatment of garages and associated driveways and common paved areas on the site of a medium density development can have a significant impact on the streetscape. In general it is desirable to ensure that structures for vehicular access, circulation and storage do not dominate streetscapes. Developments which have internal driveways can also become dominated by spaces and structures set aside for the vehicle storage and this tendency should be avoided.

A0.13.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide adequate off street parking for residents and visitors.
- (b) To minimise the dominance of garages and driveways in the streetscape.
- (c) To minimise the impact of garages, parking areas and areas for vehicular circulation on medium density developments.
- (d) To provide an attractive form of common driveway and paving areas to provide streetscape appeal and on site amenity.

A0.13.2 Development Controls

- (a) Off street parking will be provided at the following rates:
 - (i) Dedicated resident parking at a rate of 1 space per 1 and 2 bedroom dwellings
 - (ii) Dedicated resident parking at a rate of 2 spaces per 3 or more bedroom dwellings
 - (iii) Dedicated visitor parking at a rate of 1 space per 3 dwellings (rounded up to the nearest whole number)
- (b) Council shall require additional visitor parking spaces to be provided in areas where opportunities for on-street visitor parking are deemed to be insufficient.
- (c) No parking space, covered or uncovered, shall be provided between the building line and the frontage to the site. At least one parking space per dwelling shall be a covered parking space.
- (d) Where a medium density residential flat building development requires in excess of four car parking spaces with a common access way, sufficient space shall be provided so that no reverse manoeuvre on to a road is required.
- (e) The width of driveways will be limited to 25% of the frontage to a public street, but must still meet the minimum requirements of standard drawings SD107 for single driveways and SD168 for other driveways as shown in Part A of this Plan.
- (f) Driveways shall be constructed to the specifications outlined in Part A of this Plan.
- (g) Except where the Roads and Traffic Authority or Police require otherwise, access driveways and manoeuvring areas shall be the minimum widths and other dimensions as outlined in Council's relevant technical specifications.
- (h) Unrelieved 'gun barrel' driveways will not be permitted. If the alignment of internal access ways cannot be varied, visual relief shall be provided by appropriate landscaping.

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- (i) Suitable means of physical separation of driveways and parking areas from landscaped open areas shall be provided to prevent indiscriminate vehicular movement upon such areas.
- (j) Garages shall be located so they do not dominate the streetscape.
- (k) Where garages form part of the dwelling, they shall be located at least 1.2 metres behind the main building façade and should not exceed more than 40% of the dwelling frontage.
- (l) Enclosed garages shall be constructed of materials harmonious with the main structure.
- ~~(m) Double garages to the street frontage shall be avoided in preference to tandem parking or single garage and car port options. (Applies to low density development only)~~
- (n) Where garages are provided or where any wall abuts a parking space and dimensions of the car parking space shall be greater than otherwise required, a minimum width of 3.6 metres shall apply to any single undercover garage. Adequate clearance and additional impact reinforcement to buildings will apply where undercover car parking is envisaged.
- (o) Where possible, changes in level across a site will be used to provide basement or sub-basement garaging.
- (p) Where the provision of car parking facilities at basement level is permitted, the entrance to such a parking space shall be from the side or rear of the building, and that the height of the building does not exceed 8 metres.

A0.14 Pedestrian Access

The design of ~~multi dwelling housing~~ medium density residential development and the location of private entrances to individual dwellings are important in providing a sense of individual identity for each dwelling while enabling passive surveillance from surrounding dwellings. Applicants are reminded to consult Section A5 for Safer by Design guidelines.

A0.14.1 Objectives

All new development should provide clear and direct pedestrian access from the dwelling or dwellings to a public street or public space to meet the following objectives:

- (a) To provide a clear sense of address for all dwellings in all forms of residential development.
- (b) To provide safe pedestrian access for all forms of residential development.

A0.14.2 Development Controls

- (a) External common areas such as pathways and entrances shall be provided with appropriate artificial lighting at low levels to provide safe access at night.
- (b) Buildings adjacent to public streets or spaces are to be designed to allow casual surveillance and should have at least one habitable room window facing that area.



A0.15 Waste Collection

The management of waste disposal and recycling bins in **multi dwelling medium density residential** developments can create visual, pollution and odour problems for both the residents of the development and neighbours.

Suitable provision needs to be made for the storage of garbage to ensure that the bins are accessible to residents and located to facilitate moving to and from the kerb for emptying, but also screened from the street and neighbours.

A0.15.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide for on-site collection of waste and recycling material.
- (b) To provide a storage bin area which minimises potential pollution and odour problems for residents and neighbours.
- (c) To provide a bin storage area which minimises streetscape impacts, but still allows access to residents and facilitates movement to the kerb on waste and recycling collection days.

A0.15.2 Development Controls

- (a) Waste and recycling materials storage facilities shall be provided for either individual bins or larger communal (or shared access) bins.
- (b) Waste and recycling receptacles are to be located to the satisfaction of Council and the area designed so as to be screened from any public road, public place or public open space;
- (c) Waste and recycling materials storage areas shall be located behind the front building line.
- (d) Waste and recycling materials storage areas shall be adequately screened to minimise impacts for residents and neighbours.
- (d) Where on-site collection is possible, provision for on-site manoeuvrability to enable vehicles to enter and leave the site in a forward motion.

A0.16 Adaptable Housing

Included in medium density development section instead of in its own chapter

Adaptable Housing is necessary to provide for the current and future housing needs of residents in the Wingecarribee Shire. The term 'Adaptable' is used to describe a dwelling that has the ability to be modified or extended at minimum cost to suit the changing needs of the people in the house. Thoughtful design can provide the flexibility for these needs to be met without requiring expensive and energy intensive renovations.

A0.16.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To recognise and provide for Adaptable Housing in all new medium density residential developments.



- (b) To provide a safe and comfortable home suitable for any occupants irrespective of age or the nature of their disability.

A0.16.2 Development Controls

- (a) For all medium density developments, not less than one for every three dwellings, or part thereof, will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.
- (b) In respect of residential flat development, all dwellings located on the ground floor will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.

Section 6 Other Forms of Residential Development – no change**Section 7 Ancillary Development**

(to clarify current controls for lots above 4,000m².)

C7.2.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To ensure non-habitable detached buildings do not dominate streetscapes.
- (b) To ensure that such buildings do not adversely impact on neighbouring property amenity.

C7.2.2 Development Controls

- (a) The use of non-habitable buildings for residential purposes shall be prohibited.
- (b) The combined floor area of all non-habitable buildings or non-habitable portions of buildings is limited to:
- (i) 120 m² for lots up to 2,000 m²,
 - (ii) 150 m² for lots up to 4,000 m².
 - (iii) For lots above 4,000m², a merit assessment will apply.

END.