



**Ashfield
Council**

Interim Development Assessment Policy 2013

Part C15 Houses and Dual Occupancies in Residential Zones

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PART C15 - HOUSES AND DUAL OCCUPANCIES IN RESIDENTIAL ZONES

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SECTION 1 PRELIMINARY**Introduction**

Ashfield Local Environmental Plan 2013 is Council's main planning control for development in the Ashfield Municipality.

Part C15 of Ashfield Interim Development assessment Policy 2013 Ashfield supports the LEP by providing additional objectives and development standards to achieve well-designed housing. This is essential if Ashfield is to maintain a high standard of residential amenity whilst accommodating additional development. Development controls in Part C15 include height, amenity and landscaping.

Part C15 of Ashfield Interim Development assessment Policy 2013 applies to all dwelling-house and dual occupancy development within **residential zones** under the provisions of the Ashfield Local Environmental Plan 2013—where approval is required from Council

This Part also needs to be read in conjunction with **Part C7** - Haberfield Heritage Conservation Area and **Part C10** - Heritage Conservation Areas. The development standards of **Part C7** and **Part C10** (Heritage Controls) prevail if there is an inconsistency with any other development controls in this Policy. Refer also to Schedules 2 and 3 of Ashfield LEP 2013 to see whether your development is “Exempt” or “Complying.”

Advisory Note:

The “Codes SEPP” applies to houses and certain types of other dwellings (eg. “secondary dwellings” 60 square metres or smaller.) The code allows approval of complying structures without the need to obtain Council approval. Heritage areas and items are generally excluded from the operation of the Codes SEPP with the exception of minor development.

Objectives

The objectives of Part C15 of Ashfield Interim Development Assessment Policy 2013 are:

- a) achieve a high standard of aesthetics for buildings and landscape and the streetscapes that they define.
- b) to provide acceptable minimum levels of amenity for neighbouring properties.
- c) to maintain and enhance the desirable character of Ashfield's residential neighbourhoods.
- d) to provide design principles and guidelines, which will be supported by Council in making assessments of development applications.
- (e) to require compliance with Sections 2,3,4, 5 of Part C15 for Houses and Dual Occupancies.

How to use this Part of Ashfield Interim Development Assessment Policy 2013

Ashfield Interim Development Assessment Policy 2013 is a multi-layered document. Figure 1 outlines the structure of the DCP.

The objectives and development standards of this Part of Ashfield Interim Development Assessment Policy 2013 cannot be read in isolation. A development application must consider all relevant Parts of the Policy

Part A contains an index of the parts and sections in the Ashfield Interim Development Assessment Policy 2013 and guidelines on how to use the Policy; including the steps you need to follow before you prepare your development application.

Relationship of Part C15 to other planning instruments

Council will assess a development application according to:

- (a) Section 79C of the Environmental Planning and Assessment Act, 1979;
- (b) State Environmental Planning Policies;

Note: Certain residential development as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out subject to meeting specific requirements without the need for development consent under Part 4 of the Environmental Planning and Assessment Act or for assessment under Part 5 of that Act. For more information please visit :

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

- (c) Ashfield Local Environmental Plan,
- (d) Ashfield Interim Development assessment Policy 2013;
- (e) Section 94 Contribution Plans;
- (f) Ashfield Stormwater Management Code;
- (g) Policies, legislation or studies adopted or recognised by Council that are relevant to the development application.

Lodging a Development Application

Our development application forms can be downloaded (www.ashfield.nsw.gov.au) or contact Council on 9716 1800. The form contains a self-assessment checklist to help you complete your application. You should also check whether your proposal is 'exempt' (no application required) or is a 'complying development' (can be certified by Council or an accredited private certifier).

Note:

If you are proposing a major or complex development or if your proposal is likely to have significant heritage impacts, you should make an appointment with our pre-lodgment development advisory panel or our heritage advisory service before you lodge your development application (reasonable fees apply). Call Council on Tel. 9716 1800 to make an appointment.

Design Quality Principles

Development affected by this DCP must comply with Section 2 - Design Principles.

“Design Principle” means an architectural design and landscape design principle.

SECTION 2 DESIGN PRINCIPLES

1.0 Context

The context design principle – what is it?

- 1.1 “Context” is a literary term, which is also applied to the setting and surroundings of a building, place, structure or element. This includes the site, the landscape garden, the spaces around a building and the streetscape. It also includes the relationship of an existing house to proposed alterations or additions, to its outbuildings such as a garage or carport, and to fences and gates.

Residential Development in an area such as Ashfield almost always takes place in an existing housing area that already has a recognisable immediate built environment and character, here referred to as the context. A new house or other element, as well as proposed changes to an existing house, will have effects in and upon that context.

Good design must therefore acknowledge and respond adequately to its context. The determination of adequacy is therefore essential to the evaluation of any new proposal.

Context controls

- 1.2 A proposal shall be considered appropriate in its design qualities if it satisfies the design principles of Section 2 of this Part C15.
- 1.3 A **Site Analysis** shall be provided that shows how the Context requirements have been considered, refer to Part B Ashfield Interim Development Assessment Policy 2013. It is recommended that applicants have a pre-lodgement meeting with Council staff.
- 1.4 The level of detail for Site Analysis drawings shall depend on the nature of the proposal. For proposals for new houses or dual occupancy proposals the minimum level of documentation required shall include the following information:
- survey plan, including ground levels and the position of existing structures
 - site plan including existing trees, site levels, and the footpath verge area.
 - general site plans of adjacent properties, which show the general position of windows and general indication of ground levels, so that an assessment can be made by Council and neighbours of potential privacy and overshadowing impacts.
 - front elevation of adjacent properties, being the elevation facing from the street, so that an assessment can be made by Council and neighbours of a proposal's compatibility with adjacent properties.

For alterations and additions site analysis drawings shall have sufficient information to enable Council and the neighbours to make an assessment of potential privacy and overshadowing impacts.

Car parking

1.5 Car parking for new houses shall be in accordance with Part C11 – Parking.

2.0 Scale and Bulk**The scale principle - what is it?**

2.1 “Scale” comprises size, relative to humans and to other nearby structures and elements. It includes matters of length, breadth and volume and bulk, as well as height. Scale is also an aesthetic attribute.

Sympathetic building scale requirement

2.2 A proposal must demonstrate that it provides an appropriately sympathetic building scale

A sympathetic scale is one which takes architectural cues in terms of size, bulk, length, breadth, height and volume of a building or an element, in relation to neighbouring buildings, as well as in relation to the scale and character of the streetscape, which includes the scale of the predominant building styles.

Maximum height requirement

2.3 The maximum visual height for houses is two storeys, to be determined by having a maximum wall height of 6 metres measured from the existing ground level, as illustrated in Diagram 1.

A minor variation to the 6m maximum external wall height will be considered in circumstances:

- (a) where additions are being made to existing houses, where, for example, dwellings have traditional elevated floors off the ground and high existing ceilings, providing the design/streetscape objectives of Part C15 are met;
- (b) for new dwellings where site circumstances, e.g. existing substantially sloping ground levels, make compliance difficult and provided the design/streetscape objectives of Part C15 are met;
- (c) where such minor variation will result in a better outcome for the streetscape.

2.4 The maximum roof pitch (slope) for new houses and alterations and additions, shall not exceed the predominant roof pitch of existing houses in the street.

- 2.5 As well as new houses and alterations and additions, the consideration of scale applies to garages, carports, fences, landscape gardening, telecommunications installations and solar hot water and photovoltaic installations.

Variations

- 2.6 Clause 2.2 may be varied by Council if it can be demonstrated to council's satisfaction that the building scale of the relevant streetscape or building context is not appropriate and what is proposed is a better outcome.

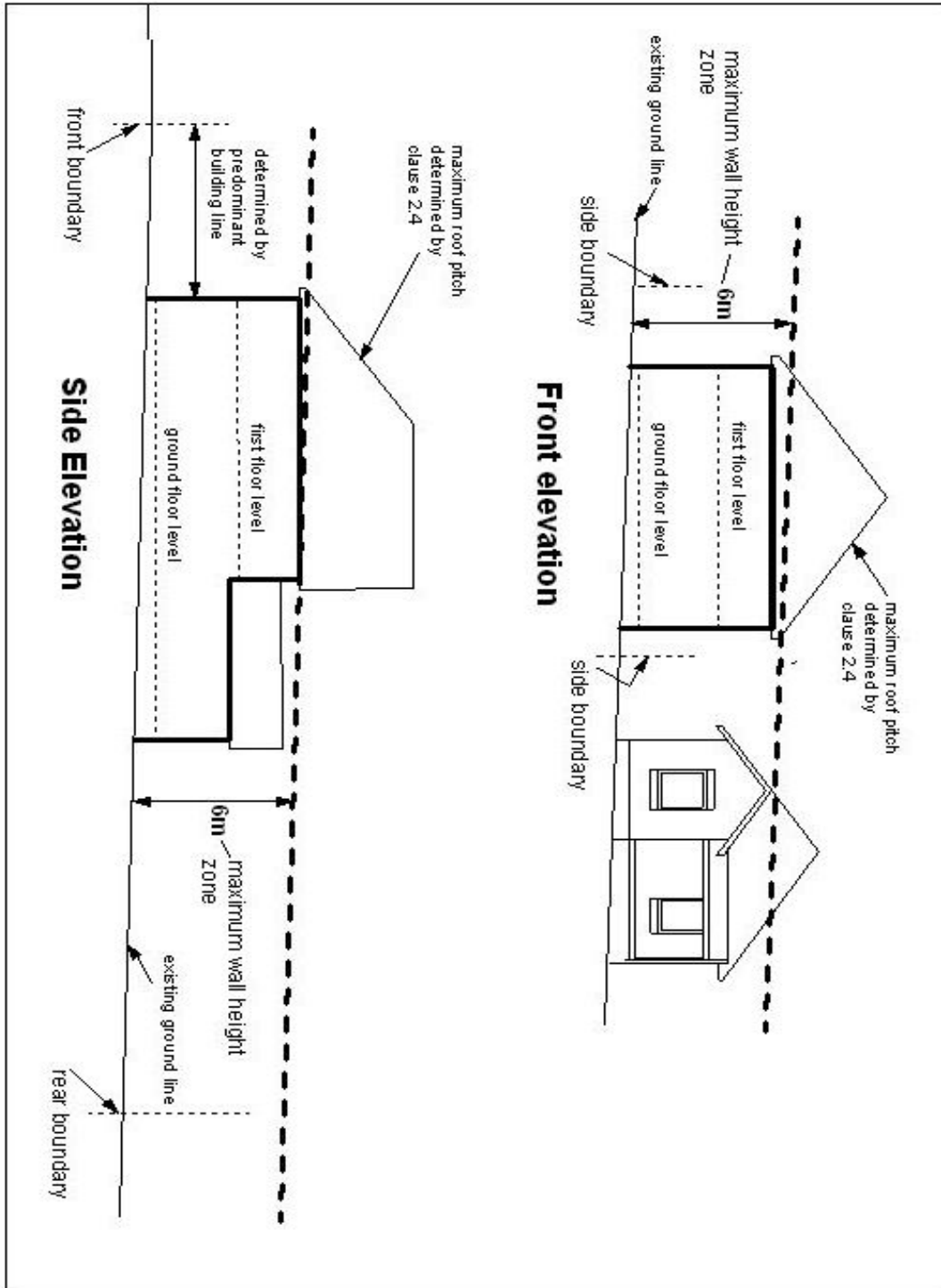
Maximum building bulk and landscaped area

- 2.7.1 The maximum floor space ratio is stipulated in Ashfield LEP 2013 . Minimum landscaped area (refer to LEP definition) for new houses, alterations and additions to houses, and dual occupancies shall be as shown in Table 1 below:

Table 1

Site Area	Minimum Landscaped Area at ground level
601 sqm and over	50 percent of site area
501-600 sqm	50 percent of site area
401-500 sqm	45 percent of site area
301-400 sqm	40 percent of site area
201-300 sqm	35 percent of site area
0-200 sqm	Determined on merit, subject to provision of a minimum rear courtyard area with deep soil area of 20 sqm with a minimum width of 3.5 m. Provision of a front garden areas complying with the objectives of Section 4-Landscape

Diagram No. 1 follows



Maximum

Heights - Diagram No. 1

3.0 Aesthetics

The aesthetic design principle – what is it?

- 3.1 Aesthetics considerations are those associated with the perception of desirable visual properties, including scale. High quality aesthetics require an acceptable standard of composition of building elements, materials and colours, including relationships with the context of the proposal.

Although the matter of preference for aesthetics, or architectural style, is largely subjective, there are two main principles that can be applied in the determining satisfactory visual qualities, which are:

- (a) being sympathetic to context, and
- (b) having a high standard of architectural composition.

The following clauses indicate some of the ways such principles may be interpreted in the process of evaluating proposals.

What is “sympathetic” development?

A “sympathetic” aesthetic quality is one having visual relationships that are appropriate, sensitive, benign and aesthetically pleasing, implying concordance with the context of a building or element. Sympathy may be achieved by:

- a) imitating the style or form of that context,
- b) employing keys or motifs evident in the context, or
- c) designing in a different yet appropriate style, if
 - the houses' siting, bulk, form, scale character, colour texture and material are similar to the existing fabric, or,
 - by offering skilful contrast, as in a design which includes present-day materials and compositional forms and has a high standard of architectural composition.

In Ashfield a number of predominant and recurring architectural styles exist. The uniformity or diversity of architectural styles often comprise the most readily discernible character of the context, whether it be a streetscape or an individual building; and that character forms an important basis for assessing proposals. An appropriate proposal will normally take architectural cues from that context. In the case of a new house these cues can usually be perceived in the streetscape and its components. In the case of an alteration or addition, cues may be found in the style, form, materials or details of the existing building.

What is a high standard of architectural composition?

A high standard of architectural composition is one which avoids a bland or badly composed and proportioned building, and provides a visually desirable building by requiring the building appearance to achieve a high quality. This is a fundamental architectural matter which has a profound impact on streetscape.

Requirements for new houses to be sympathetic to context

- 3.2 The design proposal shall demonstrate by means of graphic presentation a sympathetic relationship of the proposed work or element to its "context".

General architectural values such as building styles and forms, proportion, façade composition of solid and void, materials, textures and colours shall be considered with a new design proposal.

The need to satisfy design principle 6-0, Ecologically Sustainable Development, will be considered when examining whether this guideline is being complied with.

- 3.3 A proposal which is different in architectural style from its context, by employing present day forms, materials and details, may be considered acceptable if it exhibits a high level of architectural composition and also is sympathetic or appropriately complementary to the context.
- 3.4 Clause 3.2 does not apply if it can be demonstrated that the style of the relevant context is inadequate or not worthwhile and that what is proposed is a better design outcome.

Requirements for house top additions to be sympathetic to context

- 3.5 Extensions to the upper parts of a house must respect the scale and aesthetics of the context including the streetscape. This means that when viewed from the opposite side of the street, they must be both visually appropriate to scale of the existing house and sympathetic or complementary in architectural style.

Where the existing building has no discernible style, the addition may be approved if it achieves an appropriately high level of aesthetic design quality.

Façade treatment requirements

- 3.6 A proposal affecting the façade of an existing building must be sympathetic to its context and also achieve an appropriate level of aesthetic design quality.

In the case of alterations and additions it means, for example, that the rendering, bagging or painting of existing face brickwork in reasonable condition, or the alteration of fenestration such as would impair the aesthetic quality of the original building, is unlikely to be approved by Council.

Garage and carport requirements

- 3.7 Garages and Carports must be setback a minimum of 1 metre from the house's front building line and must be visually subordinate to the scale, form and style of the house. The design of a garage or carport must also respect the scale and character of the streetscape.

Council may accept a detached carport structure between the front boundary and the front building alignment if it can be demonstrated that:

- (i) it is not possible to locate elsewhere on site, or will substantially reduce useable landscaped area; and
- (ii) it is not detrimental to the overall appearance of the street.

A car space forward of the front building line may be approved if

- it has no covering structure, and
- the site cannot accommodate a car space elsewhere, and
- its floor pavement surface is sympathetic to the context, and
- a sufficient amount of front landscape garden area is provided.

- 3.8 Basement garages, and driveways to access those garages, which are visible from the street, will not be supported.

- 3.9 Front and side fencing forward of the front building line shall generally not exceed 1200mm in height.

New or replacement front fences and gates must be appropriate to the architecture of both the house and, as far as is possible, to the streetscape.

Original period houses had very varied designs, which suited their contexts. These ranged from timber post, rail and picket fences of many kinds, or iron palisades, such as were common in the Victorian period, to a great variety of brick pier- and-panel and pier- and -rail forms in the Inter-War years. Sandstone fences were always rare in Ashfield, while modern designs using materials such as welded steel did not become common until after World War I.

Applicants are advised to take account of the streetscape context and may be guided by available published material such as *Getting the Details Right* (Flannel Flower Press, 1989) or *Australian houses of the '20s & '30s and Australian Houses of the Forties & Fifties* (Five Mile Press, 1989, 1993), as well as good period photographs of fences and gates in such collections as that of the Ashfield and District Historical Society.

Landscape gardening

- 3.10 It is a normal expectation that houses should have front gardens, which not only provide a transition between a house and the street but also usually become part of the street scene. Section 4.0 - Landscape Design Principle, has numerical requirements for landscape open space sizes.
- 3.11 The front garden area shall contain a minimum amount of hard paved areas, with any vehicular driveway being no wider than 3 metres. Any increased width for the driveway shall only occur to the rear of the front building line.
- 3.12 For sites that are generally level, having a gradient fall of no greater than 500mm across the site, the front garden area shall also be similarly level and shall not contain any driveways which are excavated so as to access basement garages.

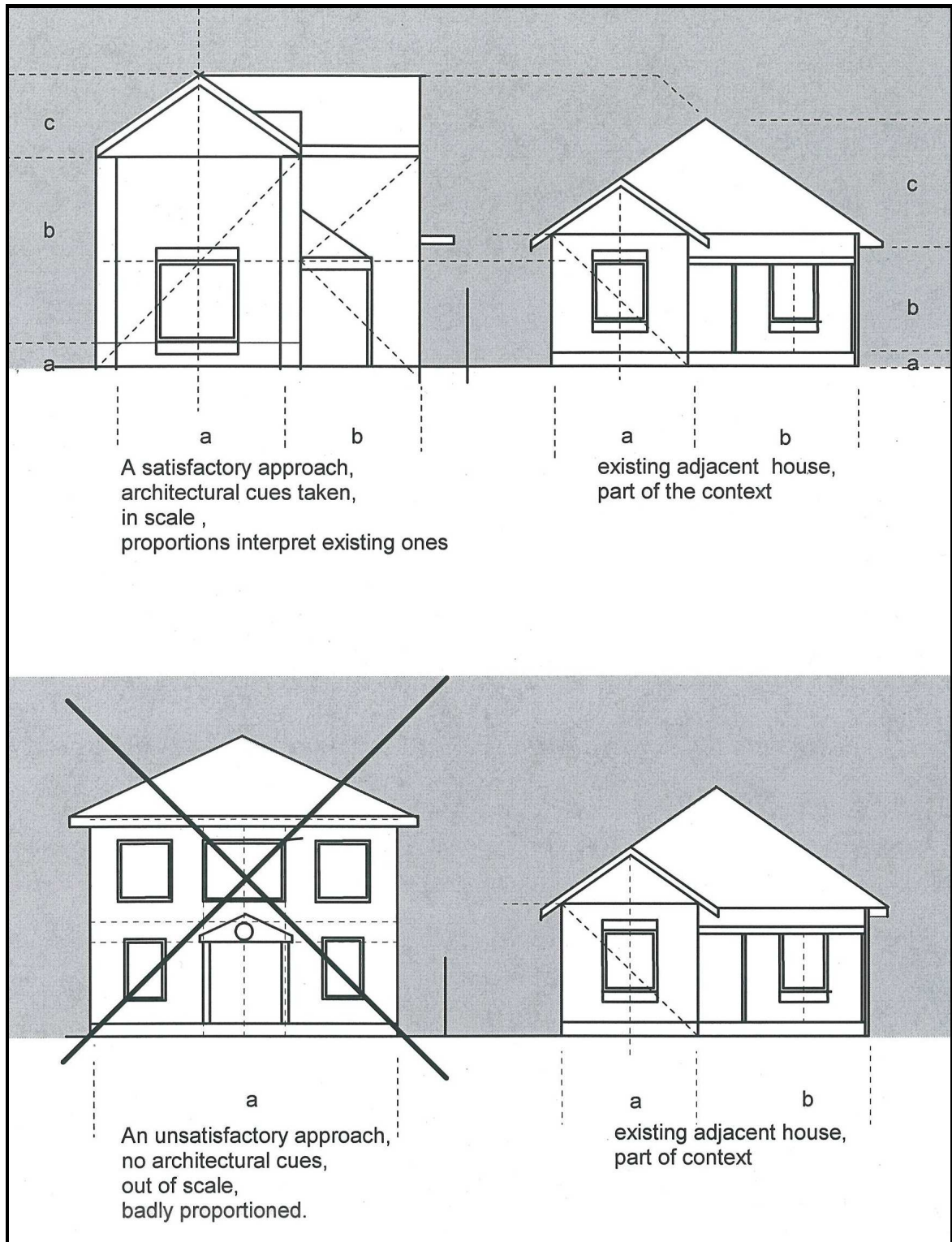
Telecommunications facilities

- 3.13 Telecommunications installations such as satellite dishes and television antennas are not to be located in the front garden area or on the front façade of a house. The preferred location is to the rear or side (rear) or in the rear garden of the building.

Solar heating and photovoltaic installations

- 3.14 Solar panels shall not to be located in the front garden area or on the front façade of a house. The preferred location for installations is to the rear or side/rear or in the rear garden of the building.

Diagram No. 2 follows



Conceptual Architectural Principles - Diagram No 2

4.0 Landscape and Site Layout

The landscape design principle- what is it?

- 4.1 Good design recognizes that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

It is a normal community expectation that houses should have front gardens, which contribute to the organic character of the landscape of a street, and provide a transition and buffer between the street and the house. These open space areas need to contain sufficient areas for deep soil for ground cover and trees. The degree of building setback required to achieve this will vary depending on the "allotment type", and the "pattern of development".

It is a normal community expectation that houses should have "private area gardens", used for recreation, establishment of trees and various vegetation, and clothes drying. These are normally located to the rear of the house. The size for these areas will vary depending on the allotment type. A **landscape concept plan** should be prepared and submitted with a development application where new plantings are proposed (refer to Council's development application form submission requirements for more information).

Minimum landscaped areas

- 4.2 The standards in this clause apply to both new houses, alterations and additions to houses, and dual occupancies.

Landscaped Area - means a part of a site used for growing plants grasses and trees, but does not include any building, structure or hard paved area (Ashfield LEP 2013 definition).

"Deep soil planting area" means an area that is "capable of deep planting" if it is water permeable and there is no structure below within 3 metres of the natural ground surface.

- 4.3 Minimum sized "landscaped area" as defined in Clause 4.2 for dwellings and dual occupancies, shall be provided in accordance with Table 1 in Clause 2.7.1. Seventy percent (70%) of the minimum landscaped areas shall be "deep soil" planting areas as defined in Clause 4.2.

Requirements for building setbacks and front gardens

- 4.4 Front building setbacks shall provide an area for a front garden, and follow the "predominant building line" established by adjacent and nearby houses.

Minor variations shall be acceptable where the variation is sympathetic to the streetscape or enhances the architecture of a building.

-
- 4.5 Front Gardens shall be of a configuration which will provide sufficient soil area for ground cover vegetation and trees, and have the location of pathways and driveways and their treatments in accordance with Clause 3.11.
- 4.6 Building side boundary setbacks are determined by compliance with the the Building Code of Australia and the following:
- ◆ Generally, Council requires a minimum side setback of 900mm for houses, and a minimum side setback of 450mm for outbuildings including garages and sheds.

Requirements for rear gardens

- 4.7 It should be noted that compliance with the landscaped open space area requirement for houses and dual occupancies detailed in Clause 4.3 and Table 1 will result in a minimum amount of private rear open space area being provided for uses including: private recreation, clothes drying, and planting.

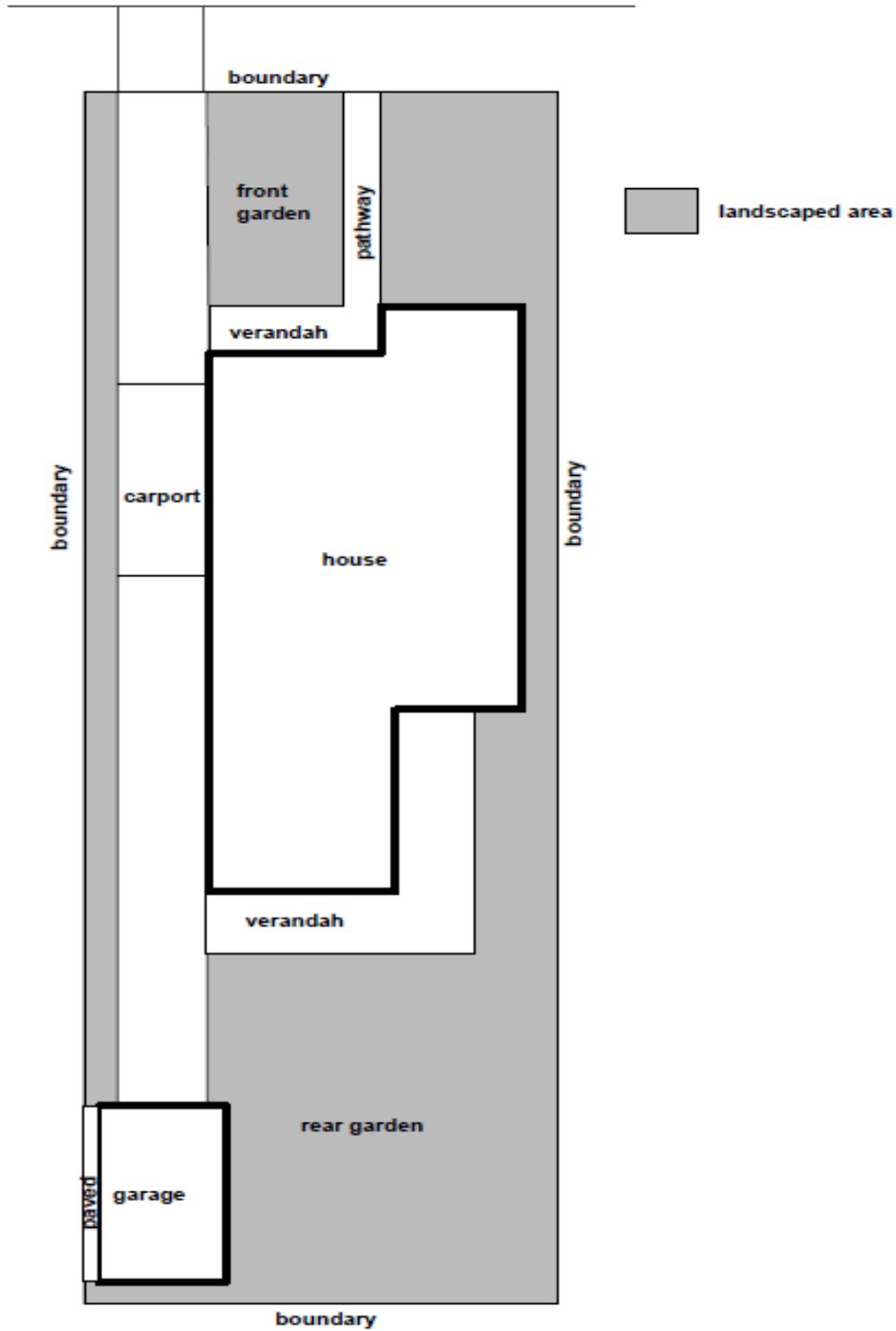
Tree preservation

- 4.8 Council has a Tree Preservation Order covering all trees over 5 metres in height and with a trunk girth of 350mm at ground level, excluding privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees. Any developments must ensure preservation of trees to which the Order applies.
- 4.9 Smaller trees not covered by the Tree Preservation Order (other than Leyland Cypress Pine trees, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees) should be retained wherever possible to assist in:
- (a) retaining and enhancing streetscapes;
 - (b) climate control;
 - (c) enhancing the visual amenity of the new development;
 - (d) ameliorating privacy and building bulk impacts of the new development

Note: Leyland Cypress Pine trees (*Cupressocyparis leylandii*) must not be planted in residential areas. This potentially massive tree kills other plants, degrades the soil, creates heavy shade and devalues property. Council has no objection to removal of these trees and as part of assessment of development proposals will require their removal by condition of development consent.

- 4.10 The design of a development will need to retain sufficient curtilage around existing trees to ensure their practical retention and health by not damaging the root system or altering drainage and water-table levels. A report from a qualified arborist may be required in satisfaction of this requirement.
- 4.11 An applicant shall ensure that the proposal will not require the removal or significant modification of any existing street tree along the frontage of the site, or in the vicinity of the site.

Diagram 3 follows



Landscaped Area- Diagram No 3

5.0 Amenity for neighbours

The “amenity” design principle – what is it?

- 5.1 Good design provides amenity through the physical, spatial and environmental quality of development. Fundamental consideration for neighbouring residential properties are maintaining adequate levels of “solar access” and “privacy”.

Neighbour's solar access – discussion of principles

- 5.1 Solar Access is different from daylight access. All houses are able to enjoy the amenity of daylight access, by virtue of having buildings with windows, and which are setback from any wall of an adjacent house.

Winter “house solar penetration” can sometimes be a neighbours amenity expectation for “enjoyment” reasons (instead of passive solar design “energy” reasons) where a neighbour has particular rooms which they use during the day. It is very difficult for an “outsider” designer to establish which neighbours rooms might be affected, and to design a new house around this. It is also inevitable that any house additions have potential to overshadow neighbours. It is therefore advantageous for an applicant to liaise with neighbours to determine which rooms the neighbour desire should retain winter solar access, however this is not always possible since it depends on the neighbour being agreeable to this. As a guide, it is reasonable to expect a neighbour's daytime primary living area rooms to have their winter solar access retained for three hours between 9 am and 3 pm. It is also reasonable to expect a neighbour's primary garden area to have its solar access retained for 3 hours between 9 am and 3 pm.

For the purposes of this Part, rooms that constitute “living areas” are the following: Living, dining and kitchen rooms. The primary function of a bedroom is that it is occupied at night even though during the day it has daylight access - the same applies to bathrooms.

For new houses and alterations and additions "BASIX" determines the minimum required amount of “house solar penetration” for “principles of passive solar design” which is not an amenity principle.

Neighbour's solar access requirements

- 5.2 In assessing the adequacy of solar access for neighbouring houses, Council will use the following standards to assess the maximum permitted amount of overshadowing:
- (i) Sunlight to at least 50% (or 35 m² with minimum dimension 2.5 m, whichever is the lesser area) of the “principal private area” of ground level private open space of adjacent properties is not reduced to less than three hours between 9 am and 3 pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not to be further reduced.

- (ii) Existing solar access shall be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for a period of at least three (3) hours between 9 am and 3 pm in mid winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced.

Neighbour's privacy – discussion of principles

- 5.4 It is inevitable that where there are second storey additions to a building, or even when there are new ground level storey windows that are highly elevated, there will be “upper level windows” which have the potential to over look neighbouring properties. It is however possible to create house floor plan layouts which have windows located in “less sensitive locations”, which minimise the degree of overlooking of a neighbour, and use privacy devices such as louvres or “privacy screens” which limit the angle of viewing, or use windows with obscured glass with fixed panels. Diagram 4 shows an example of how this can occur.

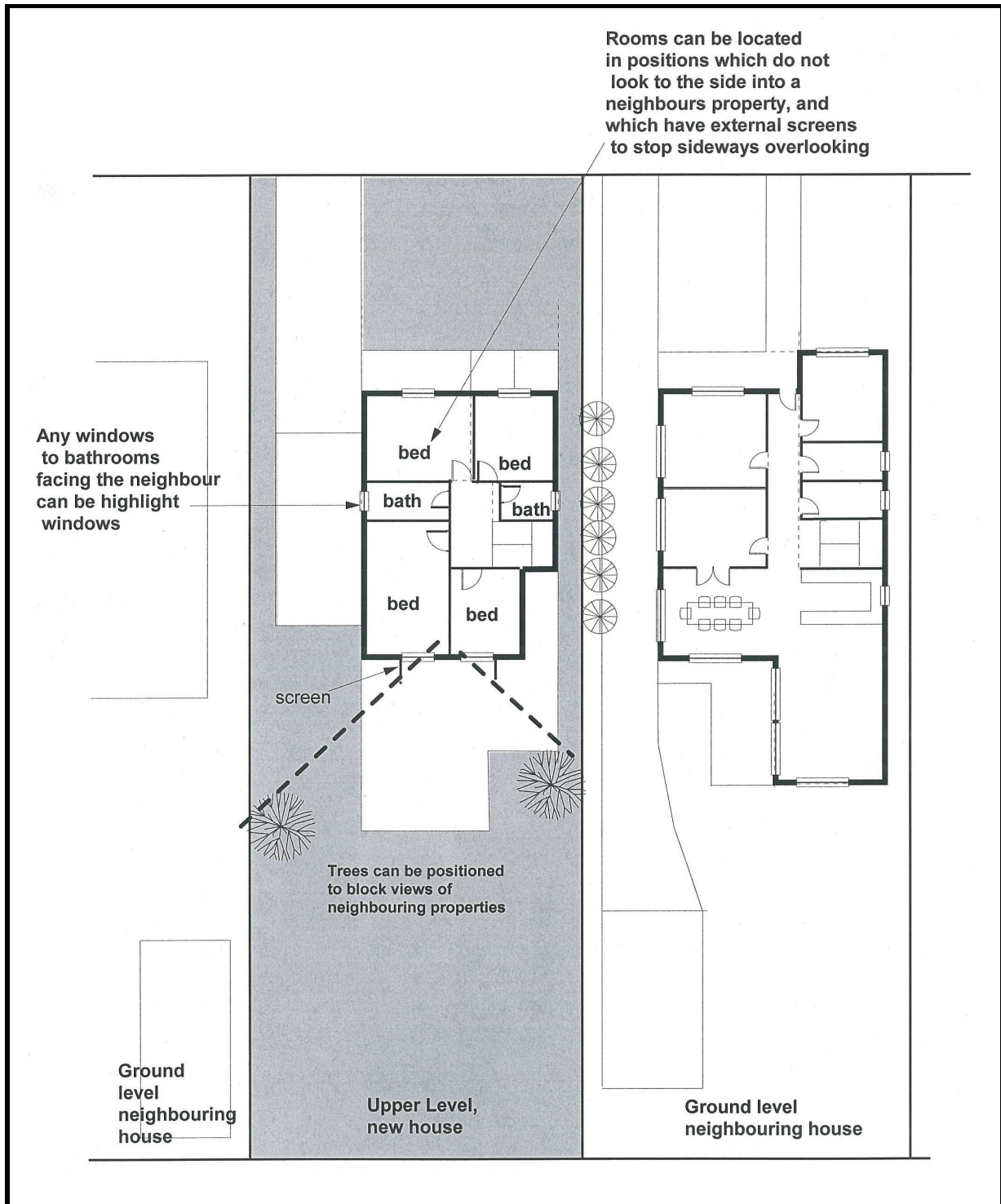
Neighbour's privacy requirements

- 5.5 “Upper level windows” of new houses or additions to existing houses or outbuildings shall be positioned so as to minimize the likelihood of “overlooking” neighbouring properties. To achieve this, placement of windows on upper level storeys should not occur on the side elevations, and those windows shall be placed in position which looks into their own site, and use “privacy devices” to minimise any sideways overlooking of adjacent properties.

Diagram 4 has examples of how this can occur.

- 5.6 Open space ground levels should match as closely as practicable neighbouring ground levels. Where this is not practicable, boundary fences may incorporate 450mm double thickness lattice above the fence or advanced growth trees can be planted.

Diagram 4 follows



Example - maintain privacy- Diagram No 4

6.0 Ecologically Sustainable Development

- 6.1 Building designs are required to comply with the Building Sustainability Index (BASIX). A BASIX Certificate needs to be submitted with your application. Information on environmentally sustainable design is given in **Part D2** of this Policy and needs to be considered when designing your development. Ashfield Council strongly encourages applicants to **go beyond** BASIX requirements and to take advantage of any available grant funding to install solar hot water systems, photovoltaic installations and rainwater tanks.

SECTION 3 DUAL OCCUPANCY DWELLINGS**Discussion**

- 1 “Dual occupancy” means two dwellings on the same “Torrens Title” land allotment. The Ashfield LEP sets no minimum allotment size for this type of development. As a starting point, the size of site that can accommodate two dwellings is usually determined by the ability to have two reasonable size dwellings and also be able to comply with the provisions of the DCP requirements, eg, landscaped area. This usually requires a minimum site area of 450 sqm.

A dwelling is considered to be a “dual occupancy” where each dwelling has a self contained bedroom, bathroom, kitchen, and living areas (dining and lounge).

In order to avoid potential amenity problems for neighbouring properties only **attached** dual occupancies are permitted in all residential zones. This because both dwellings can be designed to resemble one large dwelling, and there are no “isolated “ houses placed where there would otherwise be rear gardens. If subdivided laterally, each dwelling can also have a front address and rear access to a private garden. This fits in with the “pattern of development” and the “single house” look.

Ashfield LEP 2013 also permits small lot subdivisions in areas close to transport

Design Principles for dual occupancies

- 2 The Design Principles and their requirements referred to in Sections 2 of Part C15 apply to “dual occupancy” development.
- 3 Dual occupancies shall be **attached** buildings, so as to have the appearance of one house. Detached dwellings, are not permitted.

Site layout, location of second dwelling and building appearance

- 4 The preferred site layout for a semi-attached dual occupancy dwelling shall be one which has a longitudinal boundary between dwellings as shown in Diagram 5, with each dwelling having front and rear garden areas and the development has the appearance of one dwelling.
- 5 The site layout for an attached dual occupancy, where one dwelling is located at ground level, and the other dwelling is located at the upper level, shall have a rear garden with a dividing fence and private garden for each dwelling similar to that shown in Diagram 5.

Landscaped Open Space and Amenity

- 6 Each dwelling allotment shall have its own rear private garden area, directly adjacent and accessible from the rear of the dwelling, and be of a minimum area of 60sqm and have a minimum width of 5m. Variations to this requirement shall be considered for small allotments or granny flats.

- 7 Dual occupancies must comply with the landscaped area requirements of Table 1 in Section 2.7.1.

Privacy

- 8 Each dwelling's private rear garden shall have fencing which provides privacy from adjoining dwellings.

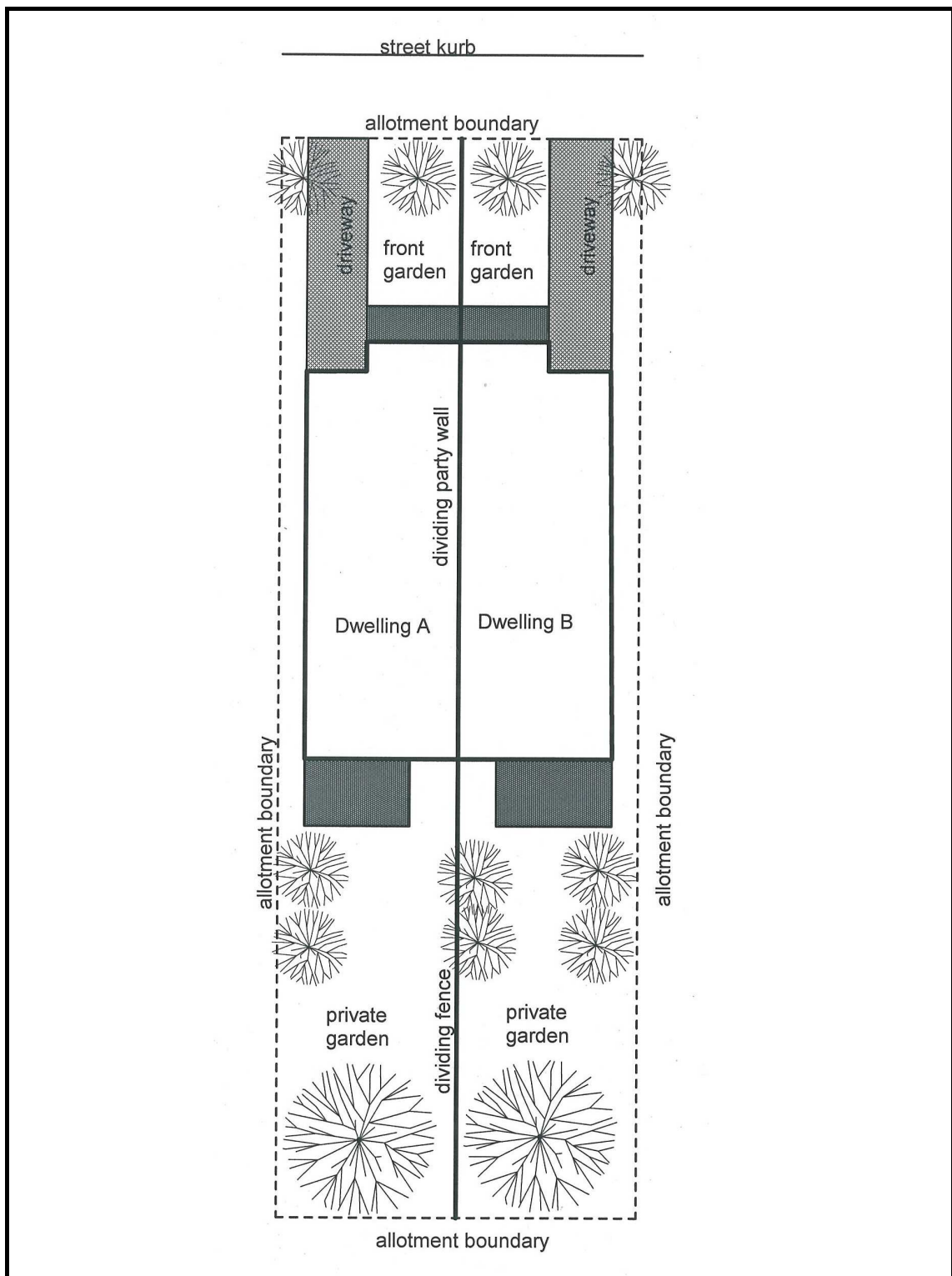
Maximum dwelling size

- 9 Within the R2 - Low Density Residential Zone the maximum gross floor area of a second dwelling shall not exceed 125m².

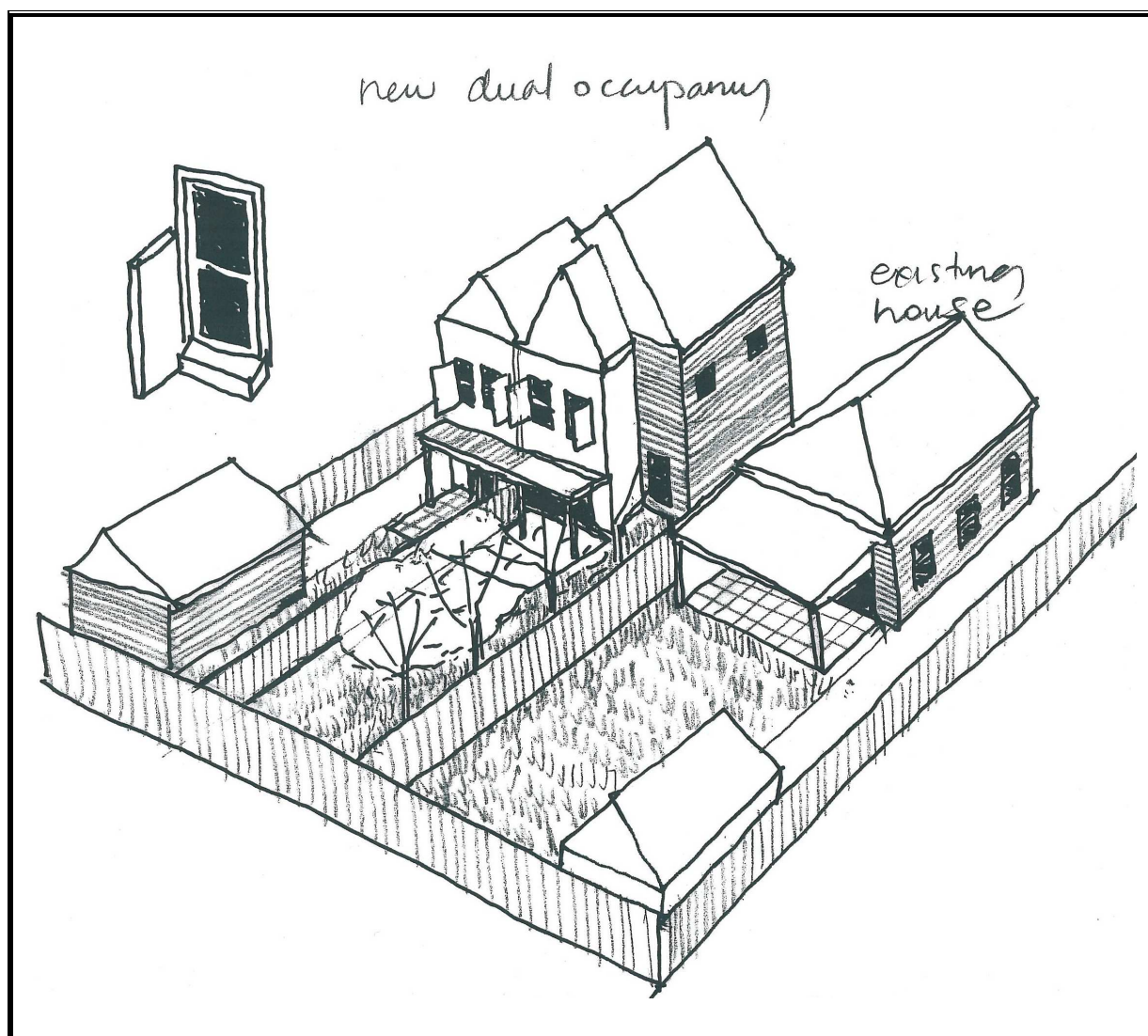
Carparking

- 10 Car parking for dual occupancies shall be in accordance with **Part C11- Parking**.

Diagram 5 follows



Example of Semi-Detached Dual Occupancy Site Layout – Diagram No 5



Example of Semi- Detached Dual Occupancy – Rear Perspective View

Dual occupancies are permissible in Residential zones. They can be designed to appear as one house, that is, attached. This means that each dwelling has a front “address to the street”, and a rear private garden, and neighbours looking out of their rear gardens see a garden. Other alternatives are additions at upper or lower levels which maintain the appearance of a single dwelling.

SECTION 4 ANCILLARY DESIGN MATTERS

There are functional matters that “must work” and therefore affect how a building is designed and affect site layout. The following is list of matters to consider in combination with the Design Principles of Section 2 of Part C15.

1.0 Stormwater Disposal

- 1.1 Stormwater from roofs must discharge onto the street gutter system. Where the land slopes away from the street, charged lines will be considered subject to suitability.
- 1.2 Where stormwater from dwelling and associated structure is unable to use a charged line, alternatives such as easements must be considered. Pump out systems are not encouraged due to maintenance issues.
- 1.3 Rainwater that falls on paved surfaces should not flow directly onto downstream properties. Garden beds, bunding or other measures to mitigate excessive runoff are to be incorporated into proposal.

2.0 Building Maintenance

- 2.1 New work shall ensure that a site occupant has access to the building fabric for maintenance purposes, without having to rely on using a neighbour's property for access. Apart from the Building Code of Australia requirements, this shall generally require a 450mm minimum building setback to side boundaries.

Where the site conditions or the applicant require a setback of less than 450 mm, the following matters are to be considered and submitted:

- The portion of the work that is less than 450mm from the boundary shall be of masonry construction.
- Overland flow of stormwater is not adversely impacted.
- The reduced setback will not result in reduced amenity to adjoining property owners.
- The written agreement of the adjoining affected property is obtained confirming they give permission to access their property to enable construction and future maintenance.

3.0 Position of Driveways, and Garages.

- 3.1 Council will generally not remove any existing street tree to make room for a driveway to a house unless there are exceptional circumstances.
- 3.2 Garages, which are accessed off a rear lane, shall be setback one metre from the boundary to allow some degree of sight line in order to facilitate the manoeuvring into and out of the garage.

4.0 Boundary fences and gates

- 4.1 The maximum height for a side boundary fence, which does not extend forward of the predominant building line is 1.8m. 450-600 mm of lattice screening may be placed above that with the written agreement of all adjacent property owners.
- 4.2 Driveway gates or pathways gates must not swing across council's footpath or driveway.

5.0 Swimming Pools

- 5.1 The requirements for swimming pool construction and various safety requirements are contained in the Swimming Pools Act.
- 5.2 Natural ground level areas around swimming pools shall not be raised as a result of sloping sites. In exceptional circumstances some increase in natural ground level may be considered where adequate screening devices are proposed.
- 5.3 Pool pumps shall be either of a type that do not exceed 5dBA above average ambient noise levels.

6.0 Rear garden access

A minimum of a 900 mm wide access way shall be provided between the rear garden to the street, for removal of garden waste, household waste and storage items.

7.0 Solid Fuel Heating

Council will not approve this form of heating because residential wood burning causes up to 40 per cent of winter air pollution in the Sydney metropolitan area. Residents who currently have this form of heating are strongly encouraged to replace solid fuel heaters with a cleaner heating alternative. Note that that Council is able make orders to control the use of solid fuel heating appliances where wood smoke pollution is a problem.

SECTION 5 HERITAGE CONSERVATION AREAS & ITEMS**Houses that are Heritage Items or within Heritage Conservation Areas listed in Part C10 - Heritage Conservation Areas - How Section 5 affects them.**

- 1.0 There are a number of properties containing houses that are heritage items and/or are within heritage conservation areas. These are listed in the Ashfield Local Environmental Plan 2013 and its provisions take precedence over any controls in **Part C15**.

Haberfield Heritage Conservation Area

- 2.0 Properties in Haberfield are listed in the Ashfield Local Environmental Plan 2013 and are affected by **Part C7 - Haberfield Heritage Conservation Area**. This Part takes precedence over **Part C15 - Houses and Dual Occupancies** to the extent of any inconsistency.

SECTION 6 DEFINITIONS**Scale and Bulk**

“Visual Height” means the height of the building as it appears from the street, but does not mean the number of storeys contained within a building.

“Maximum ceiling height” means the greatest vertical distance from the natural ground level surface of the site to the ceiling of the topmost floor of the building.

“Attic room” means a room contained above a “maximum ceiling height” but within the roof plane .

Aesthetics

“Aesthetics” means those considerations pertaining to the senses, particularly to visual qualities including beauty, attractiveness with regard to building.

“High standard of architectural composition” means a composition that exhibits a fundamental requirement for “architectural grammar” and has a high degree of organization of the parts of the building composition. “Architectural grammar” means the visual composition of the elements of a building, eg, the size, bulk, length, breadth, height and volume, element and detailing of a building and the demonstration that they compositionally relate to the building as a whole.

“House top addition” means additions made above the habitable ground floor of a dwelling house.

“Predominant building style” means the building style that is typical of the particular streetscape precinct and gives that precinct its character.

“Streetscape” draws particular attention to the aesthetic values of groups of buildings, their contexts and their relationships as evident in the spaces between and around them, their scale, forms, styles, textures, modelling, light and shade colour, as perceived from the public domain. It also includes elements beyond the boundaries of a property including footpaths, nature strips, kerbs and channels, street trees and street furniture. Streetscape may also be affected by topography and by street curves and alignment, which generally add interest to the scene.

“Sympathetic” refers to visual relationships that are appropriate, sensitive, benign and aesthetically pleasing, implying concordance with the context of a building or element, and where the character of the context remains predominant, clear and uncompromised.

Landscape

“Allotment Type” is a general term that is used to acknowledge that there will be small and large allotments, with varying widths and with varying types of housing on those allotments.

“Pattern of Development” is a general term to acknowledge that different housing areas will have their own unique subdivision and housing layout configurations. For example, a terrace house pattern of development which is different to a detached house pattern of development.

“Landscape” means, a view of scenery from a single point of view, in other words, open space and all the elements contained within the open space including ground cover, trees, and pavements.

“Landscaped Area” - means a part of a site used for growing plants grasses and trees, but does not include any building, structure or hard paved area.

“Deep soil planting area” means an area that is “capable of deep planting” if it is water permeable and there is no structure below within 3 metres of the natural ground surface.

“Hard paving” means any impermeable surface.

“Predominant building line” means the distance from the outer face of a house to the front boundary, and which is typical of the street, and is a line that determines the extent of a front garden area.

“Principal private open space area” means an area of private open space which is directly accessible from the main living areas of the dwelling it serves, with an average slope no greater than 1 in 5.

Amenity

“Solar penetration” means the extent of penetration of sunlight into a house through the window or door glazing of a house.

“Private garden solar access”, means the extent of ground level surface area receiving direct sunlight.

“Loss of privacy” and “overlooking” means that a person or activity can be observed from a neighbouring property, whether it be from the windows of the neighbouring property or from the garden areas of a neighbouring property.

“Upper level windows” mean any windows at a height where a loss of privacy occurs for neighbouring properties, including ground floor windows. They do not include windows that have a sill height greater than 1.7m from floor level.

“Privacy screen” mean an external device attached to a window or balcony or verandah that stops any direct overlooking of neighbouring properties.

“Advanced growth trees”, means trees that are planted at an initial advanced height of 2.1 metres, and will grow to their final stipulated height.