

C2 - Medium Density Housing

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C2 - Medium Density Housing

This Part contains objectives and design controls which apply to new development for the purposes of medium density housing, including the following types of development defined in the Kogarah LEP 2012:

- Multi dwelling housing; and
- Residential flat buildings.

Where applicable, reference is to be made to SEPP 65 – Design Quality of Residential Flat Buildings and the '*Residential Flat Design Code*' (the Design Code <http://www.planning.nsw.gov.au/residential:flat:design:code>) published by NSW Department of Planning and Infrastructure.

For residential flat buildings, applications must specifically address the 'Design Code' principles.

The following terms describe the dwelling types covered by this section and as defined by Kogarah LEP 2012:

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The most common forms of multi dwelling housing are villas and town houses.

Residential flat buildings means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

I. Site isolation and amalgamation requirements for medium density development

I.1 Site Isolation Requirements

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

In this regard, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements, then the applicant must submit to Council, with the development application, the following information:

- (i) Correspondence indicating that negotiations between the owners of the properties commenced prior to the lodgement of the development application.
- (ii) Where no satisfactory result is achieved from the negotiations, the development application should include documentation to demonstrate that reasonable attempts have been made to incorporate the adjoining site/s into the redevelopment including documentation of the negotiations with the owners of the properties.

This documentation must include copies of correspondence between parties and any formal financial offers and responses to offers. If necessary, Council may require the proponent to fund an independent valuation report.

- (iii) Where it has been shown that reasonable efforts have been undertaken to facilitate amalgamation of the isolated properties, and where no resolution can be reached between the parties, Council may request that applicants include with their development application a plan of adjoining isolated lots which shows a schematic design of how the site/s may be developed.

Council will then make assessment of the application, taking into account the level of negotiations undertaken and whether reasonable offers were made to purchase the isolated site.

Note: A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

1.2 Site Amalgamation Requirements

Applications for medium density housing should conform with the property amalgamations shown in Appendix 3.

These amalgamation requirements apply to:

Suburb	Amalgamation Requirements
Kogarah South	<ul style="list-style-type: none"> ▪ 8A Bowns Road & 3-7 Queens Avenue ▪ 7-11 Ocean Street ▪ 1-7 Bowns Road ▪ 1-3 Gray Street
Carlton	<ul style="list-style-type: none"> ▪ 15-21 Hampton Court Road ▪ 29-31 Garfield Street ▪ 68-72 Hampton Court Road
Sans Souci	<ul style="list-style-type: none"> ▪ 431A-435 Rocky Point Road ▪ 441-443 Rocky Point Road
Oatley	<ul style="list-style-type: none"> ▪ 37-39 Rosa Street ▪ 34-36 Wonoona Parade East
Allawah	<ul style="list-style-type: none"> ▪ 19-21A Lancelot Street

Council may allow variations to these amalgamation patterns but only where the following objectives are achieved:

- (i) Diversity in the design and appearance of new medium density residential development by discouraging uniform allotment sizes.
- (ii) Wherever possible, the redevelopment potential of existing dwelling houses is not reduced by isolating them and eliminating the potential for amalgamation with other development sites.

2. Specific precinct controls – Residential Flat Buildings

There are a number of precincts zoned R3 – Medium Density Residential where specific planning controls have been developed. The detailed planning controls relating to these precincts are contained in Appendix 2.

Where there is an inconsistency between the specific controls in Appendix 2 and other sections of this DCP, then the precinct specific requirements prevail.

The controls apply to the following precincts:

1. Hurstville

- Land bounded by Empress Lane, Woniora Road, Cole Street and Empress Street

2. Carlton

- Nos. 399–419 Princes Highway, 21 Planthurst Street & 22 Paris Street.

3. Kogarah

- Land bounded by Queens Avenue, Gray Street, Princes Lane and Ocean Street,
- Nos. 71 Gray Street and Nos 183-187 Princes Highway
- Nos. 21–39 Princes Highway

4. Ramsgate

- Nos. 4-10 Dalkeith Street.
- Nos. 66-68 Ramsgate Road and Nos. 2-6 Targo Road

3. Special requirements for multi-dwelling housing sites

The following sites have specific controls which apply in addition to those contained in this Part of the DCP. Where there is an inconsistency with other provisions in this DCP, the specific requirements applying to these sites prevail.

The following sites are affected by specific controls:

Nos. 14-20 Terry Street and Nos. 2-10 Heath Road, Blakehurst

In relation to the subject properties, drainage easements 1 metre wide (refer to Figure 1) are to be created and registered on the title when any future development of the land occurs, in order to provide drainage to upstream properties.

The drainage easement is to be piped with a 300mm diameter reinforced concrete pipe in accordance with Council's standards and specification for this work.

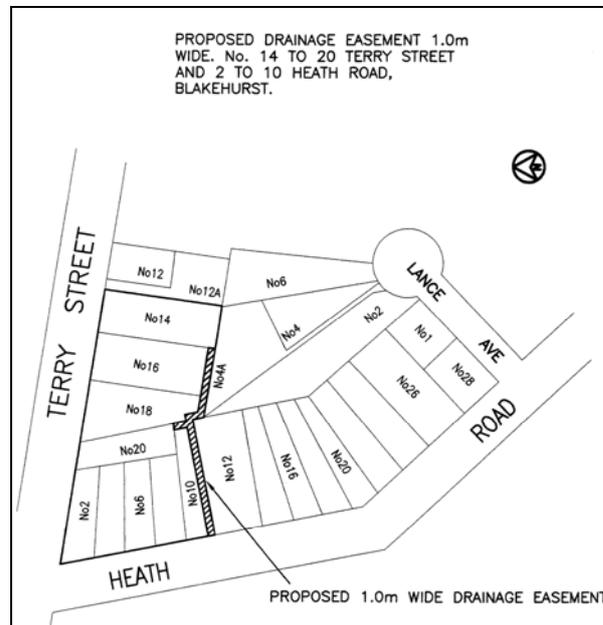


Figure 1. Proposed drainage easement

C2 – MEDIUM DENSITY HOUSING**Nos. 43, 43A and 45 Letitia Street, Oatley**

The subject properties are within an area where residential flat buildings or multi dwelling housing (2 residential levels) is permitted (refer to Appendix 3) with the following special provisions applying to any future development:

- (a) The height be no greater than the adjoining properties, namely two (2) residential levels (7 metres to the eaves and 9 metres to the ridge) at the front of the property and three (3) residential levels (10.5m to the eaves and 12m to the ridge) at the rear of the property.
- (b) All three sites are to be amalgamated prior to any future development.

Nos. 259-265 Rocky Point Road and No 2A Torwood Street, Ramsgate

The subject properties are within an area where residential flat buildings are permitted (refer to Appendix 3) with the following special provisions applying in relation to any future development:

- (a) Nos. 259-265 Rocky Point Road and No. 2A Torwood Street are to be amalgamated as a single development site.
- (b) An overall height of 12m is permitted, however the building is to step down to a maximum height of 9 metres along the western boundary (adjacent to No. 2 Torwood Street), to create an appropriate transition to the existing low density development in Torwood Street.
- (c) Vehicular entry to the site is to be from Torwood Street.

4. Minimum site and density requirements

Minimum site area and density requirements have been set for various forms of medium density development in the R3 – Medium Density zone with the aim of ensuring that sufficient land area is available for the particular use which would allow for retention of significant site features, reasonable relationships with buildings on adjoining sites and ensure viable redevelopment of sites.

The density controls aim to facilitate an acceptable bulk and scale of development that maintains a satisfactory relationship with adjoining development and the wider street context.

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

Dwelling Type	Minimum Frontage	Minimum Site Area/ dwelling	Note
Multi dwelling housing in the R3 zone	20m	2.1m ² of site area per m ² of dwelling	Sites coloured yellow in Appendix 4
Residential flat buildings or multi-dwelling housing	20m	1.3m ² of site area per m ² of dwelling	Sites coloured green in Appendix 4
Residential flat buildings	20m	1.1m ² of site area per m ² of dwelling	Sites identified in purple in Appendix 4
Multi dwelling housing on sites identified in Schedule 1, Clause 18 of Kogarah LEP 2012	20m	220m ² per dwelling	Refer to Schedule 1, Clause 18 of KLEP 2012
Multi dwelling housing on sites identified in Schedule 1, Clause 17 of Kogarah LEP 2012	15m	220m ² per dwelling	Refer to Schedule 1, Clause 17 of KLEP 2012

Note: RMS current access management practice is that no new access is to be permitted to any classified road if an alternative access is available via the non-classified road network. For development fronting classified roads, the requirements of Clause 101 of ISEPP apply.

5. Height & Building Envelope Requirements

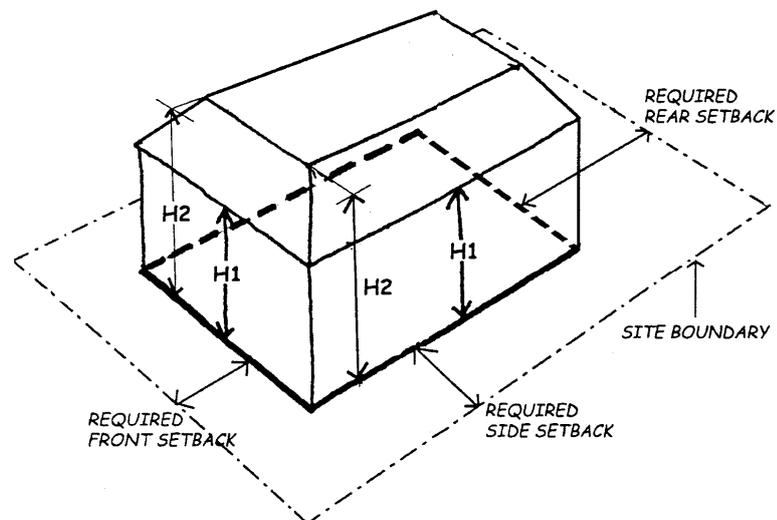
A building envelope is a three dimensional volume within which a development must fit. It is determined by a number of controls including setback, site coverage and height (Figure 2).

The building envelope is an important design feature because it contributes to the streetscape and controls the size, footprint and bulk of a building as well as the impact it will have on the environment and neighbouring properties.

Building envelope requirements apply to the following development types, and are required to be indicated on the plans submitted with the development application:

- Multi dwelling housing
- Residential flat buildings

Figure 2. 3-dimensional representation of the building envelope.



5.1 Measuring the height of the Building Envelope

The following diagrams show the application of the building envelope heights to different circumstances.

Generally, H1 and H2 are measured from ground level (existing), prior to any earthworks being undertaken (including excavations for a basement garage).

NOTE: Where earthworks have been undertaken on a site and Council is of the opinion that these works have been undertaken without consent, then H1 and H2 will be taken from a level determined by Council.

Figure 3: Side elevation of building envelope.

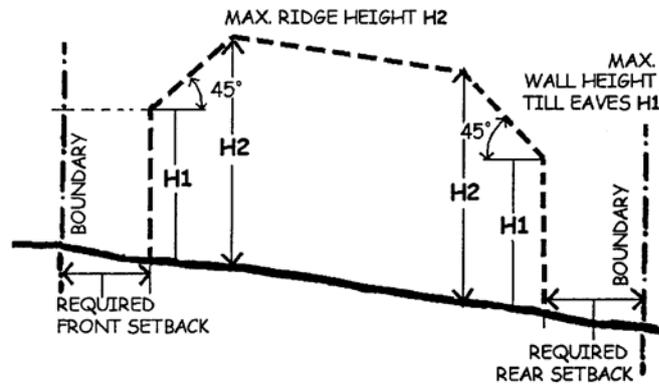
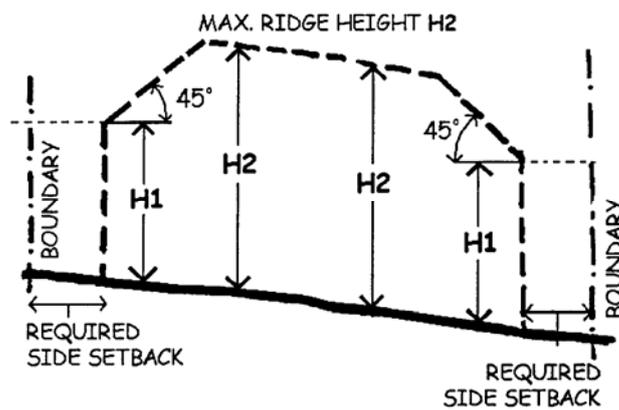
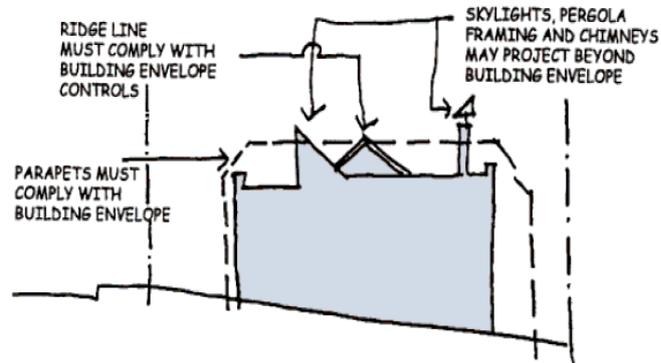


Figure 4: Rear elevation of building envelope.



NOTE: Parapets and ridgelines should comply with the building envelope. Certain elements such as open pergola framing, small skylights and chimneys may extend beyond the building envelope line, to a minor extent, due to their small size and the limited environmental effect (Figure 5).

Figure 5: Section through dwelling showing the building envelope and conforming elements.



5.2 Height of development in the R3 zone

Objectives

- (a) Ensure that the height of development is not excessive and relates well to the local context.
- (b) Residential flat development with four residential levels is permitted on certain sites.
- (c) Rooftop terraces are generally prohibited.
- (d) Increase the sense of space in apartments and provide well proportioned rooms.
- (e) Promote the penetration of daylight into the apartment.
- (f) Achieve quality interior spaces while considering the external building form and density requirements.

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Controls

- (1) Building heights should comply with the following requirements identified in table below.

Development Type	Maximum H1 Height	Maximum H2 Height
Multi dwelling housing (single residential level)	4.5m	5.0m
Multi dwelling housing (two residential levels)	7.4m	9.0m
Residential flat buildings <ul style="list-style-type: none"> ▪ Two residential levels ▪ Three residential levels ▪ Four residential levels (where permitted) 	7.4m 10.5m 12.0m	9.0m 12.0m 14.0m

NOTE: Building height is defined in KLEP 2012

- (2) Habitable rooms in medium density developments must achieve a minimum floor-to-ceiling height of 2.7m.
- (3) In the following circumstances, a lower height may be acceptable or preferred:
- (i) development is within a roof space (other than mansard roof forms) and the environmental quality of internal living spaces is not adversely impacted;
 - (ii) it can be demonstrated that a reduced floor to ceiling height will provide measurable benefits for neighbouring amenity and the environmental quality of internal living spaces is not adversely impacted.
- (4) Residential flat buildings up to four residential levels are permitted, with the consent of Council, on the following development sites:
- (i) 29-31 Garfield Street, Carlton
 - (ii) 1-3 Gray Street, Kogarah
 - (iii) 51 Gladstone Street, Kogarah
 - (iv) 6-8 Hamilton Street, Allawah
 - (v) 14-16 Hamilton Street, Allawah
 - (vi) 1-5 Hampton Court Road, Carlton
 - (vii) 7-9 Hampton Court Road, Carlton
 - (viii) 68-72 Hampton Court Road, Carlton

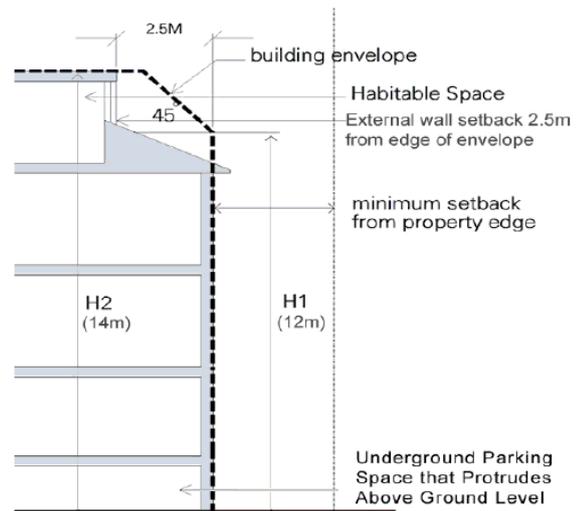
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- (ix) 74-76 Hampton Court Road, Carlton
 - (x) 9-21 A Lancelot Street, Allawah
 - (xi) 1-3 Nielsen Avenue, Carlton
 - (xii) 268 Railway Parade & Nos. 1-3 English Street, Carlton
 - (xiii) 270-272 Railway Parade, Carlton
 - (xiv) 274-278 Railway Parade, Carlton & Nos. 2-4 Buchanan Street, Carlton
 - (xv) 2-14 Rutland Street, Allawah.
- (5) The abovementioned sites are to be amalgamated in accordance with the site amalgamation requirements shown in Appendix 3.
- (6) The following specific provisions also apply to the sites identified in (4) above:
- (i) The maximum number of residential levels is 4.
 - (ii) No residential development is permitted in the roof void.
 - (iii) Level 4 is to be setback 2.5m from the edge of the envelope (see Figure 6).
 - (iv) The development must fit within the building envelope for residential flat building with four (4) residential levels where H1 is 12 metres and H2 is 14 metres.
 - (v) Does not require the floor area within the fourth level to be included in calculating the density requirements, namely 1.1m² of site area per m² of dwelling.
 - (vi) Does not require the dwellings situated on the fourth level to be included in calculating the common open space requirements, namely 30m² per dwelling.
- (7) Rooftop terraces are prohibited in multi unit developments, except in circumstances where that rooftop terrace is the primary open space area associated with a rooftop development (eg. penthouse unit).
- (8) Where a rooftop terrace is proposed, it must have direct access to a living area and it must be level with that living area.
- (9) For single level units, the maximum floor to ceiling height for all habitable rooms is 3000mm, with a minimum requirement of 2700mm.
- (10) The maximum depth of the ceiling (ceiling to floor above) is to be limited to 600mm.

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- (11) Where a development seeks to vary the floor to ceiling heights or reconfigure an approved development, the applicant must demonstrate that the development will not result in non-compliances with design standards, including site density and onsite parking provisions.

Figure 6: Building envelope applied to attic or rooftop development in a residential flat building to which this provision applies.



6. Building Setbacks

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

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

Street setbacks are measured from the street boundary to the outside edge of the building.

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

Objectives

- (a) Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be enhanced.
- (b) Integrate new development with the established setback character of the street.
- (c) Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.
- (d) Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.
- (e) Multi dwelling housing and residential flat buildings should provide a varied front building setback.
- (f) Retain and enhance front building setbacks on corner sites.
- (g) Side setbacks should protect privacy to adjoining buildings and protect access to natural light and ventilation.
- (h) Rear setbacks should facilitate natural infiltration of stormwater and protect privacy of adjoining buildings.

Controls

- (l) For residential flat development and multi dwelling housing, a maximum of 75% of the width of the building must be setback a minimum of 5m, with the remainder 25% being setback a minimum of 7m (Figure 7).

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- (2) For multi dwelling housing proposed in accordance with Clause 18 of Schedule 1 of Kogarah LEP 2012, the following minimum front building setbacks apply:
- (i) 5.5m from the front boundary to the wall of the dwelling.
 - (ii) Garages must be setback a minimum of 5.5m from the principal street frontage.
 - (iii) Where a site abuts a heritage item, the minimum front setback is to be consistent with the abutting heritage item (where the front setback is greater than 5.5m).
 - (iv) Where the existing front setback of the heritage item is less than 5.5m, the minimum front setback is to be 5.5m.
- (3) Where a multi dwelling development has a frontage to two (2) streets, then the setback to the secondary street shall be 4.5m.
- (4) The side and rear boundary setbacks should comply with the table below.

Dwelling Type	Rear Setback	Side Setbacks
Multi dwelling housing	3m plus $\frac{1}{4}$ the amount that the wall height exceeds 3m	As per requirements for dwellings where they front the street For dwellings not fronting the street, 3m plus $\frac{1}{4}$ the amount that the wall exceeds 3m
Residential flat buildings	3m plus $\frac{1}{4}$ the amount that the wall height exceeds 3m	
Multi dwelling housing in accordance with Clause 18 of Schedule 1 of Kogarah LEP 2012	Minimum of 3m from the side and rear boundaries. An increased side and rear setback may be required where a development abuts a heritage item so as to ensure that the development does not detract from the setting and architectural character of the heritage item.	

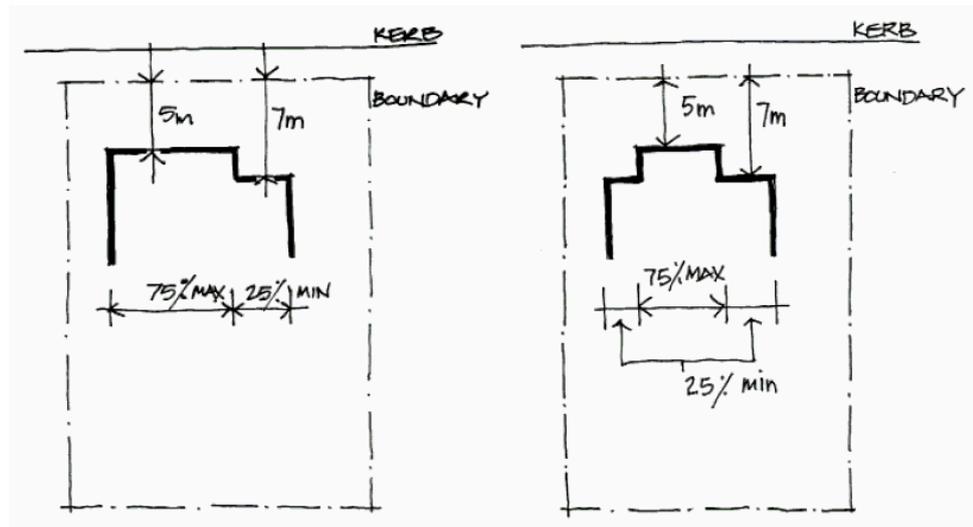


Figure 7. Examples of the application of the two setbacks required for a residential flat building.

7. Site Coverage

Site coverage refers to the proportion of a site covered by buildings and is defined in KLEP 2012.

Objectives

- (a) Limit site coverage and excavation of new buildings.
- (b) Maximise opportunities for on-site infiltration of stormwater.
- (c) Maximise opportunities for deep soil landscape areas.
- (d) Maintain subterranean water flows as much as possible by minimising the extent of disturbance to a site.

Planning Controls

- (1) The maximum site coverage should comply with the table below.

Dwelling Type	Maximum Site Coverage
Multi dwelling housing in accordance with Clause 18 of Schedule 1 of Kogarah LEP 2012	50%
Multi dwelling housing	40%
Residential flat buildings	45%

8. Open Space

Well designed and high quality private and communal open space can provide benefits to all residents by meeting recreational requirements, softening new development, providing adequate landscaping for privacy and improving local habitat for plants and animals.

Landscaping can also be beneficial in reducing the impervious surfaces of a development site and reducing local stormwater runoff.

Objectives

- (a) Provide sufficient private open space for the reasonable recreational needs of residents and landscape amenity to the dwellings.
- (b) Ensure private open space is located to benefit from sunlight and is well integrated to complement the living area of a dwelling.
- (c) Ensure communal open space is provided for the use of residents and can be economically and effectively maintained.
- (d) Provide open space for indigenous native plants and allow deep soil areas for planting of trees.
- (e) Minimise the impervious areas of a site to reduce stormwater runoff and the potential for local flooding.
- (f) Provide open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions.

Controls

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

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Dwelling Type	Private Open Space (minimum)	Common Open Space (minimum)	Impervious area of site (maximum)
Multi dwelling housing	<p>40m² per dwelling at ground level with minimum dimensions of 4m.</p> <p>Optional additional 12m² balcony with minimum dimensions of 3m</p> <p>Must be larger on the southern side: 3m + h</p>	No controls	55%
Residential flat buildings	<p>Where provided, courtyards for ground floor units must be a minimum of 35m²/ dwelling, with a minimum dimension of 3m.</p> <p>Otherwise all dwellings must be provided with a balcony 12m² in area with a minimum dimension of 3m.</p>	Must be provided at the rate of 30m ² / dwelling for dwellings having balconies as the only form of private open space, with a minimum overall area of 75m ² , and with minimum dimensions of 5m	55%
Multi dwelling housing identified in Clause 18, Schedule 1 of KLEP 2012	<p>Each dwelling must provide an area of useable outdoor private open space at ground level that:</p> <ul style="list-style-type: none"> (a) has a minimum area of 35m²; (b) has a minimum width of 4m; (c) has a maximum gradient of 1 in 10; (d) is suitably landscaped and directly accessible from the dwelling at ground level; and (e) offers convenient access from a principal living area. 	No controls	<p>60%</p> <p>The impervious area may be increased to 65% where the proposed development employs 100% stormwater treatment and reuse on site</p>

9. Vehicular access, parking and circulation

Objectives

- (a) Provide sufficient and convenient on-site parking for residents, visitors and service vehicles.
- (b) Reduce resident on-site parking where public transport is available within reasonable walking distance or where low car parking demand exists.
- (c) Ensure streets, access ways and pedestrian ways provide safe and convenient vehicle access to dwellings, and can be efficiently managed.
- (d) Ensure on-site parking is provided for people with a disability and is consistent with the design requirements of the Building Code of Australia and the relevant Australian Standards.
- (e) Minimise the adverse impact of vehicles on the amenity of the development, streetscape and neighbourhood.
- (f) Car access areas and garages/carports do not visually dominate either the development or the streetscape.
- (g) Ensure adequate provision of secure bicycle parking.
- (h) Provide safe vehicular and pedestrian access to sites.
- (i) Ensure that there is adequate space on site for easy, convenient and safe circulation of vehicles.
- (j) Ensure that parking design is attractively landscaped, minimises stormwater runoff and provides security for residents and visitors.
- (k) Vehicular access routes and parking areas are easily accessible and visible to motorists.
- (l) Ensure that parking spaces are available for vehicles by providing adequate and appropriately designed storage for each dwelling.
- (m) Designated car wash bays are provided for large developments and are designed appropriately with the opportunity for polluted runoff minimised.
- (n) Basement car parking, where permitted, is appropriately designed for user safety and environmental sensitivity.
- (o) Developments on Classified Roads must ensure no disruption to traffic.

Controls

- (1) Car parking is to be provided in accordance with the requirements in Part B4.
- (2) Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability.
- (3) On corner sites with two street frontages vehicular access should be provided to the secondary frontage.
- (4) Garages should be accessed from a rear lane where this is available.
- (5) Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.
- (6) Driveways should be designed to avoid a straight, long “gun barrel” appearance by using appropriate landscaping and variations in alignment.
- (7) Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1-2004.
- (8) Each on-site parking space must have the following minimum dimensions:
 - (i) parking space unenclosed at sides: 2.6m width x 5.5m length
 - (ii) enclosed garage: 3.0m width x 5.5m length
 - (iii) designated disabled parking space and space for each adaptable unit: 3.8m width x 6.0m length.
- (9) Council may require these dimensions to be increased where the access aisle or driveway is less than 7m wide.
- (10) Clearance above the general parking surface must be a minimum of 2.5m.
- (11) Tandem parking (one space immediately behind another) may be used where two spaces are provided for a specific dwelling.
- (12) A minimum of 600mm of landscaping must be provided between a driveway and side boundary.

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- (13) In order to allow for a landscaped buffer between shared driveways and the windows of habitable rooms, shared driveways must be set back a minimum of 1.5m from windows of habitable rooms or a minimum of 1 metre where the floor level of the habitable room is at least 1m above the driveway at the window opening.
- (14) Stable, semi porous pavers (eg brick, stone pavers), laid to paving standards for light vehicles, are encouraged.
- (15) For car parking areas and driveways with negligible slopes, porous materials such as compacted crushed stone, pebble, gravel and semi-porous pavers may be used.
- (16) Where possible, driveways must be drained to adjoining landscaped areas.
- (17) Bicycle parking is to be provided in accordance with Clause 3 in Part B4.
- (18) All residential flat developments must provide a car wash bay which:
 - (i) is roofed and bunded to exclude rainwater.
 - (ii) has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay.
 - (iii) has a fixed basket trap for floor waste.
 - (iv) includes a 1000 litre general purpose pit.
- (19) Three options exist for the disposal of trade wastewater from residential car wash bays. They are:
 - (i) removal off-site by an authorised liquid waste disposal contractor;
 - (ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or
 - (iii) discharge to the sewer via appropriate pre-treatment.
- (20) If the car wash bay discharges into the sewer, a Permission to Discharge Trade Wastewater issued by Sydney Water must be obtained prior to approval of the development.
- (21) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (eg removal by an authorised liquid waste disposal contractor)
- (22) All multi dwelling and residential flat developments must provide a secure storage space of a minimum floor area of 4m³ per dwelling. This is to have a minimum dimension of 500mm.

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- (23) Developments on Classified Roads are to:
 - (i) minimise the number of access points, or seek alternative access wherever possible.
 - (ii) provide safe vehicle access, adequate sight distances and make provision for vehicles to leave the site in a forward direction.
 - (iii) comply with any conditions imposed by Council to satisfy the requirements of the RMS.
- (24) Basement car parking should be naturally ventilated where possible.
- (25) Separate pedestrian access to buildings should be provided.
- (26) Basement car parking should be located under the building footprint and project no more than 1m above natural ground level.
- (27) Basement areas including access and egress routes should be clearly illuminated. All lighting must comply with the relevant Australian Standards.

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Figure 8. Landscaped areas to driveways provide a buffer and absorb runoff from impervious areas.

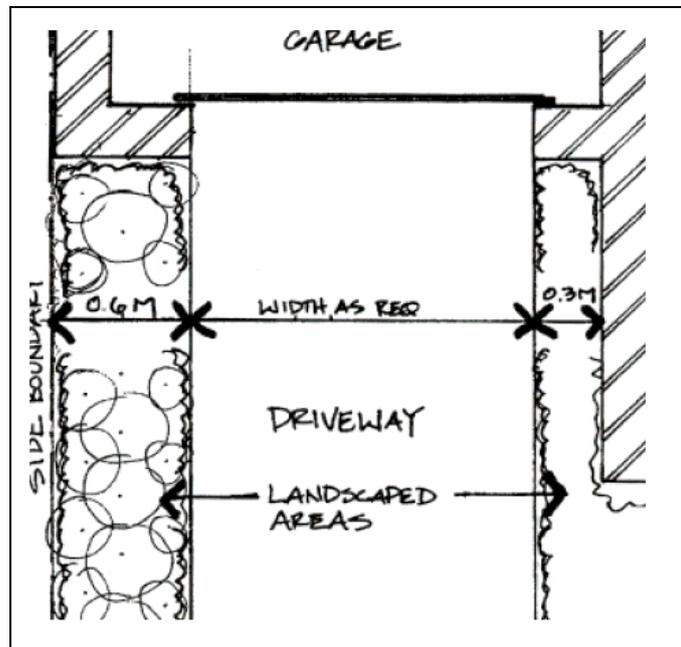
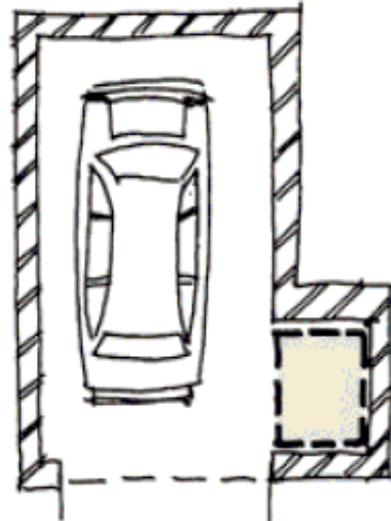


Figure 9. Sufficient storage should be provided for each dwelling to ensure that parking spaces are not used for storage.



10. Special vehicular access restrictions for medium density development

Where a development for multi dwelling housing is proposed in accordance with Schedule 1, Clause 18 – Use of certain land for multi dwelling housing of Kogarah LEP 2012, the following site access requirements apply:

- (a) For the following sites, it would be preferable if vehicular access is accessed from:
 - (i) Laycock Road for development on Nos. 74-76 Hillcrest Avenue.
 - (ii) Jubilee Avenue for development on Nos. 113-121 Rocky Point Road.
 - (iii) Weeney Street for development on Nos. 139-145 Rocky Point Road.
 - (iv) Dalkeith Street for development on Nos. 81-85 Ramsgate Road.
 - (v) Myers Street for development on Nos. 405-411 Rocky Point Road.
 - (vi) Cooleen Street for development on Nos. 925-927 King Georges Road.
 - (vii) Terry Street for development on Nos. 913-919 King Georges Road.
 - (viii) Walton Street and/or Lynwood Street for development on Nos. 945-957 King Georges Road.
 - (ix) Philip Street for development on No. 969 King Georges Road.
- (b) Where access cannot be provided from the preferred vehicular access points, then the applicant must submit to Council details as to why the preferred vehicular access cannot be achieved and a traffic impact statement, prepared by a suitably qualified person, assessing the suitability of the proposed vehicular access.
- (c) Provision is to be made on site so that all vehicles can leave the site in a forward direction.
- (d) Other than as provided above, Council shall not consent to multi dwelling housing on land having a frontage to a classified road unless:
 - (i) the vehicular access to and egress from the land is from or to a road other than a classified road, or
 - (ii) the frontage to the arterial road is 27m or greater.

11. Solar Access

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

Objectives

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

Controls

- (1) Where private open space is proposed on the southern side of the building, the distance from the southern boundary of the open space to the nearest wall to the north must be a minimum of $3m + h$, where h is the height of the wall (Figure 10).
- (2) Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June) (Figure 11).
- (3) Shadow diagrams are to be submitted for the winter solstice (21 June) and the spring equinox (22 September).
- (4) Shadow diagrams are required to show the impact of the proposal on the sunlight to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.

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Figure 10. Sunlight access to private open space on the southern side of the building

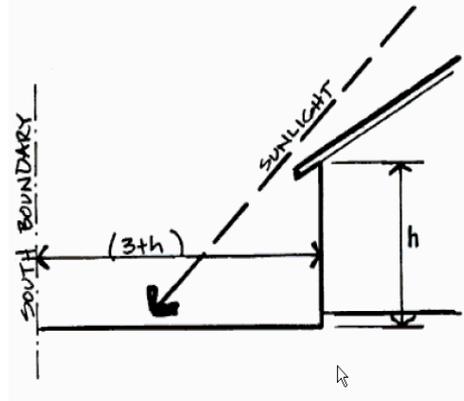
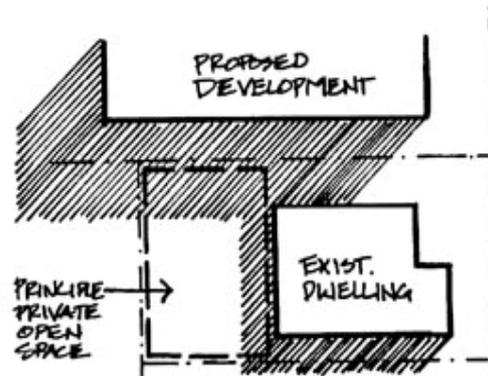


Figure 11. Primary private open space of adjoining properties is to receive adequate sunlight.



12. Views and view sharing

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

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

Objective

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

Controls

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

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

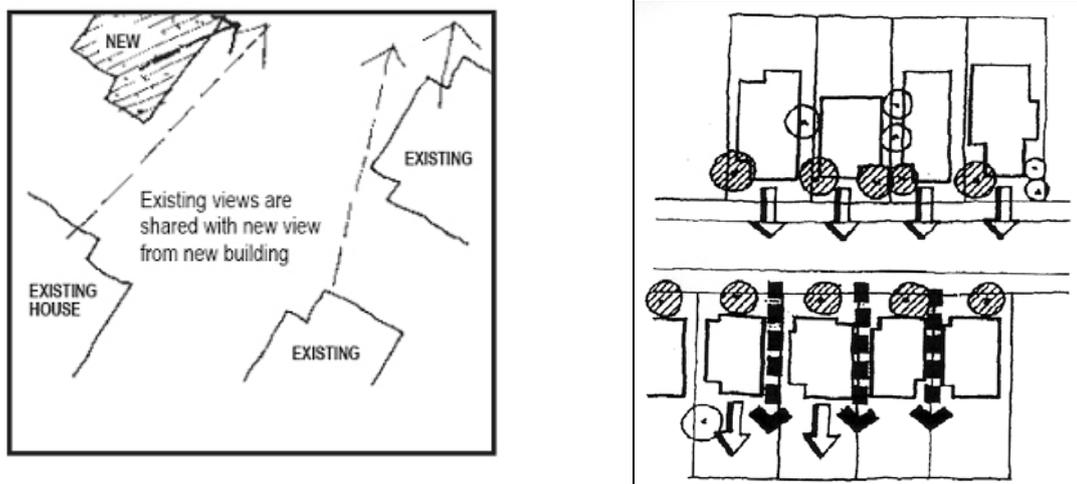


Figure 12. Building forms and siting enable sharing of views.

13. Adaptable & Accessible Housing

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

Adaptable and accessible housing is designed to be flexible. Adaptable housing involves the creation of a basic shell, which can then be adapted at a minimum cost to suit a variety of housing needs, and which is appropriate to people throughout their life span, therefore allowing them to “age in place”.

Objectives

- (a) Ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.
- (b) Encourage flexibility in design to allow people to stay in their home if their needs change due to age or disability.
- (c) A proportion of medium density dwellings in developments must be adaptable.
- (d) All medium density developments should be designed to be accessible.

Controls

- (1) The minimum number of adaptable units designed in accordance with AS4299 - 1995 Adaptable Housing must be incorporated into the above developments:
 - (i) 3-10 units – 1 adaptable unit
 - (ii) 11-20 units – 2 adaptable units
 - (iii) 21-30 units – 3 adaptable units
 - (iv) 31-40 units – 4 adaptable units
 - (v) 41-50 units – 5 adaptable units
 - (vi) 51+ units - 6 adaptable units + 10% of additional dwellings beyond 60 (rounded up to the nearest whole number).
- (2) Notwithstanding the above requirements, where multi dwelling housing is proposed in accordance with Clause 18, Schedule 1 of KLEP 2012, all dwellings must be designed in accordance with AS4299-1995.
- (3) The adaptable units must comply with the relevant Australian Standards and be certified as “adaptable housing units”.

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- (4) Developments must be designed and constructed to comply with:
 - (i) AS 1428.1 – 1993 Design for Access and Mobility Part 1
 - (ii) AS 1428 – 1993 Design for Access and Mobility Part 2 Enhanced and Additional Requirements – Buildings and Facilities.

- (5) Specifically, they should comply with the following:
 - (i) Provide access from the street to public entrances of medium density developments where 10 or more units are proposed.
 - (ii) Where lifts are proposed dimensions of lifts must be 975mm wide and 1300mm deep with doors that open to a minimum clear width of 800mm.
 - (iii) All numbers and operation buttons are to be no more than 1200mm above the lift floor level.
 - (iv) Signage and tactile information indicating accessible facilities must be displayed at the main entrance and other appropriate entrances in accordance with AS1428.1 and AS1428.2.

- (6) Notwithstanding the above requirements, where development for multi dwelling housing is proposed in accordance with Clause 18, Schedule 1 of KLEP 2012, all dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS1428) to an adjoining public road or an internal road or driveway that is accessible to all residents.

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

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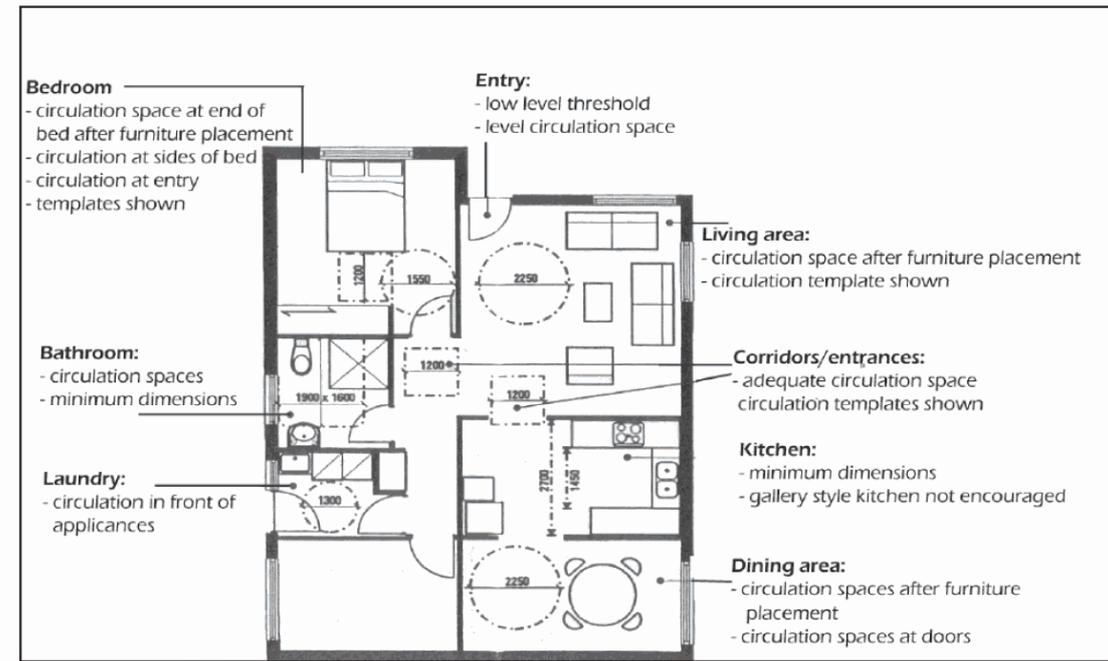


Figure 13. Principles for an adaptable dwelling.

The circulation templates shown in Figure 13 are based on those in Australian Standards 1498- Access and Mobility (Parts 1 and 2) and 4299- Adaptable Housing.

The dwelling shown is approximately 100m² and demonstrates how adaptable principles can be incorporated into a relatively small dwelling. For a larger dwelling, compliance is much easier.