

# Part 6 Residential Controls

## Part 6.4 Ancillary Development

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## 6.4.1 Fences and Walls

### Objectives

- a) Ensure fences and walls improve amenity for existing and new residents and contribute positively to the streetscape and adjacent buildings.
- b) Ensure materials used in fences and walls are of a high quality and in keeping with the existing streetscape character and character of the dwelling.
- c) Ensure fences and walls are sympathetic to the topography of the site.
- d) Ensure retaining walls minimise the impact of run off on adjoining properties and public land.
- e) Minimise interference with natural drainage patterns.
- f) Be of a height, design and located so as to not detrimentally impact upon pedestrian and vehicle sightlines.

### Controls

#### Front Fences

1. Fence heights are to be limited to a maximum of:
  - i. 900mm for solid masonry, and
  - ii. 1.2m for open or partially transparent styles such as picket or palisade.
2. Preferred materials for fencing are masonry, stone, ornate timber or ornate metal.
3. For sloping streets, fences and walls must be stepped to comply with the required maximum fence height.
4. Where noise attenuation or protection of amenity requires a higher fence, front fences may be permitted to a maximum height of 1.8m and must be setback a minimum of 1m from the boundary to allow landscape screening to be provided. Landscape species chosen should be designed to screen the fence without impeding pedestrian movements along the roadway. Front fences and landscape screening must not compromise vehicular movement sightlines.
5. Fencing (and landscape screening) is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured. Gates are not to open over the public roadway or footpath.

#### Side and rear fences

6. Side and rear boundary fences must not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary. An additional 300mm of lattice is permitted for privacy screening.

7. In the case of corner sites with two street frontages, a 1.8m fence height is only permitted behind the building line. Fencing forward of the building line is limited to a maximum height of between 900mm - 1.2m.
8. Fencing between dwellings within a dual occupancy, multi-dwelling housing, multi-dwelling housing (terraces) and manor housing development is to be provided as per controls 6 and 7 above.
9. Fencing must have regard for the *Swimming Pools Act 1992* on the subject site and adjoining properties where a swimming pool exists or is proposed.

### Retaining walls

10. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures on the subject or adjoining allotments. All components, including footings and aggregate lines, must be wholly contained within the subject property.
11. A retaining wall that is visible from the street or public area must:
  - i. Be constructed to a height no greater than 1.0m, and
  - ii. Be designed so a minimum setback of 1.0m between the retaining wall and the boundary is provided, to permit landscaping, and
  - iii. Be constructed of materials that are durable and do not detract from the streetscape.
12. No part of any retaining wall or its footings is to encroach onto an easement unless approval from the beneficiary is obtained, and the purpose of the easement is not interfered with.
13. Any retaining walls, required as part of the dwelling construction to control potential land stability and/or the structural integrity of adjoining properties, must be completed and certified by an appropriately qualified and practicing engineer prior to occupation of the dwelling.
14. Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.

## 6.4.2 Air Conditioning

### Objectives

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

### Controls

1. Air conditioning units should be sited so that they are not visible from the street.

2. The noise level from air conditioning condensers/systems is not to exceed the LAeq 15 minute by 5dBA measured at the property boundary.

*Note: LAeq - This descriptor represents the level of average noise energy over the relevant period of measurement and takes account of peak noise levels as well as the degree of noise fluctuation. The LAeq is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level.*

### 6.4.3 Outbuildings

#### Objectives

- a) Ensure that buildings are designed and located to complement the dwelling and minimise the impact on the streetscape and natural landscape.
- b) Ensure that outbuildings do not adversely affect the amenity of the locality by their visual impact, size, overshadowing or use.
- c) Ensure outbuildings visually integrate with the development.
- d) Maintain existing significant trees and vegetation.
- e) Outbuildings must be placed and designed to minimise impact on privacy and amenity of neighbouring properties.
- f) The design of structures, including the roofline, should complement the principal residence and adjoining properties.

#### Controls

1. Outbuildings are not to be located within the front building line setback and must be set back a minimum of 900mm from all site boundaries. Windows and glass doors must face into the yard of the subject site or be appropriately treated to reduce visual impacts if facing a neighbouring property.
2. Outbuildings must not be used as a secondary dwelling or dual occupancy.
3. Outbuildings must be positioned so they do not overshadow habitable areas or open space of adjoining properties.
4. The sum of the floor space of all outbuildings on a site (excluding carports and open structures such as pergolas, awnings and the like) must not exceed 30m<sup>2</sup>.
5. The maximum height of outbuildings is 3.5m to the ridge and 2.5m to the underside of the eaves, above existing ground level.
6. Landscaped area for single dwellings (as defined in the GRLEP 2021) is to be provided in accordance with the table contained within *Clause 6.12 Landscaped areas in certain residential and environmental protection zones* of the GRLEP 2021.

7. The minimum setbacks for garages, gyms, cabanas and sheds are 900mm from all boundaries.
8. Outbuildings, other than garages, where located on rear laneways, are to be setback a minimum of 1m from the laneway boundary.
9. External finishes and claddings of ancillary structures and outbuildings are to have low reflectivity finishes.

## 6.4.4 Swimming Pools/Spas

### Objectives

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

### Controls

1. Swimming pools/spas are to be located to the rear of properties.
2. For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary frontage.
3. Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.
4. In-ground swimming pools shall be built so that the top of the swimming pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.
5. Swimming pools/spas are to be no more than 500mm above existing ground level.
6. On steeply sloping sites, Council may consider allowing the top of the swimming pool at one point or along one side to extend up to 1m above existing ground level, provided that

the exposed face of the swimming pool wall is treated to minimise impact. The materials and design of the retaining wall should be integrated with and complement the style of the swimming pool.

7. Decking around a swimming pool must not be more than 600mm above existing ground level.
8. Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.
9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.
10. A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.
11. Safety and security measures for swimming pools must comply with the relevant requirements of the *Swimming Pools Act 1992* and any relevant Australian Standards.
12. A spa is not required to be surrounded by a child resistant barrier provided that the spa is covered or secured by a child-safe structure (e.g. door, lid or mesh) that is fastened to the spa pool by a child-resistant device at all times when the spa pool is not in actual use and complies with *Swimming Pools Act 1992* and any relevant Australian Standards.

## 6.4.5 Tennis Courts

### Objectives

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

### Controls

1. Tennis courts are to be located at the rear of properties.
2. For corner allotments or where the property has two (2) street frontages, the location of tennis courts is not to be in the primary frontage.
3. For courts on corner sites, a distance of 3m must be provided between the court fencing and the property boundary to the secondary street frontage.
4. Tennis courts must be positioned having regard to the location of habitable rooms both on site and on adjoining properties and maintenance of private open space.

5. Screen planting should be provided between court fencing and the nearest property boundary or any dwelling on an adjoining property.
6. The court playing surface must be of a material that minimises heat and light reflection.
7. Flood lighting is generally not permitted unless it can be demonstrated that the lighting and use of the court at night will not interfere with neighbour amenity.
8. Fencing material is to be a recessive colour and transparent.
9. Tennis court fences are to be setback a minimum of 1.5m from boundaries.
10. Cut and fill associated with the construction of a tennis court must not unreasonably intrude into the natural topography of the land.
11. Stormwater captured by the tennis court is to be connected to the drainage system associated with dwelling.

#### 6.4.6 Aerials, Antennae and Communication Dishes

The construction or installation of an aerial, antenna or a satellite communications dish (including any supporting mast) is 'exempt development' provided it meets the criteria specified within *Part 2, Division 1, Subdivision 2, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Where the development does not meet the criteria for 'exempt development' as prescribed above, it must address the objectives and controls of this DCP.

#### Objectives

- a) Ensure that aerials, antennae, and communications dishes must be thoughtfully integrated into development and are unobtrusive.

#### Controls

1. The design and location of aerials, antennae, and communications dishes:
  - i. Do not have an unreasonable impact on the architectural character of the building to which it is attached;
  - ii. Are not visually intrusive within the streetscape;
  - iii. Do not have an unreasonable impact on the amenity of adjoining and adjacent properties;
  - iv. No satellite dish is to be located on the front façade of a building or be visible from a public street; and
  - v. No satellite dish is to be located within the front setback.