

Kiama Development Control Plan 2020

Chapter 6. Residential Accommodation



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
Resolution No	20/071OC
Date effective	4 April 2020
Date last reviewed	17 March 2020
Next review date	17 March 2021
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	SC3392
Supporting documents	Nil

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Topic 6.1 – Dwelling Houses

Under the Kiama LEP 2011, [dwelling](#) means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwellings are permissible with consent in all of our residential and rural zones and in our E3 Environmental Management zone. Dwellings in our rural zones and E3 Environmental Management zone need to comply with the relevant minimum lot size in order to have a 'dwelling entitlement'.

The following controls apply to development applications for both new dwellings and additions and alterations to existing dwellings.

General

Objectives

O:6.1.1	To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
O:6.1.2	To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
O:6.1.3	To protect the character of the areas and towns.
O:6.1.4	Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
O:6.1.5	To provide high level of user amenity through the provision of well designed, liveable dwellings.
O:6.1.6	To provide high level of visual and acoustic privacy for existing and new residents.
O:6.1.7	To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
O:6.1.8	To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

Controls

- 6.1.1 All applications for dwellings must meet the following controls:
- all Principal development standards as set by LEP 2011.
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.1.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.1.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.
- 6.1.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of dwelling house/addition/dual occupancy/secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.

- 6.1.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 6.1.6 To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.
- 6.1.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.1.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.1.9 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned R5 Large Lot Residential.
- 6.1.10 Dwellings and ancillary development in rural areas must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.
- 6.1.11 Dwellings and ancillary development in rural areas must be carefully and sensitively sited and designed to compliment landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 6.1.12 Any existing dwelling that is replaced by a new dwelling must be demolished before the new dwelling is occupied unless consent is granted for that dwelling to be used for another purpose.
- 6.1.13 Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same accessways.
- 6.1.14 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place

Building Lines and Building Separation

Building Height Plane

- 6.1.15 No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site.

Building Lines

In established areas, the objective is to blend new development into the streetscape. Adopting similar setbacks to those already existing helps to integrate new development, and is an important design requirement in areas with significant streetscapes and a defined urban character. Where setbacks of adjacent buildings are approximately the same, it is better in terms of the streetscape to introduce a new building at the same setback as one of the adjacent buildings, rather than introducing a different setback distance. Where setbacks of adjacent buildings differ significantly, it is usually better to average the setbacks of the two adjacent buildings.

The setback of buildings relative to each other, public space and natural features affect issues of solar access, ventilation, safety, privacy, noise reduction, view corridors, view aspect, streetscape amenity, retention of vegetation and protection of sensitive areas such as wetlands, rivers, river foreshores and sensitive coastal locations.

Objectives

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| O:6.1.9 | To provide guidelines for the appropriate siting of dwellings and other buildings. |
| O:6.1.10 | To protect the amenity of the locality in which the development is situated. |
| O:6.1.11 | To setback buildings and garages/carports from the street to provide adequate space for landscaping or open space, visual and acoustic privacy and vehicle parking, while assisting in establishing an attractive streetscape. |
| O:6.1.12 | To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape. |
| O:6.1.13 | To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front. |
| O:6.1.14 | To prevent unreasonable loss of views. |
| O:6.1.15 | To provide for compliant car accommodation with due reference to building lines. |
| O:6.1.16 | To require dwellings to be designed and sited in a way consistent with ecologically sustainable development objectives and urban design principles. |
| O:6.1.17 | To protect urban bushland, riparian corridors, watercourses (including streams, estuaries and wetlands) and significant landscapes. |
| O:6.1.18 | To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences. |

O:6.1.19	To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic change.
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What are the types of Building Lines?

In the context of this plan:

“Building Line” means the distance to a vertical member as measured from the front, rear or side property boundaries.

“Building Line Map” means the series of maps contained in Chapter 2 Section 7.

“Designated Property” means an allotment with a front, rear or foreshore building line defined in the building line maps.

“Foreshore Building Line” means the distance a structure must be set back from the boundary adjacent to the coast or a river, estuary, lake, lagoon or other water body.

“Front Building Line” means the distance a structure must be set back from the narrow street frontage of an allotment.

“Rural Areas” means both rural and rural environmental protection zoned land.

“Secondary Building Line” in relation to corner allotments, means the distance a structure must be set back from the longer street frontage of an allotment.

“Vertical Member” means the external wall or other vertical element of a building (eg post, column etc) nearest to the boundary from which the building line is being measured.

What can be built within the Building Lines?

Subject to compliance with the objectives of this chapter, the following structures **may** encroach forward of a building line, other than a foreshore building line and shall be a maximum area of 5.0m²:

- A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
- An eaves or gutter to a maximum of 1.5 metres in depth.
- A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
- A fences and/or retaining wall to a maximum height of 1.2 metres.
- An entry feature or portico to a maximum depth of 1.5 metres.
- A window box treatment or bay window to a maximum depth of 1.5 metres.
- A sun shading feature to a maximum depth of 1.5 metres.

How do you measure a Building Line?

A building line is the distance from the boundary of a site to the wall or other vertical member of a building. In most cases this is a perpendicular measurement from the boundary with the building line running parallel to that boundary.

Street setbacks are perceived primarily as a means of protecting neighbour amenity and assisting in the establishment and maintenance of streetscape character.

Building Lines may provide:

- a landscape and visual setting for the building.
- a noise attenuation zone.
- privacy from the street and facing buildings.
- a buffer to street activity.
- an area that allows daylight and sunlight to reach the building.

- a territorial threshold between the public or communal street and private home.
- continuity with the existing streetscape.

Building Line Controls - Front Building Lines

- 6.1.16 Front building lines shall be in accordance with the [building line maps](#) or other relevant Chapters of this Development Control Plans.
- 6.1.17 Where a site is not mapped by the [building line maps](#) or covered by another chapter of this DCP the front building line shall be 4.5m or the average setback from the primary road of the 2 nearest dwelling houses on the same side of the primary road, whichever is the greater.

Building Line Controls - Secondary Building Lines on Corner Allotments

- 6.1.18 Secondary building lines shall be a minimum of 3.5 metres.

Building Line Controls - Secondary Building Lines on Parallel Road Allotments

- 6.1.19 Secondary building lines shall be a minimum of 3 metres.

Building Line Controls - Rear Building Lines

- 6.1.20 Rear building lines are 6 metres unless otherwise identified on the [Building Line Maps](#).
- 6.1.21 In the case of allotments affected by a 6.0 metre front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or six (6) metres whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.
- 6.1.22 Single storey non-habitable structures, such as garages, pools, pergolas and barbecue areas, may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighbouring properties will result.

Building Line Controls - Side Boundary Setbacks for Walls, Eaves and Gutters

- 6.1.23 The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.

Building Line Controls - Building Lines for Garages or Carports

- 6.1.24 Car parking shall be provided behind the building line.

- 6.1.25 In the case of properties subject to front building lines of less than 6.0 metres, car accommodation in the form of either garages or carports shall be setback a minimum distance of 6.0 metres from the street boundary. This will enable sufficient space to allow additional visitor car parking within the driveway and wholly within the property boundaries. Applicants need to check specific controls in chapters 4 and 5 and site specific chapters.

Building Line Controls - Building Lines in Rural Areas

- 6.1.26 Buildings in rural areas shall be setback at least 15.0 metres from the boundary of a property with a public road frontage.
- 6.1.27 The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.
- 6.1.28 An agricultural buffer area at least 150 metres wide - or a greater distance if possible - must be provided between a rural dwelling house, secondary dwelling or ancillary development (used for habitable purposes) and any adjoining land in separate ownership that is used or capable of being used for agricultural purposes. (the purpose of the agricultural buffer area is to mitigate the impact of agricultural activities including noise, odour and spray drift on adjoining land affecting the amenity and health of residents of a new dwelling erected on adjacent land. Agricultural activities include agricultural processing plants, dairies, cattle yards, horticulture, feedlots or other like activities that could result in noise, odours or agricultural spray drift).
- 6.1.29 Where a separation distance of 150 metres or more cannot be achieved, and an agricultural activity or an approved agricultural activity is or is likely to be carried out on adjoining land, the planting of a 20 metre wide vegetation buffer strip - comprised of native vegetation must be provided between the proposed development building envelope and the adjacent agricultural land to help screen and mitigate agricultural activity impacts.
- 6.1.30 A dwelling and any ancillary development must be set back from a public road by a distance of at least 15 metres, and from a private road by a distance of at least 10 metres where it is practical to do so without clearing native vegetation.
- 6.1.31 A dwelling and ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.

Foreshore Building Lines

The quality and amenity of foreshore areas can be reduced through a variety of processes. Paramount among these are the private ownership and alienation of foreshore land; the preclusion of public access along, and public enjoyment of, the foreshore; the encroachment of development (including private boat jetties and retaining walls) on the foreshore; the disturbance and destruction of coastal and riparian vegetation for private gain; and, the visual and environmental impact of development within close proximity to the foreshore.

[Foreshore Building Lines](#) create buffers between the foreshore and development. These buffers assist in the protection of sensitive ecologies and riparian corridors; provision of public access along foreshores and to natural areas; provision and maintenance of visual amenity along the foreshore; and protection of properties from the effects of sea-level

changes, storm surge events, long term shoreline recession and erosion or other coastal and estuarine processes.

[Foreshore Building Lines](#) have been established within certain parts of the Kiama Council area having a frontage to a river, estuary, lake, lagoon or the coast. The Foreshore Building Lines are a development standard for the purposes of the [Environmental Planning and Assessment Act, 1979](#) as amended.

Objectives

O:6.1.20	To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic changes/changing weather pattern.
O:6.1.21	Control the bulk, scale and location of development at the water's edge.
O:6.1.22	Restrict development and redevelopment below the Foreshore Building Line.
O:6.1.23	Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
O:6.1.24	Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.
O:6.1.25	Preserve and enhance the natural features and vegetation at the interface of land and water.
O:6.1.26	Avoid pollution of, and adverse ecological impacts on, waterways, riparian vegetation and aquatic life.
O:6.1.27	Preserve the foreshore vista in a natural state where the foreshore is undeveloped.
O:6.1.28	Provide for separation between private land uses and public access along the foreshore.
O:6.1.29	Provide visual separation between land-based development and water-based activities.
O:6.1.30	Minimise the disturbance of Acid Sulfate Soils.
O:6.1.31	Mitigate the potential for property loss or damage by ensuring buildings are not subjected to structural damage as a result of erosion, flooding or other coastal or riverine processes and hazards.

Controls - General

- 6.1.32 Council cannot grant consent to any development of land affected by a Foreshore Building Line unless it is satisfied that the development will be consistent with the above objectives.
- 6.1.33 In granting development consent for development on land affected by a Foreshore Building Line, Council may require the removal of any building or works located below the Foreshore Building Line.

Some areas have specific Foreshore Building Lines such as Charles Avenue Minnamurra, and Werri Lagoon

Controls - Minnamurra River Foreshore Building Lines

A Foreshore Building Line applies to certain land in Charles Avenue, Minnamurra, fronting the Minnamurra River and situated between North Street and James Oates Reserve (as indicated on the building line maps). The Foreshore Building Line is measured as 30m landward from the high water mark as denoted on Deposited Plan 9760, and has applied to the land, in one form or another, since 1969.

A residential townhouse development (Nos 128-132 Charles Avenue), constructed during the early 1990's, effectively divides the area affected by the Minnamurra River Foreshore Building Line into two sections. The area north of Nos 128-132 Charles Avenue (Section 1) is clearly different to the area south of that property in terms of building setback to the Minnamurra River and compliance with the Foreshore Building Line. Buildings in Section 1 are generally older style smaller cottages (some with boat sheds and other outbuildings), which have been constructed close to the river. In the area south of Nos 128-132 Charles Avenue (Section 2), a number of allotments have been redeveloped since 1969 and the new buildings erected on those properties have been required to be set back behind the Foreshore Building Line.

In recognition of the existing development pattern along the river and the inherent differences in the development of Section 1 and Section 2, the following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

Properties to the north of Nos 128-132 Charles Avenue

- 6.1.34 New building work shall not reduce the existing setback to the Minnamurra River.
- 6.1.35 Buildings located forward of the foreshore building line shall be limited to single storey in height.
- 6.1.36 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development as it appears from the Minnamurra River and adjoining public areas.
- 6.1.37 The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.38 The existing side boundary setbacks shall not be reduced.
- 6.1.39 Any alteration, extension or re-building of a building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of the first implementation of the foreshore building line on 7 March 1969. Council will consider a proposed variation to this criterion only on the following grounds:
 - The variation is required to enable a functional and reasonable (having regard to the objectives of the Foreshore Building Line) extension of an existing building.
 - The portion of the floor space in excess of the 10% consists of non-habitable development and the total increase is not more than 40m².
 - The other listed standards are complied with.
 - The variation is reasonable in terms of having minimal impact on adjoining residents and generally being consistent with the bulk and scale of adjoining developments.

- 6.1.40 There shall be no alteration, extension or re-building of a building within 6 metres of the high water mark.

Properties to the South of Nos 128-132 Charles Avenue

- 6.1.41 Any alteration, extension or re-building of the building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of first implementation of the foreshore building line on 7 March 1969.
- 6.1.42 A development application which proposes a significant increase in the gross floor area compared with that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- 6.1.43 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.
- 6.1.44 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Minnamurra River and adjoining public areas.
- 6.1.45 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.46 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.47 The existing side boundary setbacks shall not be reduced.
- 6.1.48 Any extension of an existing building shall not reduce the existing building setback to the river.
- 6.1.49 Buildings forward of the foreshore building line shall be limited to single storey in height.

Controls - Werri Lagoon Foreshore Building Line

A Foreshore Building Line applies to Nos.83 to 129 Renfrew Road and Nos 1 to 69 Werri Street, Werri Beach, fronting Werri Lagoon (as indicated on the building line maps). The Foreshore Building Line is measured as 15 metres landward of the high water mark as denoted on Deposited Plan 14188.

The following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

- 6.1.50 Any alteration, extension or re-building of a building forward of the Foreshore Building Line shall be restricted to an accumulative maximum increase in floor area of 10%.

- 6.1.51 A development application which proposes a significant increase in the gross floor area compared to that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- 6.1.52 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.
- 6.1.53 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Werri Lagoon.
- 6.1.54 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.55 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.56 The existing side boundary setbacks shall not be reduced.
- 6.1.57 Any extension of an existing building shall not reduce the existing building setback to the Lagoon.
- 6.1.58 Buildings forward of the Foreshore Building Line shall be limited to single storey in height.
- 6.1.59 Notwithstanding the above criteria, in the case of any existing structures located forward of the foreshore building line, there shall be no alteration, extension or re-building of such a building within 6.0 metres of the high water mark.

Building Footprint

Objectives

- O:6.1.32 To ensure that low density residential development provides sufficient space for private open space and landscaping on site.
- O:6.1.33 To ensure that the characteristics of coastal character of garden based residential development is maintained

Building Footprint means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Controls

- 6.1.60 Buildings, that are applicable under this section, are not to have a cumulative building footprint greater than the areas specified below:

For a single dwelling house in a urban zones	60%
Elambra Estate	60%
West Kiama Urban release Area	60%
Gerringong Headland	Site specific controls in accordance with Gerringong Headland Masterplan
Cedar Grove	60%

Building Materials

Objectives

- O:6.1.34 To preserve the visual amenity and the urban, coastal and rural scenic character of the Municipality from potential visual detractor by reflective building materials.
- O:6.1.35 To encourage the use of building materials with suitable levels of reflectivity and colours to assist in minimising nuisance glare and reflectivity.
- O:6.1.36 To permit the use of metal roofing or cladding where the proposal satisfies the objectives of this chapter and will not set an undesirable precedent in the locality.
- O:6.1.37 To acknowledge [BASIX](#) and the benefits of lighter coloured walls and roofs in regard to improved energy efficiency and thermal comfort

Controls

- 6.1.61 All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.62 External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.
- 6.1.63 Metal roofing should have a solar absorbance classification in accordance with New South Wales [BASIX](#) of not less than 0.46 unless the applicant can satisfy Council that the proposal is consistent with the objectives of the Reflectivity in Building Materials Policy.

Storage

Objectives

- O:6.1.38 To provide adequate levels of storage.
- O:6.1.39 To Provide storage that is able to accommodate larger items, such as; sporting equipment (skiing, surfing, golfing etc),bicycles and seniors motorised scooters.

Controls

- 6.1.64 In addition to kitchen cupboards and bedroom wardrobes, provide enclosed accessible storage facilities at the following rates:
- two-bedroom dwellings - 8m³
 - three plus bedroom dwellings - 10m³.

Garaging/Car Parking

Objectives

- O:6.1.40 To ensure that garaging and car parking are designed and located to be useable and accessible.
- O:6.1.41 To ensure that any garaging does not detract from the streetscape of the development.

Controls

- 6.1.65 Garages/car parks can constitute a maximum of 50% of the front or street elevation of a development.
- 6.1.66 At least 1 space in any development must be located behind the building line.
- 6.1.67 A garage is preferable to a car port.
- 6.1.68 One double garage must not adjoin another double garage.
- 6.1.69 Any garaging must be set back a minimum of 6m to allow for stacked parking.

Private Open Space

Objectives

- O:6.1.42 To ensure that all dwellings achieve the minimum requirements for well designed private open space.

Controls

- 6.1.70 Each dwelling must be provided with a minimum of 24m² of private open space with minimum dimensions of 6m x 4m.
- 6.1.71 Private open space must be directly accessed from the main living area of the dwelling.
- 6.1.72 The maximum finished gradient of private open space is 1:4.
- 6.1.73 A minimum of 50% of the provided private open space areas are to receive a minimum of 3 hours of sunlight between 9.00am and 3.00pm on June 22. The sunlight must be able to cover the area measured at 1.0 metre above the finished level of the private open space area.
- 6.1.74 Private open space areas will require space available or need to be clearly designated on a plan. An area proposed forward of the building line will not be generally favoured but will be considered on merit in exceptional circumstances.
- 6.1.75 Balconies should not be located on the side of developments without appropriate measures to maintain reasonable amenity to adjoining properties.
- 6.1.76 A deck/balcony may count as part but not all of a dwellings private open space, subject to the following merit based assessment:
- A maximum of 1/3 of the total open space can be in the form of a balcony.
 - That the dimensions and location of the deck would provide for useful practical multipurpose open space;
 - The location of the deck will not compromise any amenity issues (such as noise or privacy) for surrounding dwellings/occupants.
 - Balconies located on the side of developments are not permitted.
 - A minimum dimension of 2 metres is required for any balcony.

External Fixtures

Controls – Drying Areas

- 6.1.77 Drying areas must be provided at a rate of 8 lineal meters of line per dwelling and:
- Should not be visible from any public place.
 - Must not be located in the main private open space area.
 - Cannot be located forward of the building line.
- 6.1.78 Drying areas should have a northerly aspect.

Controls – Letterboxes

- 6.1.79 Letterboxes must be provided in accordance with Australia Post requirements.

- 6.1.80 Consideration should be given to the siting of letterboxes in dual occupancy/secondary dwelling development for battle axe blocks.

Right to Farm

This plan acknowledges that there are many residential areas Kiama that adjoin rural land still actively used in agricultural production and that rural producers derive income from agricultural activities on this land.

New residents proposing to take up residence in the estate must anticipate that some agricultural activities on nearby rural land may periodically cause nuisance or offence by virtue of:

- The application of odorous fertilisers and other chemical substances from time to time.
- The operation of farm machinery and farm and stock transport vehicles (sometimes during night).
- The baying of livestock during the night.

This plan acknowledges primary producers right to farm.

The right to farm extends to rural landowners in close proximity to the residentially zoned lands but only to the extent of rural land uses permitted without development consent. Council will examine any development application for intensive horticulture or livestock production on the merits of the case and having regard to the potential for adverse impact on nearby residential areas.

New residents will also have responsibility for managing and controlling domestic dogs so that they do not interfere with or attack cattle and other livestock. Council will issue “dangerous” and “nuisance” dog orders and notices to the owners of domestic dogs found to be causing a nuisance or problems to rural landowners.

Controls

- 6.1.81 Any dwelling on residential zoned land that adjoins rural zoned land (capable of being used for agriculture) to be set back a distance of at least 9 metres for public health reasons.
- 6.1.82 Domestic pets in close proximity to agricultural lands must be managed and controlled so that they do not interfere with or attack cattle and other livestock.

Topic 6.2 – Secondary Dwellings

A secondary dwelling is the Kiama LEP's definition for a 'granny flat'. It means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwellings are permissible with consent in all of our residential and rural zones and in our E3 Environmental Management zone. [Clause 5.4\(9\)](#) limits the size of secondary dwellings to either 60m² or 100% of the total floor area of the principal dwelling, whichever is the greater.

The following controls apply to development applications for both new secondary dwellings and additions and alterations to existing secondary dwellings.

General

Objectives

- O:6.2.1 To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
- O:6.2.2 To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
- O:6.2.3 To protect the character of the areas and towns.
- O:6.2.4 Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
- O:6.2.5 To provide high level of user amenity through the provision of well designed, liveable dwellings.
- O:6.2.6 To provide high level of visual and acoustic privacy for existing and new residents.
- O:6.2.7 To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
- O:6.2.8 To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

Controls

- 6.2.1 All applications for secondary dwellings must meet the following controls:
 - all Principal development standards as set by LEP 2011
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.2.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.2.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.

- 6.2.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.
- 6.2.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 6.2.6 To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.
- 6.2.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.2.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.2.9 Dual occupancy/secondary dwellings must have regard to the overall control for low density development.
- 6.2.10 Lots must have a minimum frontage of 15m for dual occupancy/secondary dwelling development. The minimum width will be measured at the building line for irregular shaped lots.
- 6.2.11 Development must meet development standards from Kiama LEP 2011, or site specific clauses (ie Silver Hill/Cedar Ridge, David Smith Place below).
- 6.2.12 Secondary dwelling development is not permissible in unsewered or unserviced areas.
- 6.2.13 Secondary dwelling developments may not be permissible on allotments exceeding an average fall of 20 degrees. This is due to problems with car parking access, conflicts with height controls, achievable private open spaces, drainage (where there is no inter-allotment easements) and safety.
- 6.2.14 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for Secondary dwellings.
- 6.2.15 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of secondary dwelling development. This frontage must include a 3 metre concrete driveway and a 1 metre landscaped strip adjoining the neighbouring property.
- 6.2.16 Each dwelling in a secondary dwelling development must have a clearly defined and identifiable street entrance.

- 6.2.17 Each dual secondary dwelling must have separate adequate storage for waste disposal bins clearly identified.
- 6.2.18 Secondary dwelling or development must not create an impost on either dwelling or adjoining properties in terms of stormwater management.
- 6.2.19 Consideration should be given in the design to help maintain privacy, access to natural light, orientation and a reduction in noise transmission not only between the proposed dwellings, but also between the proposed secondary dwelling and adjoining residences.
- 6.2.20 Consideration should be given to the suitable placement of rooms, positioning of windows, orientation to make available natural light and appropriate methods of construction and building materials.
- 6.2.21 Consideration will need to be given to the bulk of a building particularly in relation to adjoining development and the streetscape (bulky buildings have a greater potential to overshadow and reduce privacy to adjoining properties). To assist in the reduction of such impacts, intricate designs are necessary incorporating split level, broken roof lines and site specific floor layouts.
- 6.2.22 Buildings should be sited and designed to have regard, as far as practicable, to views enjoyed from adjacent properties. In relation to properties fronting public reserves or foreshore areas, general building lines set by existing development must be adhered to. Advice should also be sought from Council as to whether foreshore building lines apply to the site.
- 6.2.23 Windows in a habitable room should be designed and located so as not unreasonably interfere with the privacy of adjoining dwellings.
- 6.2.24 A shadow diagram must be submitted demonstrating the availability of sunlight to adjoining/nearby development including living room windows, private open spaces of the subject development as well as adjoining properties.
- 6.2.25 Buildings should be designed to optimise solar access by positioning and orienting the building to maximise north facing walls with habitable room windows (within 30 degrees east and 20 degrees west of north) where possible.
- 6.2.26 A minimum of 3 hours direct sunlight is to be available between the hours 9.00am and 3.00pm on June the 22nd to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.
- 6.2.27 Developments shall be designed so that solar glare is minimised. This may be achieved by avoiding reflective films, or using glass reflectance below 20%.

- 6.2.28 Secondary dwelling development proposals involving land within a conservation area, or land or adjacent to land identified as a heritage item shall have regard to:
- The pitch and form of the roof;
 - The style, size, proportion and position of the openings for windows and doors;
 - whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area;
 - the requirement to ensure that any proposed development is sympathetic to the heritage values, and
 - Any other relevant matter.
- 6.2.29 Secondary dwelling development shall make adequate arrangements for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling. A stormwater drainage concept with calculations is required to be submitted with Development Applications. Council will not approve dual occupancy/secondary dwelling development or subdivision in unsewered or unserved residential areas.
- 6.2.30 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned [R5 Large Lot Residential](#).
- 6.2.31 Dwellings and ancillary development in rural areas must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.
- 6.2.32 Dwellings and ancillary development in rural areas must be carefully and sensitively sited and designed to compliment landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 6.2.33 Any existing dwelling that is replaced by a new dwelling must be demolished before the new dwelling is occupied unless consent is granted for that dwelling to be used for another purpose.
- 6.2.34 Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same accessways.
- 6.3.35 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place

Building Lines and Building Separation

- 6.2.36 Secondary dwellings are required to comply with the [building lines and building separations](#) outlined in Topic 6.1.
- 6.2.37 If detached from the principal dwelling, secondary dwellings are to be separated at least 1.8 metre from the principal dwelling on the site

Building Footprint

- 6.2.38 Secondary dwellings contribute to the cumulative building footprint on the site and are required to comply with the [building footprint](#) requirements outlined in Topic 6.1.

Building Materials

- 6.2.39 Secondary dwellings are required to comply with the [building materials](#) requirements outlined in Topic 6.1.

Storage

- 6.2.40 Secondary dwellings are required to have the minimum [storage](#) requirements outlined in Topic 6.1.

Garaging/Car Parking

- 6.2.41 Garaging/Car Parking for secondary dwellings is to comply with the [garaging/car parking](#) requirements outlined in Topic 6.1.

Private Open Space

Objectives

- | |
|---|
| O:6.2.9 To ensure that all dwellings achieve the minimum requirements for well designed private open space. |
|---|

Controls

6. 2.42 Secondary dwellings must be provided with private open space, in addition to the private open space required by the primary dwelling, at the following rates:
- One-bedroom dwelling – no additional private open space
 - two-bedroom dwelling - 12m²
 - three plus bedroom dwellings - 24m².
6. 2.43 Private open space must have a minimum width of 4 metres
6. 2.44 Private open scape areas for secondary dwellings are to comply with the [private open space](#) requirements outlined in Topic 6.1.

External Fixtures

6. 2.45 The external fixtures for secondary dwellings is to comply with the [external fixtures](#) requirements outlined in Topic 6.1.

Right to Farm

6. 2.45 Secondary dwellings are to comply with the [right to farm](#) requirements outlined in Topic 6.1.

Topic 6.3 – Home Business, Industries and Occupations

Introduction

These controls provide guidelines for small home based business enterprises in residential and ancillary premises. Any activity associated with a home business/enterprise must be capable of being readily identifiable as a small scale domestically operated enterprise and not a shop, commercial office or commercial premises, or industrial premises. Home Business and Home Industry are defined in [Kiama LEP 2011](#).

Objectives

- | | |
|---------|--|
| O:6.3.1 | to enable domestic scaled home businesses/industry to operate on or from dwellings and their curtilage. |
| O:6.3.2 | ensure LEP 2011 provisions are met. |
| O:6.3.3 | to ensure that home based businesses/industries retain the external characteristics and appearance of a dwelling in the street rather than a commercial enterprise |
| O:6.3.4 | to safeguard the amenity of residents in the neighbourhood and in particular the immediate neighbours. |
| O:6.3.5 | to ensure such enterprises do not pollute or degrade the environment in any way including visually. |
| O:6.3.6 | to provide for levels of performance to be met while the enterprise operates to ensure it remains a small scale operation as initially approved. |

Controls - General

- 6.3.1 Any home based activity must meet all relevant controls in [LEP 2011](#).
- 6.3.2 Any home based activity is carried out within a dwelling or the curtilage of a dwelling occupied by the person carrying on the activity or on adjoining land owned by that person.
- 6.3.3 Any home based activity must not:
- interfere with the amenity of the locality by reason of the emission of noise, traffic, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; or
 - involve exposure to view from any public place of any unsightly matter; or
 - require the provision of any essential service main of a greater capacity than that available in the locality; or
 - involve the employment of more personnel than is permissible under Kiama LEP 2011 other than residents of the dwelling.
- 6.3.4 Any activity is in character with the scale and general amenity of other activities within the immediate area.
- 6.3.5 Adequate provision must be made for on-site collection and storage of waste products generated and in a way that does not adversely impact on neighbouring premises. A waste plan must be completed in accordance with [Topic 3.1](#) and submitted with any application.
- 6.3.6 Any goods offered for sale have been produced on the site of the activity.

- 6.3.7 Adequate provision has been made on site for the collection, storage and disposal of waste resulting from the activity.
- 6.3.8 Provisions have been made, on site, for the safe and convenient parking, turning and manoeuvring of vehicles associated with the activity.
- 6.3.9 Satisfactory provision has been made to ensure the safe and convenient ingress to and egress from the site, for all vehicles using the site.
- 6.3.10 The building to be used in conjunction with the activity does not cause adverse visual impact.
- 6.3.11 The building meets all relevant BCA conditions.
- 6.3.12 Only one sign is located on the premises that:
- is attached to either the front fence, front façade of the dwelling,
 - has dimensions no larger than 1 metre by 0.6 metre.
- 6.3.13 In the case of dwellings within a building under strata or community title, the approval of the Body Corporate will also be required for signs.
- 6.3.14 No other form of advertisement or promotional structure or object must be placed within view from a public place either on the premises, near the site or in a public place,
- 6.3.15 Car parking for the residents and their employees is provided in accordance with the requirements outlined in [Topic 3.6](#).
- 6.3.16 The storage of dangerous quantities of volatile or combustible compounds that might cause damage to adjoining properties is prohibited.

Controls – Amenity - Pollution

- 6.3.17 The activity must not contain features that are likely to create the emission of noise from equipment, plant or any other source between the hours:
- 8.00 am to 6.00 pm Monday to Saturday at a level any higher than the existing ambient noise level as measured at the boundaries of the premises except as may be approved by Council having regard to the nature of the cottage industry and surrounding development.
 - 6.00 pm to 8.00 am Monday to Saturday, or any hour Sunday or public holidays at a level higher than the existing ambient noise levels as measured at the boundaries of the premises.
- 6.3.18 The activity must not lead to customer, staff or service/delivery/distribution traffic movements to or from the premises between the hours of 6.00 pm and 8.00 am Monday to Saturday, or any time on Sundays, or such other operating hours as Council may impose by condition of consent, except where Council is satisfied movements outside these hours will not unreasonably interfere with the amenity of the neighbourhood and adjoining residents.
- 6.3.19 The activity must not involve the frequent use of trucks or other major mobile plant on or near the site.

- 6.3.20 The activity must not generate significant traffic generation to and from the site by vehicles belonging to the residents, employees, students, clients or delivery and distribution vehicles and the like - (traffic generation of more than four vehicle movements per hour, eg arrival and departure of two vehicles, will be deemed significant for the purpose of this land use).
- 6.3.21 The activity must not cause vibration being felt on neighbouring premises.
- 6.3.22 The activity must not cause perceptible odours (including cooking odours), fumes, smoke, gas, vapours, steam, soot, ash, dust or grit that will affect neighbouring premises.
- 6.3.23 The activity must not cause likely discharge of contaminants - solid or liquid - other than those commonly discharged from a domestic premises into the sewerage system.
- 6.3.24 The activity must not cause ground contamination of soils by the deposition of liquid or solid wastes - including oil products and chemicals or their compounds - on soil.
- 6.3.25 The activity must not cause the accumulation of waste materials on the site other than those properly stored and to be disposed of by a regular collection system.

Controls – Amenity - Visual Impact

- 6.3.26 The activity must not involve:
- the erection of buildings or structures that are clearly visible from the street, other public place or an adjoining residential private outdoor open space (utilised for regular outdoor recreation) that are unsightly or out of character with the general domestic nature of buildings and structures common within a residential neighbourhood; or
 - the erection of buildings or structures that adversely affect the amenity of a neighbour including privacy and solar access of habitable rooms and outdoor private open space recreation areas.

Additional information required for Development Applications

A Statement of Environmental Effects (SEE) is required with the Development Application and should address the following:

- The nature, operations and activities of the proposed home business/industry,
- The proposed hours of operation of the home business/industry,
- The projected number of clients attending the site.
- The nature and frequency of deliveries to the site.
- The areas which will be utilised for the business/industry.
- A Waste Management Plan
- Specialist consultant reports, eg acoustic engineer's report to be submitted.

The submission of an internal floor layout plan of the dwelling or ancillary building is required which shows the location and gross floor area of the proposed home business.

Topic 6.4 – Dual Occupancy

Under the Kiama LEP's a dual occupancy can be either attached or detached and means 2 dwellings on one lot of land, but does not include a secondary dwelling.

Dual occupancies are only permissible with consent in our residential zones.

The following controls apply to development applications for both new dual occupancies and additions and alterations to existing dual occupancies.

General

Objectives

O:6.4.1	To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
O:6.4.2	To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
O:6.4.3	To protect the character of the areas and towns.
O:6.4.4	Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
O:6.4.5	To provide high level of user amenity through the provision of well designed, liveable dwellings.
O:6.4.6	To provide high level of visual and acoustic privacy for existing and new residents.
O:6.4.7	To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
O:6.4.8	To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

Controls

- 6.4.1 All applications for dual occupancies must meet the following controls:
- all Principal development standards as set by LEP 2011
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.4.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.4.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.
- 6.4.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.

- 6.4.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 6.4.6 To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.
- 6.4.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.4.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.4.9 Dual occupancy must have regard to the overall control for low density development.
- 6.4.10 Lots must have a minimum frontage of 15m for dual occupancy development. The minimum width will be measured at the building line for irregular shaped lots.
- 6.4.11 Development must meet development standards from Kiama LEP 2011, or site specific clauses (ie Silver Hill/Cedar Ridge, David Smith Place below).
- 6.4.12 Dual occupancy development is not permissible in unsewered or unserviced areas.
- 6.4.13 Dual occupancy developments may not be permissible on allotments exceeding an average fall of 20 degrees. This is due to problems with car parking access, conflicts with height controls, achievable private open spaces, drainage (where there is no inter-allotment easements) and safety.
- 6.4.14 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for dual occupancy.
- 6.4.15 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of dual occupancy development. This frontage must include a 3 metre concrete driveway and a 1 metre landscaped strip adjoining the neighbouring property.
- 6.4.16 Each dwelling in a dual occupancy development must have a clearly defined and identifiable street entrance.
- 6.4.17 Each dual occupancy must have separate adequate storage for waste disposal bins clearly identified.

- 6.4.18 Dual occupancy development must not create an impost on either dwelling or adjoining properties in terms of stormwater management.
- 6.4.19 Consideration should be given in the design to help maintain privacy, access to natural light, orientation and a reduction in noise transmission not only between the proposed dwellings, but also between the proposed secondary dwelling and adjoining residences.
- 6.4.20 Consideration should be given to the suitable placement of rooms, positioning of windows, orientation to make available natural light and appropriate methods of construction and building materials.
- 6.4.21 Consideration will need to be given to the bulk of a building particularly in relation to adjoining development and the streetscape (bulky buildings have a greater potential to overshadow and reduce privacy to adjoining properties). To assist in the reduction of such impacts, intricate designs are necessary incorporating split level, broken roof lines and site specific floor layouts.
- 6.4.22 Buildings should be sited and designed to have regard, as far as practicable, to views enjoyed from adjacent properties. In relation to properties fronting public reserves or foreshore areas, general building lines set by existing development must be adhered to. Advice should also be sought from Council as to whether foreshore building lines apply to the site.
- 6.4.23 Windows in a habitable room should be designed and located so as not unreasonably interfere with the privacy of adjoining dwellings.
- 6.4.24 A shadow diagram must be submitted demonstrating the availability of sunlight to adjoining/nearby development including living room windows, private open spaces of the subject development as well as adjoining properties.
- 6.4.25 Buildings should be designed to optimise solar access by positioning and orienting the building to maximise north facing walls with habitable room windows (within 30 degrees east and 20 degrees west of north) where possible.
- 6.4.26 A minimum of 3 hours direct sunlight is to be available between the hours 9.00am and 3.00pm on June the 22nd to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.
- 6.4.27 Developments shall be designed so that solar glare is minimised. This may be achieved by avoiding reflective films, or using glass reflectance below 20%.
- 6.4.28 Dual occupancy development proposals involving land within a conservation area, or land or adjacent to land identified as a heritage item shall have regard to:
- The pitch and form of the roof;
 - The style, size, proportion and position of the openings for windows and doors;
 - whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area;
 - the requirement to ensure that any proposed development is sympathetic to the heritage values, and
 - Any other relevant matter.

- 6.4.29 Dual occupancy development shall make adequate arrangements for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling. A stormwater drainage concept with calculations is required to be submitted with Development Applications. Council will not approve dual occupancy/secondary dwelling development or subdivision in unsewered or unserved residential areas.
- 6.4.30 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned R5 Large Lot Residential.
- 6.4.31 Dual occupancy development is not permitted on proposed Lots 101, 102 and 103 (in the subdivision of Lot 1 DP 728055, Lot 1 DP 733420 and Lot 206 DP 793208 as indicated in Development Application No.384/99 and approved by Council - shown hatched in [Appendix 2](#)).

Building Lines and Building Separation

- 6.4.32 Dual occupancies are required to comply with the [building lines and building separations](#) outlined in Topic 6.1.
- 6.4.33 If detached from each other, dwellings associated with a dual occupancy are to be separated by at least 1.8 metre.

Building Footprint

- 6.4.34 Dual occupancy developments contribute to the cumulative building footprint on the site and are required to comply with the [building footprint](#) requirements outlined in Topic 6.1.

Building Materials

- 6.4.35 Dual occupancies are required to comply with the [building materials](#) requirements outlined in Topic 6.1.

Storage

- 6.4.36 Dual occupancies are required to have the minimum [storage](#) requirements outlined in Topic 6.1.

Garaging/Car Parking

- 6.4.37 Garaging/Car Parking for dual occupancies is to comply with the [garaging/car parking](#) requirements outlined in Topic 6.1.

Private Open Space

Objectives

O:6.4.9 To ensure that all dwellings achieve the minimum requirements for well designed private open space.

Controls

- 6.4.38 Both dwellings associated with a dual occupancy must be provided with 24m² private open space each.
- 6. 4.39 Private open scape areas for secondary dwellings are to comply with the [private open space](#) requirements outlined in Topic 6.1.

External Fixtures

- 6. 4.40 The external fixtures for dual occupancies is to comply with the [external fixtures](#) requirements outlined in Topic 6.1.

Right to Farm

- 6. 4.41 Dual occupancies are to comply with the [right to farm](#) requirements outlined in Topic 6.1.

Topic 6.5 – Medium Density

For the purposes of this chapter development encompassing 3 or more dwellings/units is classed as medium density development.

Medium density development can occur only in certain zones in the Kiama Municipality. Areas that undergo redevelopment to medium density housing forms will change quite dramatically. Whilst Council is committed to the principles of view sharing it must be noted that in these areas a certain loss of views may be expected as development forms change. Where possible designers should attempt to preserve views through the development process. However, loss of views cannot be used as the significant determinant in assessing an application. These controls apply where medium density development is not subject to the controls contained in [State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development](#).

Controls - General

Developments of 3 units or more must attend a Council DAU meeting prior to the lodgement of any Development Application, which will include an independent architect, who will provide advice on design/character issues. A fee will be charged for this meeting in accordance with Council's Fees and Charges.

All applications will be assessed against all relevant criteria contained in:

- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development
- Apartment Design Guide (ADG). Note; Where SEPP 65 is applicable, the requirements of the SEPP and ADG prevail and the DCP will only be referenced if no control exists in the SEPP or ADG.
- Applications incorporating universal housing and seniors housing will be assessed against State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Building Code of Australia.
- Access to Premises -Buildings Standards 2010.
- Coastal design and Guidelines for NSW.
- Crime Prevention through Environmental Design.

Objectives

O:6.5.1	Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.
O:6.5.2	To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.
O:6.5.3	To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.
O:6.5.4	To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.
O:6.5.5	To ensure that all environmental risks such as coastal processes/sea level rises etc. are taken into consideration in the development process.
O:6.5.6	To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.
O:6.5.7	To select building types appropriate to the site's topography, local context, location, dimensions and landform.

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| O:6.5.8 | To ensure that any significant existing vegetation is retained and enhanced. |
| O:6.5.9 | To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business. |

Controls

- 6.5.1 All Principal development standards as set by Kiama LEP 2011 including maximum height of buildings. Where roofs are pitched to address local character issues, consideration may be given to a variation request under Clause 4.6 of Council's LEP provided controls in the SEPP and/or DCP are met.
- 6.5.2 Lots must have a minimum frontage of 25m wide. The minimum width will be measured at the building line for irregular shaped lots. Variations to the above may be considered where it can be demonstrated that all DCP requirements have been met in regard to a proposal on an allotment of lesser width. Such variations to be referred to Council for determination.
- 6.5.3 Provision of lift access for Class 2, Class 3 and Class 4 buildings (as identified in the Building Code of Australia) where there are 3 or more storeys. Except for where the 3 or more storeys are contained within a single sole occupancy unit. The maximum number of apartments off a circulation core on a single level is eight.
- 6.5.4 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:4 dwellings or part thereof.
- 6.5.5 Development on land in close proximity to a foreshore must be designed with regard to sea level rise.
- 6.5.6 All development must minimise any environmental risks associated with its location.
- 6.5.7 Cutting and filling on site is limited to 900mm external to the perimeter of the building.
- 6.5.8 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.

Controls - Setbacks and Building Separation

Objectives

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|----------|--|
| O:6.5.10 | Provide sufficient separation and articulation of buildings to provide high level of amenity, daylight, privacy and noise attenuation. |
| O:6.5.11 | Development should be designed to minimise overshadowing of adjacent properties and private or shared open space. |

O:6.5.12 All built form including balconies must be located clear of the setbacks detailed below.

Controls

6.5.9 Development up to 2 storeys and 8.5m in height above existing ground must comply with the following setbacks:

Primary street frontage	4.5 metres
Secondary street frontage (corner sites)	3.5 metres
Side Setback (Ground Floor)	6m for habitable rooms and balconies/terraces - 0.9m for non-habitable rooms.
Side Setback (First Floor)	6m for habitable rooms and balconies - 3m for non-habitable rooms.
Rear setback	6 metres

6.5.10 If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms and balconies may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:

- offset windows of apartments in new development and adjacent development windows;
- high level windows;
- translucent glazing;
- recessed balconies and/or vertical fins between adjacent balconies;
- solid or semi-solid balustrades to balconies;
- operable louvers or screen panels to windows and/or balconies;
- Screening through 1.5m high fencing, landscaping between areas, and;
- utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.

6.5.11 Development up to 3 or more storeys and/or >8.5m – 11m in height above existing ground must comply with the following setbacks:

Primary street frontage	Minimum of 6 m
Secondary street frontage (corner sites)	Minimum of 3.5m.
Dual street frontages (front and rear)	The primary street set back above will apply to both streets unless circumstances exist that justify a lesser setback based on the existing pattern of development and or road hierarchy.
Side setbacks	6m for habitable rooms and balconies - 3m for non-habitable rooms.
Rear setbacks	Foreshore Building line, Common building line, or other Council endorsed building line if it applies otherwise: 6m.

- 6.5.12 If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:
- offset windows of apartments in new development and adjacent development windows;
 - high level windows;
 - translucent glazing;
 - recessed balconies and/or vertical fins between adjacent balconies;
 - solid or semi-solid balustrades to balconies;
 - operable louvers or screen panels to windows and/or balconies;
 - Screening through 1.5m high fencing, landscaping between areas, and;
 - utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.
- 6.5.13 The following structures may encroach forward of the front setback, other than a foreshore building line, and shall be a maximum area of 5.0m²:
- A 1m maximum encroachment of underground parking ventilation structures that are integrated with other external building structures, such as pathways or terraces and effectively screened by appropriate landscaping.
 - A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
 - An eaves or gutter to a maximum of 1.5 metres in depth.
 - A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
 - A fences and/or retaining wall to a maximum height of 1.2 metres.
 - An entry feature or portico to a maximum depth of 1.5 metres.
 - A window box treatment or bay window to a maximum depth of 1.5 metres.
 - A sun shading feature to a maximum depth of 1.5 metres.
 - Letter boxes.
- 6.5.14 Site specific controls for setbacks apply to some areas of the LGA. Applicants need to check the site specific chapters of this DCP.

Controls - End User Amenity

Objectives

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|----------|---|
| O:6.5.13 | To provide high level of user amenity through the provision of well designed, liveable dwellings. |
| O:6.5.14 | To provide high level of visual and acoustic privacy for existing and new residents. |

Controls

- 6.5.15 75% of dwellings within a development must have a dual aspect (eg 2 sides of the dwelling/building).
- 6.5.16 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from an openable window, such window to have an area not less than 10% of the floor area it serves.
- 6.5.17 Balconies providing private open space (with the exception of Juliet balconies) must be accessed directly from the main living area.
- 6.5.18 Developments must include building elements to modify environmental conditions such as the incorporation of sun screens, pergolas, shutters and operable walls to control sunlight and wind on balconies.
- 6.5.19 Development must be designed to promote flexibility of end use. Design criteria should include providing apartment layouts, which accommodate the changing use of rooms.
- 6.5.20 Developments should include some dwellings designed for groupings other than families ie adults dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.
- 6.5.21 Apartments are required to have the following minimum internal areas to ensure flexibility of use:
- Studio - 35m²
 - 1 bedroom - 50m²
 - 2 bedroom - 70m²
 - 3 bedroom = 90m²
- 6.5.22 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
- 6.5.23 A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.
- 6.5.24 Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
- 6.5.25 Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
 - 4m for 2 and 3 bedroom apartments.
- 6.5.26 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.
- 6.5.27 Two storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.

Controls - Solar Access

Objectives

O:6.5.15 All development must incorporate design to the internal layout and the siting of the development on the site to ensure a high level of solar access to both end users of the development and existing surrounding development.

Controls

- 6.5.28 A minimum of 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm on 22 June.
- 6.5.29 Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.
- 6.5.30 A minimum of 3 hours of direct sunlight is to be retained to north facing living room windows and/or doors and primary private open space of existing development adjoining proposed medium density development. Where this standard is not met by predevelopment conditions, any proposal should not decrease current levels of solar access.
- 6.5.31 Development should be designed to optimise the number of apartments receiving daylight access to habitable rooms and principal windows by:
- Using skylights, clerestory windows and fanlights to supplement daylight access,
 - Promoting two-storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces,
- 6.5.32 Development should ensure that solar glare for neighbouring properties is minimised. This may be achieved by avoiding reflective films, or using a glass reflectance below 20%.
- 6.5.33 A minimum of 4 hours of solar access should be retained to solar collectors on both neighbouring buildings and on-site.
- 6.5.34 Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

Controls - Acoustic Requirements

Objectives

O:6.5.16 To ensure that all developments provide a high level of acoustic amenity.

Controls

- 6.5.35 Applications must demonstrate compliance with the Sound Transmission Class ratings in the Building Code of Australia (BCA). Applications must demonstrate compliance with these ratings including the following guidelines:
- All developments must be designed so that noise transmission from external sources into new dwellings and between dwellings meets all BCA requirements.
 - The number of party walls (walls shared with other apartments) is limited and is appropriately insulated.
 - All units located in close proximity to: commercial centres, arterial roads, sub arterial major collector roads, railway lines, and highways must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.
 - Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.
 - The design shall take into account the future aspects of sound transmission.
 - The design of all developments must ensure acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later.
 - Window and door openings are generally orientated away from noise sources.
 - Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.
 - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.
 - Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:
 - rooms with similar noise requirements are grouped together
 - doors separate different use zones
 - wardrobes in bedrooms are co-located to act as sound buffers
 - Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:
 - double or acoustic glazing
 - acoustic seals
 - use of materials with low noise penetration properties
 - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements
 - Should Council officers ascertain that there will be noise impacts; an acoustic report may be required to be submitted with the development application.

Controls – Storage

Objectives

O:6.5.17 To provide adequate levels of storage..
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- O:6.5.18 To provide storage that is able to accommodate larger items, such as; sporting equipment (skiing, surfing, golfing etc), bicycles and seniors motorised scooters.
- O:6.5.19 To ensure that storage separated from apartments is secure for individual use.

Controls

- 6.5.36 In addition to kitchen cupboards, bathrooms and bedroom wardrobes, provide accessible storage facilities at the following rates:
- studio apartments 4m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three plus bedroom apartments 10m³.
- 6.5.37 At least 50% of the required storage is to be located within the apartment
- 6.5.38 Where basement storage is provided the design must ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations.

Controls - Open Space

Objectives

- O:6.5.20 To ensure that as densities are increased that useable well designed open space is provided.
- O:6.5.21 To ensure that all dwellings have the minimum well designed private open space requirements

Controls

- 6.5.39 All apartments are required to have primary balconies as follows:
- Studio Apartments - 8m² - no min depth
 - 1 bedroom apartments - 16m² - 3m min depth
 - 2 bedroom apartments - 20m² - 3m min depth
 - 3+ bedroom apartments - 24m² - 3m min depth
- 6.5.40 The minimum balcony depth to be counted as contributing to the balcony area is 3m.
- 6.5.41 For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.
- 6.5.42 Private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on 22 June.

- 6.5.43 Private open space must:
- Not include drying facilities;
 - Not include garbage storage areas.
 - Be directly accessible from an indoor living area.
- 6.5.44 Communal Open Space must be provided if the development has more than 8 dwellings.
- 6.5.45 Communal open Space must be provided at a minimum rate of 5m² per dwelling.
- 6.5.46 Communal open space must be designed to be meet the landscaping criteria outlined in [Topic 3.2](#). Communal Open Space must be attractive, practical, useable and located to:
- achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 22 June;
 - provide appropriate shading in summer;
 - provide acoustic and visual privacy to nearby dwellings to apartments;
 - provide functionality for residents and communal activities, and
 - optimise its recreational value by avoiding siting near car access areas or ventilation duct outlets from basement car parks.
- 6.5.47 Communal open space cannot include drying facilities or garbage storage areas.

Controls - Ceiling Heights

Objectives

O:6.5.22	Ensure that developments are designed to facilitate excellent access to natural light.
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Controls

- 6.5.48 Developments should be designed to facilitate better access to natural light by:
- Incorporating ceiling heights which promote the use of taller windows, highlight windows and fan lights.
 - Ensuring that ground floor units and units with deep floor plans exceed this minimum criteria - Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- 6.5.49 Development must comply with the following minimum finished floor level (FFL) to finished ceiling level (FCL):

Controls - Safety/Security Design Criteria

Objectives

O:6.5.23 Ensure that development contributes positively to the streetscape and community through safe and appropriate design.

Controls

- 6.5.50 All development must provide for a safe legible and appropriate access for pedestrians and vehicles. Design solutions may include:
- changes in surface materials.
 - level changes.
 - the use of landscaping for separation.
- 6.5.51 Development must be designed to create a clear transition between public and private space. Design solutions may include:
- terraces, balconies and courtyard apartments having direct street entry, where appropriate.
 - changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.
 - front fences and walls along street frontages should use visually permeable materials and treatments.
 - the height of solid fences or walls should be limited to 1m.
 - length of solid walls should be limited along street frontages.
 - opportunities for people to be concealed should be minimised.
- 6.5.52 Development must ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and car parking. Design solutions may include:
- bay windows.
 - corner windows.
 - balconies.
- 6.5.53 Vehicle access points must not dominate the building facade. Car park access should be integrated with the building's overall facade. Design solutions may include:
- the materials and colour palette to minimise visibility from the street.
 - security doors or gates at entries that minimise voids in the façade.
 - where doors are not provided, the visible interior reflects the facade design and the
 - building services, pipes and ducts are concealed.
- 6.5.54 Development must ensure high level of privacy and safety for occupants of ground floor units. Design solutions may include:
- elevation of private gardens and terraces above the street level by 1-1.5m.
 - landscaping and private courtyards.
 - window sill heights that minimise sight lines into apartments.
 - integrating balustrades, safety bars or screens with the exterior design.

- 6.5.55 Development must optimise the visibility, functionality and safety of buildings by:
- orienting entrances towards the public street where possible/practical.
 - providing clear lines of sight between entrances, foyers and the street.
 - providing direct entry to ground level apartments from the street rather than through a common foyer
 - providing direct and well-lit entrances, access between carparks and other common areas of the development.
 - avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, along corridors and walkways.
 - providing well-lit BCA requirement common areas and routes throughout the development.
 - separating the residential component of a development's car parking from any other building use and controlling carpark access from public and common areas.
 - providing direct access from carparks to apartment lobbies for residents.
 - providing separate access for residents in buildings containing a neighbourhood shop.
 - providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.

Controls - Building Footprint

Objectives

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| O:6.5.24 | To intensify development on site to ensure for appropriate landscaping is provided on site. |
| O:6.5.25 | To ensure that the building footprint (the area within the external walls of buildings but does not include external structures such as terraces, patios, balconies and the like) is sited to ensure all landscaping requirements set out in chapter are implemented on site. |

Controls

- 6.5.56 Site design must optimise the provision of consolidated deep soil zones within the site by:
- ensuring buildings and basement/sub-basement/surface car parking do not to fully cover the site allowing for 25% deep soil landscaping, in line with Chapter 8 Landscaping.
 - using the front and rear boundary setbacks for deep soil zones/soft landscaping.
 - locating deep soil zones/soft landscaping contiguous with the deep soil zones on adjacent properties.

Controls – Façade

Objectives

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| O:6.5.26 | To ensure high architectural quality in medium density developments. |
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O:6.5.27	To ensure that all medium density developments create a positive relationship to their site and their environment.
O:6.5.28	To ensure that the facade of the development is designed to minimise the overall bulk of the building and adds positively to the architectural merit of the streetscape.

Controls

- 6.5.57 All new development must incorporate facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:
- defining a base, middle and top related to the overall proportion of the building, expressing key lines in the context using cornices.
 - utilising a change in materials or building setbacks.
 - articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.
 - selecting balcony types which respond to the street context, building orientation and residential amenity.
 - using a variety of window types to create a rhythm or express the building uses.
 - a defined base, middle and top of buildings.
 - building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
 - shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.
- 6.5.58 All development must incorporate architectural features which give human scale to the design of the building at street level. Design solutions may include:
- entrance porches, awnings, colonnades, pergolas and the like.
 - well composed horizontal and vertical elements
 - variation in floor heights to enhance the human scale
 - elements that are proportional and arranged in patterns
 - public artwork or treatments to exterior blank walls
 - grouping of floors or elements such as balconies and windows on taller buildings
 - apartment layout should be expressed externally through facade features such as party walls and floor slabs.
- 6.5.59 Corner sites should give visual prominence through design elements to define the corner.
- 6.5.60 Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.

Controls - Drying Areas

- 6.5.61 Drying areas must be provided at a rate of 5 lineal meters of line per unit.
- 6.5.62 Drying areas should have a northerly aspect.

- 6.5.63 Drying areas must not be visible from any public place.
- 6.5.64 Drying areas cannot be located foreword of the building line.

Controls - Letterboxes

- 6.5.65 Common letterboxes must be provided in accordance with Australia Posts requirements. Letterboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.

Controls – Aerials/Satellite Dishes

- 6.5.66 An aerial/satellite dish must be located at least 900mm from each lot boundary and in the rear of the development, and
- 6.5.67 An aerials/satellite dish cannot be higher than 1.8m above the highest point of the roof if roof mounted.

Controls - Bin Storage Facilities

- 6.5.68 All requirements for the adequate and appropriate storage of bins outlined in [Topic 3.1](#) will need to be met.
- 6.5.69 The bin storage facility will be required to be shown on plans submitted as a part of the development application.

Topic 6.6 – Shop Top Housing

Under the Kiama LEP 2011, shop top housing means one or more dwellings located above ground floor retail premises or business premises. These types of developments incorporate residential and retail or business uses within the same building. In these instances the land uses are separated vertically.

Shop Top Housing is required to comply with the requirements of Topic 6.5 and the following development specific controls.

Objectives

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|---------|--|
| O:6.6.1 | To support the integration of appropriate permissible commercial and residential uses with housing. |
| O:6.6.2 | To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base. |
| O:6.6.3 | To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses. |

Controls

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|-------|--|
| 6.6.1 | The mix of uses must be compatible and must complement and reinforce the character, economics and function of the local area. |
| 6.6.2 | Design must ensure that the end result provides flexible building layouts, which promote variable tenancies or uses. A minimum ceiling height of 3.3m for ground floor is required to promote future flexibility of use. |
| 6.6.3 | <p>All developments containing a mix of uses must incorporate legible circulation systems, which ensure the safety of users by:</p> <ul style="list-style-type: none">• isolating commercial service requirements, such as loading docks, from residential access.• locating clearly demarcated residential entries directly from the public street.• clearly distinguishing between the commercial and residential areas, entries.• providing security entries to all entrances into private areas, including carparks and any internal courtyards.• concealment opportunities are avoided. |
| 6.6.4 | Developments must demonstrate that they meet all BCA requirements Sound Transmission Class ratings for acoustic levels especially between the different land uses. |
| 6.6.5 | All shop top housing dwellings must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time. |

- 6.6.6 All development containing permissible commercial land uses must front active uses to the street and avoid the use of blank walls at the ground level. Design solutions may include:
- development addresses the street.
 - active frontages are provided.
 - diverse activities and uses.
 - live/work apartments on the ground floor level, rather than commercial.
- 6.6.7 All developments mixed use developments must recognise the ownership/lease patterns and separating requirements for purposes of BCA for considerations.

Topic 6.7 – Seniors Housing - Section 17 - Additional Controls for Seniors Housing

Under the Kiama LEP 2011, seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place

Seniors housing is required to comply with the requirements of Topic 6.5 and the following development specific controls.

Objectives

O:6.7.1 To ensure all developments catering for seniors meets the requirements of the [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#).

Controls

- 6.7.1 Development must be provided in accordance with the provisions under of the SEPP (Housing for seniors and people with a disability) 2004 as amended from time to time and where relevant, the [Seniors Living Policy – Urban Design Guidelines for Infill Development](#).

Appendix 1 - Building Line Maps











