3.1 PURPOSE OF THIS PART

Part Three of this Development Control Plan provides detailed requirements and guidelines which apply to all types of residential development within the Hunters Hill Municipality, including subdivision of land which is zoned residential.

Part Three comprises the following chapters:

1. **Chapter 3.2** *Bushland Localities* provides detailed controls for development on properties in Barons Crescent that adjoin *Buffalo Creek Reserve* and/or *Boronia Park Reserve*.

2. **Chapter 3.3** *Dwelling Houses, Secondary Dwellings & Ancillary Works* specifies controls that apply generally to low density residential developments.

3. **Chapter 3.4** *Multi-unit Residential* provides general controls for dual occupancy, multi dwelling housing and residential flat buildings, as well as special controls for the Ryde Road Precinct which adjoins the Hunters Hill Village.

4. **Chapter 3.5** *Residential Amenity* is relevant to all types of residential accommodation.

5. **Chapter 3.6** *Garages & Carports* provides guidelines for the location and design of new garages, carports and car parking areas in residential zones.

6. **Chapter 3.7** *Fences* presents guidelines for the location and design of new fences in residential zones.

7. **Chapter 3.8** *Subdivision* applies to all types of subdivision in residential zones within the Municipality.
3.2 BUSHLAND LOCALITIES

3.2.1 INTRODUCTION

This chapter applies to residential developments on properties in Barons Crescent that adjoin **Buffalo Creek Reserve** and/or **Boronia Park Reserve**.

Developments in these locations might include:

(a) *dwelling houses*

(b) *dual occupancy*

(c) *secondary dwellings*

(d) new developments or alterations and additions to existing buildings.

This chapter aims to provide detailed development controls that complement provisions of the **Hunters Hill Local Environmental Plan 2012 (LEP 2012)** and the provisions in other chapters of this Plan which relate to residential development in general.

Development consent is required for all residential developments which do not satisfy the standards that are specified by **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**.

Applications for residential development in the area which is covered by this chapter must address requirements of the **Hunters Hill LEP 2012** together with other parts and chapters of this Plan which are relevant:

(a) *Part Two  Character & Heritage of the Hunters Hill Municipality.*

(b) *Chapter 3.3  Dwelling Houses, Secondary Dwellings & Ancillary Developments.*

(c) *Chapter 3.5  Residential Amenity.*

(d) *Chapter 3.6  Garages & Carports.*

(e) *Chapter 3.7  Fences.*

(f) *Part Five  General Controls.*

Notes. Lands which are covered by this chapter are defined as bush fire prone. All development applications for those lands must provide a detailed assessment of bush fire hazard and protection measures according to requirements that are specified by **Planning for Bush Fire Protection (2006)** published by the NSW Rural Fire Service.


3.2.2 OBJECTIVES OF THIS CHAPTER

General objectives for development are to:
(a) Maintain and regenerate areas of natural bushland which define the essential character of this area.

(b) Ensure that impacts of development, considered individually and cumulatively, do not adversely affect bushland, downstream water quality, landscape character, wildlife corridors and environmentally or visually sensitive areas over the short and long terms.

(c) Minimise negative impacts of subdivision and residential development.

(d) Encourage innovative and attractive designs which acknowledge the importance of bushland areas, and which protect and enhance visually and environmentally sensitive areas, natural landscape features, and sites with natural and cultural significances.

Detailed objectives for development are to:

(a) Ensure that scale, form and siting of buildings, together with colours, building materials and landscape design are appropriate for, and harmonise with the bushland character of this area.

(b) Ensure that bushfire protection measures are contained within a perimeter road or within a property’s boundaries, and are undertaken in conjunction with appropriate environment controls that minimise adverse impacts on bushland and downstream water quality.

(c) Retain and protect environmentally and visually significant areas of remnant bushland which contain plant communities and native fauna that once were prevalent in this locality.

(d) Protect public and private bushland from development which could result in altered moisture conditions, increased nutrient levels, soil movement and invasive or inappropriate plant species.

(e) Encourage the retention, enhancement and re-establishment of bushland, particularly in areas of visual or environmental sensitivity, in wildlife corridors and in other areas as links between bushland reserves.

(f) Maintain and enhance the natural character of the landscape and scenic quality, particularly remnant or significant vegetation and rocky outcrops.

(g) Maintain the district, bush and water views from roads.

(h) Improve access to public bushland and the Great North Walk.

(i) Ensure that development respects topography and natural features, and does not "smother" or obscure those features: built elements should blend with the landscape and should not dominate; building materials should be unobtrusive and marry in with the leafy character of this area.

(j) Allow flexibility in design and roof forms so as not to exceed the tree canopy level.
(k) Provide a set of development controls that achieve the aims of this Plan in relation to building form, position, colours and materials; hard surface areas; stormwater disposal; soil erosion control and sediment transmittal and landscape material.

3.2.3 HABITAT & NATIVE FAUNA

On sites which are covered by this chapter, all development proposals should satisfy the following restrictions and requirements:

(a) All development applications must address the requirements of State and Federal legislation which apply to conservation of fauna.

(b) All development applications should evaluate likely impacts upon fauna species which State or Federal legislation has identified as threatened or vulnerable, and where necessary, should include a species impact statement which has been prepared by a suitably qualified ecologist.

3.2.4 DEVELOPMENT CONTROLS FOR THE SITE

Controls

Development standards in the Hunters Hill LEP 2012 are relevant to this section:

(a) Minimum subdivision lot size is specified by clause 4.1.

(b) Landscaped area for dwelling houses and secondary dwellings is specified by clause 6.9.

Restricted zone

Development proposals should satisfy the following requirements which apply to the restricted zone upon each site:

(a) The restricted zone is defined as the portions of a development site which would be located between the mean high water mark and the foreshore building line.

(b) Built upon area of a site should not be increased.

(c) Roads or retaining walls should not be constructed.

(d) Land should not be excavated or filled to an extent which would alter the site’s existing levels at any point.

(e) Bushland should not be damaged or removed, including canopy and understorey species.

(f) Exotic flora species should not be planted.

(g) Landscaping works should not be carried out.

(h) Natural drainage patterns should not be altered.

Notes. Foreshore building line is defined by the Hunters Hill LEP 2012.
In this chapter, built upon area means the portion of a site which contains any built structure (whether covered or uncovered), building, carport, terrace, pergola, swimming pool, tennis court, driveway, parking area or like structure, but which does not contain a minor landscape feature.

**Buffer areas**

Development proposals should satisfy the following requirements which apply to buffer areas upon each site:

(a) Buffer areas are defined as the portions of a development site which would be located between the foreshore building line and a line that is 15m above (or further from) the foreshore building line.

(b) Buildings are not permitted within buffer areas.

(c) Buffer areas should provide continuity between natural features on a site and surrounding bushland, and should be landscaped with locally indigenous species.

(d) Buffer areas may be used for ancillary works such as outdoor living areas with permeable decks or patios, stormwater detention or absorption pits, runoff controls, services, pathways, filling associated with landscaping, temporary storage of materials, and bushfire fuel breaks.

(e) Impervious paving should not cover more than 20% of a buffer area.

**Note.** Foreshore building line is defined by the Hunters Hill LEP 2012.

**Asset protection zone**

Development proposals should satisfy the following requirements which apply to asset protection zones upon each site:

(a) An asset protection zone (APZ) is defined as a fuel reduced area surrounding a building or structure:

   (i) Which provides a buffer from a bush fire hazard.

   (ii) Where the reduction of bush fire fuel provides for the suppression of bush fires.

(b) An APZ should be provided adjacent to bushland or adjacent to the bushland setback zone which is specified below (see Building area).

**Building area**

Development proposals should satisfy the following restrictions and requirements which apply to the building area:

(a) The building area is defined as the portion of a site which does not include a restricted zone or a buffer area.

(b) Structures, including swimming pools and outbuildings, should be confined within the building area.
The location of proposed building works should maximise the conservation of existing natural features which include indigenous plants, established tree cover, and natural topographic features such as rock outcrops, cliffs and escarpments.

For sites which accommodate a significant natural rock shelf, a 2 metre bushland setback should be provided between that shelf and any proposed building works.

Significant trees within the building area that are proposed to be retained should be protected appropriately during construction.

Development applications must demonstrate that alternative locations for proposed building works have been considered, and should provide justification for the proposed building location.

Structural design should respect existing topographical features of the site: extensive earthworks such as levelling, filling and excessive retaining walls, will not be permitted.

Impervious paving that is proposed within the building area should be minimised.

3.2.5 BUILDINGS & ANCILLARY STRUCTURES

Development proposals should satisfy the following restrictions and requirements:

Swimming pools should be located within the building area, and should not protrude unnecessarily above natural ground level.

Any exposed portion of a swimming pool, tank, support structure or building undercroft should be suitably screened, and should be finished in dark non-reflective colours in order to minimise visual impacts.

3.2.6 LANDSCAPING

Development proposals should satisfy the following restrictions and requirements:

Plantings within the restricted zone and buffer areas on each site must be native to Hunters Hill, and preferably should be locally indigenous species that occur in the adjoining bushland reserve.

Environmental weeds and other invasive plants (particularly berry-bearing species) should not be used for plantings where they would be likely to contaminate adjacent bushland.

Plantings should not incorporate species that require extensive use of fertiliser which would be likely to contaminate adjacent bushland or nearby watercourses.

Next to bushland, portions of the buffer area on each site should be planted with locally indigenous species in a vegetation belt which is 1 to 2 metres wide.

All development applications must include a landscape plan:

Prepared by a qualified landscape architect.

Specifying details of locally indigenous plants that are proposed.
(iii) Confirming that proposed landscaping does not include garden weed species which would be likely to contaminate adjacent bushland.

Notes. If stormwater absorption trenches are proposed, plantings may help to take up water from those trenches and may reduce scouring which often occurs during prolonged wet periods when trenches are most likely to overflow. 

Vegetation belts may help to reduce the spread of garden weeds into bushland.

3.2.7 CONCEPT STORMWATER PLANS

Development proposals should satisfy the following restrictions and requirements:

(a) All development applications must include a Concept Stormwater Plan which satisfies requirements of Chapter 5.6 Stormwater Management.

(b) Appropriate measures should restrict the volume and rate of runoff to levels which, as near as possible, would have existed for a natural site prior to development.

(c) Stormwater from roofs, driveways and other impervious areas should not be discharged directly into bushland, and should not be discharged without an approved dispersal system.

(d) Stormwater discharge pipes constructed through bushland will not be approved unless there is no technical alternative.

3.2.8 CONSTRUCTION WORKS

The following restrictions and requirements apply to all residential developments during construction:

(a) Clearing of natural vegetation on site should be restricted to the immediate construction area.

(b) Stockpiling of building materials, overburden or any other material within a bushland area upon the development site, and dumping of refuse within a bushland area on the development site or adjacent bushland reserve, are strictly prohibited.

(c) The applicant is responsible for construction of protective fences between the buffer area and bushland:

   (i) Protective fences are to be maintained during construction.

   (ii) The minimum standards for protective fences include 1500mm high cyclone wire with suitably attached geotextile fabric.

(d) Soil erosion, sedimentation and drainage management measures must be implemented according to concept plans that have been approved by the Council, and relevant elements must be in place prior to the commencement of construction:

   (i) Temporary sediment control structures (e.g. filter cloth fences and straw bale barriers) must be installed within the site to control sediment movement in order to prevent erosion of disturbed areas of the site.
(ii) All overland flow-paths that are longer than 15 metres should be intercepted by filter fences.

(iii) A permanent perimeter drainage structure (e.g. catch drain or diversion bank) should be installed to prevent contaminated runoff from leaving the site, and to prevent runoff entering the site from up-slope areas. Such drains or banks are to be located entirely upon the development site, and shall direct all runoff to an on-site sediment control structure.

(e) Topsoil and bush rock from the site are to be retained and reused as part of the development:

(i) Topsoil is to be stripped from areas to be developed and stock piled within the site.

(ii) Stockpiles are to be located outside drainage lines and protected from runoff water by suitably positioned diversion banks.

(iii) Where the period of storage will exceed 14 days stockpiles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.

(iv) Any bushrock removed from the construction site is to be retained and placed back on site after construction in locations to Council’s satisfaction.

(f) All disturbed areas which are not to be built upon or otherwise developed are to be rehabilitated to provide permanent protection from soil erosion within fourteen days of final land shaping of each area:

(i) Land disturbance and rehabilitation activities are to be phased to restrict the area of exposed and disturbed soil at any one point in time.

(ii) On disturbed areas which otherwise would remain exposed for more than fourteen days before permanent stabilisation works are undertaken, a temporary cover of mulch should be applied or a dense cover crop utilising sterile/non-seed setting species should be established.

(iii) All permanent access roads, driveways and parking areas are to be stabilised with appropriate sub-grade within fourteen days of their formation.

Note. Requirements of this section are in addition to matters that are specified by other chapters of this Plan.

3.2.9 BUSHFIRE MANAGEMENT

The following restrictions and requirements apply to all residential developments upon lands that are defined as bush fire prone:

(a) Development proposals must be planned, constructed and managed according to requirements of the NSW Rural Fire Service.

Note. Bushfire protection guidelines that have been published by the NSW Rural Fire Service may be downloaded at http://www.rfs.nsw.gov.au
(b) Adequate bushfire protection measures should be provided within site boundaries, and should not generate excessive environmental impacts:
   
   (i) Protection measures should not increase potential for soil erosion or require the clearing of canopy trees.
   
   (ii) Protection measures should be designed in conjunction with appropriate environmental controls in order to minimise adverse impacts upon surrounding bushland or downstream water quality.

(c) Proposed fire trails and asset protection zones must be located within the boundaries of any proposed subdivision or development site, and may not encroach upon any public open space.

(d) Building design should minimise bushfire risk by careful consideration of the proposed development:
   
   (i) Shape of proposed buildings and roofs.
   
   (ii) Location and design of external openings.
   
   (iii) Construction in general, including under floor areas.

(e) Landscape design and the management of landscaped areas should prevent continuous fuel between proposed or approved structures and a site’s boundaries that face unmanaged bushland:
   
   (i) Tree canopy should not be continuous between the proposed development and site boundaries that face unmanaged bushland.
   
   (ii) Branches of existing trees should not overhang the roof of any structure.
   
   (iii) Shrubs and ground cover should be reduced to prevent flames transferring from the ground fuels to the canopy where destructive potential is greatest.
   
   (iv) Shrubs and ground cover should not contact proposed or approved buildings, and should be gradually reduced within asset protection zones around proposed or approved developments.
   
   (v) Unprotected timber piles and wooden structures should not be located within an asset protection zone next to a proposed or approved building.
3.3 DWELLING HOUSES, SECONDARY DWELLINGS & ANCILLARY WORKS

3.3.1 INTRODUCTION

This chapter provides numeric controls which apply generally to low density residential developments that are permitted by the Hunters Hill Local Environmental Plan 2012 (LEP 2012):

(a) dwelling houses.
(b) secondary dwellings.
(c) works or structures that are ancillary to a low density residential development.

Applications for residential development which is covered by this chapter must address requirements of the Hunters Hill LEP 2012 together with other parts and chapters of this Plan which are relevant:

(a) Part Two Character & Heritage of the Hunters Hill Municipality.
(b) Chapter 3.5 Residential Amenity.
(c) Chapter 3.6 Garages & Carports.
(d) Chapter 3.7 Fences.
(e) Part Five General Controls.

3.3.2 HEIGHT

Objectives

Objectives in relation to the height of residential developments are:

(a) Avoid adverse impacts upon an existing residential area which result from excessive height, scale or bulk.
(b) Ensure that proposed buildings are compatible with height, scale and bulk of the locality’s existing and desired characters.
(c) Maintain and enhance the domestic scale, form and variety which are characteristic of the surrounding residential area.
(d) Ensure that new developments minimise adverse visual impacts, the obstruction of views, and loss of privacy or sunlight to existing residential development.
(e) Minimise adverse visual impacts upon any Heritage Conservation Area or Heritage Item nearby.
(f) Minimise scenic and visual impacts for new developments within a River Front area that would be visible from the Lane Cove River, the Parramatta River, or from public places such as parks and roads.

Controls

Development standards in the Hunters Hill LEP 2012 are relevant to this section:
(a) **Height of buildings** is specified by clause 4.3.

### Storeys & external walls

Development proposals should comply with the following controls which complement objectives of the *Hunters Hill LEP 2012* in relation to maximum **building height**:

(a) New buildings, including alterations and additions, should contain not more than two storeys which should be measured in relation to *ground level (existing)* immediately below.

(b) The height of external walls generally should not be more than 7.2 metres which should be measured in relation to *ground level (existing)* immediately below.

**Notes.** *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

*Ground level (existing)* is defined by the *Hunters Hill LEP 2012*.

Height of external walls should be measured to the pitching point of the roof (or the lowest eave), but should not include taller portions of an end wall beneath a gable or skillion roof, or walls that enclose a dormer window.

### Sloping sites

The following provisions apply to steep sites where the slope of *ground level (existing)* exceeds 1 in 4 (measured perpendicular to contours beneath the proposed building):

(a) Minor non-compliance with height of external walls might be acceptable if natural features such as rock outcrops significantly exaggerate the slope of *ground level (existing)*, and **provided that** the development proposal would be consistent with:

(i) Objectives of this chapter that are specified in relation to height; and

(ii) Controls for desired character in Chapter 2.2 **Character**.

(b) Developments should not have the appearance of three habitable storeys, irrespective of numeric compliance with the **maximum building height** which is specified by the *Hunters Hill LEP 2012*.

(c) Foundations or sub floor areas that would be visible from a waterway or a public place should be enclosed by walls that are designed as a base or plinth for the proposed building, and should incorporate finishes such as sandstone blocks which contrast the texture and colour of exterior walls above.

### 3.3.3 FRONT, SIDE & REAR SETBACKS

**Objectives**

Objectives in relation to setbacks for residential developments are:
(a) Ensure that the siting of new buildings, or of alterations and extensions to an existing building, respects the pattern of setbacks that are characteristic of the surrounding locality, particularly in relation to pre-1930’s buildings which define the Municipality’s identity.

(b) Maintain adequate garden space between buildings for compatibility with the Municipality’s existing character and to minimise adverse visual impacts for adjacent properties.

(c) Comply with foreshore building lines that are specified by the Hunters Hill LEP 2012.

(d) In river front areas that are specified by the Hunters Hill LEP 2012: maintain and, where possible, improve views between buildings towards waterways.

(e) Ensure equitable access to sunlight, privacy and private views.

(f) Preserve and enhance streetscape character.

Controls

Front boundary setbacks

Development proposals require front boundary setbacks that should comply with the following requirements and numeric controls:

(a) Front boundary setbacks should be the average of front setbacks for existing buildings that adjoin the development site.

(b) In areas where single storey buildings are predominant, any proposed second storey should be located:

(i) In general, a minimum of 5 metres behind the alignment of the ground floor façade (whether that proposed second storey is part of a new building, or is proposed as an addition to an existing building).

(ii) Alternatively, according to compatibility with the existing streetscape character, or in areas which are likely to change, according to the desired streetscape character.

Notes. Setback is defined by the Hunters Hill LEP 2012 (see building line or setback), and includes all elements or components of a proposed building (whether located above or below ground).

On properties with two or more street frontages, the front boundary is determined by the postal address.

Setbacks from secondary streets or lanes will be determined on merit, but should not be less than the side or rear boundary setbacks that would apply to a standard allotment.

Side boundary setbacks

Development proposals require side boundary setbacks that should comply with the following requirements and numeric controls:
(a) Generally, side boundary setbacks should not be less than 1.5 metres.

(b) Side boundary setbacks should provide a staggered alignment for walls that would face a side boundary:

   (i) The staggered alignment should accommodate windows that are oriented at 90° to the boundary in order to avoid direct overlooking of the neighbouring property.

   (ii) Where the alignment of side walls is staggered, part of the proposed building may be constructed less than 1.5 metres from the side boundary provided that, an equivalent portion of the building has a setback which is greater than the required minimum and which also matches the area of the proposed setback encroachment.

(c) Minimum side boundary setbacks may be reduced for single storey structures, such as carports or garages, provided that the proposed development would be consistent with objectives of this section.

**Rear boundary setbacks**

Development proposals require rear boundary setbacks that should comply with the following requirements and numeric controls:

(a) Rear boundary setbacks should be a minimum of 6 metres.

(b) Single storey buildings may be located within the rear setback.

(c) Single storey buildings or structures may have a zero setback from a rear boundary provided that external walls would not be taller than 2.4 metres above ground level (existing), and also provided that the proposed rear wall would not extend along more than 33% of the rear boundary.

   **Note.** The rear boundary is furthest from, and generally parallel to, the street boundary.

**Exceptions to setback provisions**

Buildings may be permitted to encroach the specified minimum setbacks:

(a) **Provided that** the proposed development would be consistent with objectives of this Section that are specified in relation to setbacks.

(b) **Also provided that** the development application demonstrates that privacy and sunshine of the proposed development or adjoining properties would not be compromised by a non-compliant setback.

(c) Where the circumstances of a site, such as narrow width or irregular shape, make strict compliance impractical.

(d) For minor structures such as balconies, verandas or porches.

(e) For single storey alterations and additions to existing dwelling houses.
3.3.4 LANDSCAPED AREAS

Objectives

Objectives in relation to landscaped areas for residential developments are:

(a) Conserve the Municipality’s character which is defined by detached houses that are set in, and separated by, individual gardens.

(b) Retain, protect and augment the tree covered environment for which this Municipality is noted.

(c) Ensure that new developments respect rather than alter the existing steep sandstone topography for which this Municipality is noted.

(d) Provide gardens that are useful and accessible with adequate sunlight and privacy.

(e) Protect existing drainage systems from increased stormwater run off.

Controls

Development standards in the Hunters Hill LEP 2012 are relevant to this section:

(a) Landscaped area for dwelling houses and secondary dwellings is specified by clause 6.9.

Development proposals should provide landscaping which complies with the following requirements and numeric controls:

(a) At least two thirds of the minimum landscaped area that is required by the Hunters Hill LEP 2012 should be planted with lawns, shrubs and trees, and should not include paved areas such as driveways or patios, or structures such as retaining walls or swimming pools.

(b) Location of the minimum landscaped area that is required by the Hunters Hill LEP 2012 should accommodate natural features such as existing trees, native understorey and rock outcrops.

(c) Landscaped areas should be planted with species that are compatible with the locality’s existing character, and should include canopy trees that are capable of achieving a mature height of 12 metres:

(i) Sites less than 400m² 1 tree

(ii) Sites between 400m² and 900m² 3 trees

(iii) Sites between 900m² and 1200m² 5 trees

(iv) Sites over 1200m² 7 trees

(d) In river front areas and foreshore areas which are defined by the Hunters Hill LEP 2012, the area between the mean high water mark and any proposed building or structure should predominantly be landscaped with species that are native, and should not incorporate a formal landscape design which includes retaining walls or other new structures that would be visually prominent.
(e) On development sites that contain remnant *bushland* or that are located next to remnant *bushland*, landscaped areas should be managed to promote natural regeneration of *bushland* species, and any noxious or environmental weeds should be removed.

(f) *Landscaped areas* should maintain existing topography:

(i) Cut or fill should not be deeper than 1 metre measured from *ground level* (existing) at any point.

(ii) The combined vertical height of cut-and-fill should not exceed 1.5 metres.

(iii) Excavation which exceeds these limits typically represents an excessive intrusion upon natural topography.

(g) The extent of hard paving and outdoor structures should be minimised to avoid concentration of surface water into drainage systems, and should not be visually prominent or intrusive:

(i) Outdoor structures such as tennis courts and retaining walls should be setback from all boundaries, and should be screened by shrubs or trees from any adjacent public place or neighbouring property.

(ii) Swimming pools should be setback at least 1 metre from any boundary, and should not be taller than 150mm above *ground level* (existing).

(iii) Driveways, terraces and paths should incorporate water permeable surfaces that would allow water to percolate through to subsoil, for example wheel strips, ‘grass crete’, or dry jointed pavers.

(iv) Both sides of all driveways should be flanked by planted verges.

(h) Driveways should be constructed of visually unobtrusive materials that would be compatible with their landscaped surroundings, for example sandstone flagging or paving, oxidised or patterned concrete.

(i) Existing sandstone walls and retaining walls should be retained and incorporated by design of buildings, garden areas or driveways.

(j) Landscaped areas should provide reasonable residential amenity:

(i) Areas designed for recreation areas should be accessible to occupants, private, and should receive reasonable sunlight as specified by *Chapter 3.5 Residential Amenity*.

(ii) Areas of paving or lawn should have finished levels that are not more than 1.5 metres above or below a storey in the dwelling that they would serve.

**Notes.** *Landscaped area* is defined by the *Hunters Hill LEP 2012*, and does not include any planted area which is constructed above a basement or a storey below.
Other provisions of this Plan might be varied in order to accommodate a development proposal that would retain significant natural features such as existing trees, native vegetation and rock outcrops.

Foreshore building line and ground level (existing) also are defined by the Hunters Hill LEP 2012.
3.4 MULTI-UNIT RESIDENTIAL

3.4.1 INTRODUCTION

This chapter provides controls for the following types of multi-unit residential development that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*:

(a) boarding houses

(b) bed and breakfast accommodation

(c) dual occupancy

(d) group homes

(e) multi dwelling housing

(f) residential flat buildings.

**Note.** Controls for shop top housing are provided by *Chapter 4.3 Commercial Premises & Shop top Housing*.

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill LEP 2012*, as well as supporting the provisions of State Environmental Planning Policies which are applicable to particular types of multi-unit residential development:

(a) Residential flat buildings with three or more storeys: *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* and the associated guideline *Residential Flat Design Code*.

(b) Affordable housing developments: *State Environmental Planning Policy (Affordable Rental Housing) 2009*

Applications for multi-unit residential developments which are covered by this chapter also must address requirements of the *Hunters Hill LEP 2012*, together with any State Environmental Policy that might be applicable to the proposed development, and other parts and chapters of this Plan which are relevant:

(a) *Part Two Character & Heritage of the Hunters Hill Municipality*.

(b) *Chapter 3.5 Residential Amenity*.

(c) *Chapter 3.6 Garages & Carports*.

(d) *Chapter 3.7 Fences*.

(e) *Part Five General Controls*.
3.4.2 HEIGHT

Objectives

Objectives in relation to the height of multi-unit residential developments are:

(a) Avoid adverse impacts upon an existing residential area which result from excessive height, scale or bulk.

(b) Ensure that proposed buildings are compatible with height, scale and bulk of the locality’s existing and desired characters.

(c) Maintain and enhance the domestic scale, form and variety which are characteristic of the surrounding residential area.

(d) Ensure that new developments minimise adverse visual impacts, the obstruction of views, and loss of privacy or sunlight to existing residential development.

(e) Minimise adverse impacts upon any heritage conservation area or heritage item which is listed by the Hunters Hill LEP 2012, or any contributory item which is listed in Appendix ii to this Plan.

(f) Minimise scenic and visual impacts for new developments within a river front area which is defined by the Hunters Hill LEP 2012, or for new developments which would be visible from public places such as parks or roads.

Controls

Development standards in the Hunters Hill LEP 2012 are relevant to this section:

(a) Height of buildings is specified by clause 4.3.

Development proposals should comply with the following numeric controls which complement objectives of the Hunters Hill LEP 2012 in relation to height of buildings:

(a) Maximum heights for new developments (including alterations and additions) should comply with the number of storeys and height of external walls which are specified by Table 3.1, and maximum heights should be measured in relation to ground level (existing) below any point of the proposed building.

Table 3.1 Maximum heights for multi-unit residential developments

<table>
<thead>
<tr>
<th>Height of buildings see Draft LEP 2012 clause 4.3</th>
<th>Number of storeys</th>
<th>External walls measured vertically from ground level (existing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.5m</td>
<td>2 storeys</td>
<td>7.2m</td>
</tr>
<tr>
<td>11m</td>
<td>3 storeys</td>
<td>9.5m</td>
</tr>
</tbody>
</table>

(b) Notwithstanding sub-section (a) above, if a dual occupancy development proposes that one dwelling would be located in an area formerly occupied by a back garden, that dwelling should have the following maximum heights:
(i) One storey.

(ii) External walls should be a maximum of 3.6 metres.

**Notes.** *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

*Ground level (existing)* is defined by the *Hunters Hill LEP 2012*.

### 3.4.3 SETBACKS

**Objectives**

Objectives in relation to setbacks for multi-unit residential developments are:

(a) Ensure that the siting of new buildings, or of alterations and extensions to an existing building, respects the pattern of setbacks that are characteristic of the surrounding locality (particularly in relation to pre-1930’s buildings which define the Municipality’s identity).

(b) Maintain adequate garden space between buildings for compatibility with the Municipality’s existing character and to minimise adverse visual impacts for adjacent properties.

(c) Comply with *foreshore building lines* that are specified by the *Hunters Hill LEP 2012*.

(d) In *river front areas* that are defined by the *Hunters Hill LEP 2012*: maintain and, where possible, improve views between buildings towards waterways.

(e) Ensure equitable access to sunlight, privacy and private views.

(f) Preserve and enhance streetscape character.

**Controls**

1. **Front boundary setbacks**

Development proposals require front boundary setbacks that should comply with the following requirements and numeric controls:

(a) Front boundary setbacks should be the average of front setbacks for existing buildings that adjoin the development site.

(b) In general, front boundary setbacks should be consistent or compatible with existing character of the surrounding streetscape.

**Notes.** *Setback* is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

On properties with two or more street frontages, the front boundary is determined by the postal address.
2. **Side boundary setbacks**

Development proposals require side boundary setbacks that should comply with the following requirements and numeric controls:

(a) Side boundary setbacks for *dual occupancies* and *multi dwelling housing* generally should not be less than 1.5 metres, or one third of the height of the exterior walls which would face that boundary (whichever is greater).

(b) Side boundary setbacks for *residential flat buildings* generally should not be less than 1.5 metres, or one half of the height of the exterior walls which would face that boundary (whichever is greater).

(c) Side boundary setbacks should provide a staggered alignment for walls that would face a side boundary in order to avoid a “gunbarrel appearance”: portion of a side façade may be setback less than 1.5 metres **provided that** an equivalent portion of the same facade would be setback by more than 1.5 metres over an area which matches the proposed setback encroachment.

3. **Rear boundary setbacks**

Development proposals require rear boundary setbacks that should comply with the following requirements and numeric controls.

(a) Rear boundary setbacks should be a minimum of 6 metres.

**Note.** The rear boundary is furthest from, and generally parallel to, the street boundary.

3.4.4 **LANDSCAPED AREAS**

**Objectives**

Objectives in relation to landscaped areas for multi-unit residential developments are:

(a) Ensure that new developments are compatible with the Municipality’s character which is defined by buildings that are set in, and separated by, gardens.

(b) Provide space between buildings to protect and augment the tree covered environment for which this Municipality is noted.

(c) Ensure that new developments respect rather than alter the existing steep sandstone topography for which this Municipality is noted.

(d) Achieve gardens that are useful and accessible with adequate sunlight and privacy.

(e) Provide areas of deep soil in order to protect existing drainage systems from increased stormwater runoff.

**Controls**

Development proposals should provide landscaping which complies with the following requirements and numeric controls:
(a) For development of a dual occupancy: the minimum landscaped area is 45% of the site area.

(b) For development of multi dwelling housing or a residential flat building: the minimum landscaped area is 40% of the site area.

(c) Calculation of landscaped area should not include any land that has a length or a width less than 2 metres.

(d) At least two thirds of the minimum landscaped area that is required should be planted with lawns, shrubs and trees, and should not include paved areas such as driveways or patios, or structures such as retaining walls or swimming pools.

(e) Location of the required landscaped area should accommodate natural features such as existing trees, native understorey and rock outcrops.

(f) Landscaped areas should be planted with species that are compatible with the locality’s character, and should include canopy trees that are capable of achieving a mature height of 12 metres:

(i) Sites less than 400m$^2$: 1 tree
(ii) Sites between 400m$^2$ and 900m$^2$: 3 trees
(iii) Sites between 900m$^2$ and 1200m$^2$: 5 trees
(iv) Sites over 1200m$^2$: 7 trees

(g) On development sites that contain remnant urban bushland or that are located close to remnant bushland, planted areas should promote natural regeneration of bushland species and should remove any noxious and environmental weeds.

(h) The extent of hard paving and outdoor structures should be minimised to avoid concentration of surface water into drainage systems, and should not be visually prominent:

(i) Driveways, terraces and paths should incorporate water permeable surfaces that allow water to percolate through to subsoil, for example wheel strips, ‘grass crete’, dry jointed pavers or crushed gravel.

(ii) Both sides of all driveways should be flanked by planted verges.

Notes. Landscaped area is defined by the Hunters Hill LEP 2012, and does not include any planted area which is constructed above a basement or a storey below.

Other controls in this Plan might be varied in order to accommodate a development proposal that would retain natural features such as existing trees, native vegetation and rock outcrops.
3.4.5 BUILT FORM & FACADES

Objectives

Objectives in relation to built form and the design of facades for multi-unit residential developments are:

(a) Ensure that proposed buildings are compatible with scale and bulk of the locality’s existing and desired characters.

(b) Minimise adverse visual impacts upon any heritage conservation area or heritage item nearby.

(c) Minimise scenic and visual impacts for new developments within a river front area that is defined by the Hunters Hill LEP 2012, or that would be visible from public places such as a park or road.

Controls

Development proposals should comply with the following requirements:

(a) Facades should have staggered alignments which avoid lengthy straight planes:

   (i) Staggered alignments may be achieved by ‘averaging’ of the required setbacks: portion of a boundary setback may be less than the minimum that is specified by this chapter provided that the proposed encroachment would be matched by a setback which is greater than the required minimum, and which would cover an area that is equal to the proposed encroachment.

(b) Exterior materials and finishes should be compatible with the immediate townscape and landscape contexts.

(c) Colour schemes should be “understated”, and should limit the use of light tones to facade details only.

(d) For any dual occupancy development which involves the alteration or conversion of an existing dwelling house, the principal means of access to any top storey dwelling should not be via an external stairway.

(e) Entrances to each dwelling should be identifiable by elements such as gates, front doors and verandahs.

3.4.6 PRIVATE OPEN SPACE

Objectives

Objectives in relation to private open spaces for multi-unit residential developments are:

(a) Provide areas for private recreation that will enhance residential amenity and environmental quality of the Municipality.

(b) Ensure that gardens are useful, accessible, and have adequate sunlight and privacy.
Controls

Development proposals should comply with the following requirements and numeric controls:

(a) For each dwelling in a dual occupancy development:

   (i) Private open space should have a minimum area of 80m$^2$.

   (ii) At least half of the minimum private open space should be located adjacent to the living room, and should have a minimum dimension of 4 metres.

(b) For each dwelling in a multi dwelling housing development:

   (i) Private open space should have a minimum area of 40m$^2$.

   (ii) At least half of the minimum private open space should be located adjacent to the living room, and should have a minimum dimension of 3 metres.

(c) For each dwelling in a residential flat building development:

   (i) Private open space should have a minimum area of 10m$^2$.

   (ii) Private open space should be located adjacent to the living room, and should have a minimum dimension of 2 metres.

(d) Private open spaces should receive reasonable sunlight as specified by Chapter 3.5 Residential Amenity.

(e) Private open spaces should not be located within the front setback area if the required screen facing would detract from existing or desired characters for streetscape.

3.4.7 SPECIAL CONTROLS FOR RYDE ROAD

WHERE THESE CONTROLS APPLY

Adjacent to the Hunters Hill Village, zone R3 Medium Density Residential includes a special precinct along the north eastern side of Ryde Road which extends from Figtree Road to Gladesville Road, and which is known as The Ryde Road Precinct.

STRATEGIC OBJECTIVES

Strategic objectives in relation to the Ryde Road Precinct are:

(a) Provide a transition in scale and density to low density residential areas, heritage items and conservation areas that are located immediately to the north.

(b) Ensure reasonable compatibility with the underlying historic subdivision pattern via suitably articulated buildings and landscaping.

(c) Respect the scale and form of existing buildings.
(d) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.

(e) Provide satisfactory landscaping as an element of each development.

**HEIGHT**

**Objectives**

Within the *Ryde Road Precinct*, objectives in relation to building height are:

(a) Respect the scale and form of existing buildings.

(b) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.

**Controls**

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

(a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following requirements which complement objectives of the *Hunters Hill LEP 2012* in relation to *height of buildings*:

(a) Facing Ryde Road, maximum building height should not exceed two storeys which should be measured in relation to *ground level (existing)* immediately below.

(b) Buildings may incorporate an attic level that is contained beneath a pitched roof.

(c) Basement parking should not protrude more than 0.5 metres above existing ground level.

**Notes.** *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

*Ground level (existing)* is defined by the *Hunters Hill LEP 2012*.

**SETBACKS**

**Objectives**

Within the *Ryde Road Precinct*, objectives in relation to setbacks are:

(a) Provide a transition in scale and density to low density residential areas, heritage items and conservation areas that are located immediately to the north.

(b) Retain the established pattern of front and rear setbacks.

(c) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.

(d) Accommodate satisfactory landscaping as part of each development.
Controls

Development proposals should comply with the following requirements and numeric controls:

(a) Front setbacks should be a minimum of 6.5 metres which predominantly should be deep soil that will support large trees and screening vegetation.

Note. Setback is defined by the Hunters Hill LEP 2012 (see building line or setback), and includes all elements or components of a proposed building (whether located above or below ground).

(b) Rear setbacks should be:

(i) For the ground floor: a minimum of 6 metres which predominantly should be deep soil that will support large trees and screening vegetation.

(ii) For the first floor (second storey): a minimum of 10 metres.

Note. Storey is defined by the Hunters Hill LEP 2012, and does not include an attic or mezzanine (also defined), or a basement where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

(c) Setbacks from a side boundary should be:

(i) For dual occupancies and multi dwelling housing: generally not less than 1.5 metres, or one third of the height of the exterior walls which would face that boundary (whichever is greater).

(ii) For residential flat buildings: generally not less than 1.5 metres, or one half of the height of the exterior walls which would face that boundary (whichever is greater).

(d) Permitted encroachments within a front setback or a side setback include driveways or ramps to basement carparking which are setback at least 1 metre from a side boundary.

LANDSCAPED AREAS

Objectives

Within the Ryde Road Precinct, objectives in relation to landscaped areas are:

(a) Retain the established pattern of front and rear setbacks.

(b) Accommodate satisfactory landscaping as an element of each development.

(c) Ensure reasonable compatibility with the underlying historic subdivision pattern via suitably articulated buildings and landscaping.

(d) Minimise amenity impacts upon neighbouring properties, particularly dwellings located beyond a rear boundary, in terms of overlooking and visual impact.
Controls

Development proposals should comply with the following requirements and numeric controls:

(a) For all developments, the minimum landscaped area is 40% of the site area.

(b) Calculation of landscaped area should not include any land that has a length or a width less than 2 metres.

(c) Landscaped areas should be planted with species that are compatible with the locality’s character, and should provide new canopy trees that are capable of achieving a minimum mature height of 12 metres:

(i) Sites between 400m² and 900m²: 3 trees
(ii) Sites between 900m² and 1200m²: 5 trees
(iii) Sites over 1200m²: 7 trees

(d) Rear setbacks should incorporate evergreen screen plantings that can reach a minimum mature height of 8 metres in order to protect the privacy of residential properties which are located immediately to the north of this precinct.

Note. Landscaped area is defined by the Hunters Hill LEP 2012, and does not include any planted area which is constructed above a basement or a storey below.

BUILT FORM & FACADES

Objectives

Within the Ryde Road Precinct, objectives in relation to built form and the design of facades for multi-unit residential developments are:

(a) Maintain positive aspects of existing character in this precinct.

(b) Protect the amenity of adjoining residential properties.

Controls

Development proposals should comply with the following requirements:

(a) Where development sites would incorporate more than one original allotment, building forms should reflect the pattern and rhythm of the existing subdivision.

(b) Only one access driveway should be provided for each development site.

(c) Buildings should have a two storey appearance, and may include an attic level within the roof space:

   (i) Pitched roofs above attics should not be steeper than 45 degrees or less than 27 degrees: flat pitched roofs are not acceptable.
(ii) Dormer windows should not be oriented toward a rear boundary, should not be wider than 1.2 metres or taller than 0.9 metres, and there should not be more than two dormer windows per existing allotment or more than one dormer for every 6 metres of exterior wall.

(d) For developments that comprise multi dwelling housing, no single building should contain more than six dwellings which have an identical façade in order to avoid an undesirable visual impact.

(e) Facades that face a rear boundary:

(i) Should step in height, according to the setback controls in this section.

(ii) Should not incorporate a single unbroken plane which is wider than 9 metres without a step of at least 1 metre, or a full height recess.

(iii) Should not incorporate windows, balconies or terraces that would directly overlook existing residential properties in Avenue Road.

(iv) Should incorporate details that provide visual interest, such as sun shades and some degree of variation for materials and finishes.
3.5 RESIDENTIAL AMENITY

3.5.1 INTRODUCTION

This chapter provides controls in relation to residential amenity which are relevant to all types of residential accommodation that are permitted by the Hunters Hill Local Environmental Plan 2012 (LEP 2012).

This chapter aims to provide detailed development controls that complement provisions of the Hunters Hill LEP 2012 together with the provisions of any applicable State Environmental Planning Policies which may include:

(a) For residential flat buildings with three or more storeys:
   State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings and the associated guideline Residential Flat Design Code.

3.5.2 SOLAR ACCESS

Objectives

Objectives in relation to solar access for all types of residential development are:

(a) Provide adequate daylight and sunlight to living areas and private open spaces.
(b) Preserve solar access for existing properties.
(c) Encourage ecologically sustainable developments which reduce the use of fossil fuels for heating and cooling, and which encourage use of renewable energy.
(d) Encourage the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.

Controls

Development proposals should comply with the following provisions and numeric controls which complement the objectives of SEPP (BASIX) 2004:

(a) The majority of proposed dwellings should have living rooms and private open spaces which receive reasonable sunlight on the winter solstice:
   (i) The standard for reasonable sunlight is specified by the Residential Flat Design Code which supports SEPP No 65.
   (ii) The measurement of reasonable sunlight is explained in a Planning Principle that has been published by the NSW Land and Environment Court.
   (iii) Development applications should demonstrate the amount of sunlight that would be available to each proposed dwelling via diagrams which illustrate 9:00 am, 12:00 noon and 3:00 pm on the winter solstice.

(b) Proposed developments should maintain reasonable sunlight for adjacent properties on the winter solstice:
(i) Ensure that the principal living room of any existing adjoining dwelling will receive a minimum of 3 hours of sunshine between 9:00 am and 3:00 pm on the winter solstice.

(ii) If the principal living room of an existing adjoining dwelling currently receives less than this standard, development should not reduce current solar access.

(iii) Ensure that development will not overshadow more than one third of an existing private open space which currently has sunshine between 9:00 am and 3:00 pm on the winter solstice.

(iv) Where adjoining development relies on solar access for heating or cooling systems, existing solar access should be preserved.

(v) Demonstrate impacts of the proposed development upon adjoining buildings and any open space areas with shadow diagrams prepared for 9:00 am, 12:00 noon and 3:00 pm on the winter solstice.

(c) Development proposals should be designed and orientated to minimise the use of fossil fuel energy:

(i) Use of solar energy for heating and lighting should be maximised.

(ii) Proposed dwellings should be provided with natural cross ventilation and daylight.

(iii) Stairwells and common areas in multi-unit developments should receive natural daylight and ventilation.

(iv) Windows should be sized, located and shaded to reduce summer heat and to allow the entry of winter sun.

(v) Window shading may be provided by horizontal or vertical screens and shutters, by recessed windows, by overhanging balconies, eaves, verandahs or pergolas, or by large trees such as deciduous species which block hot summer sun but admit warming winter sun.

(vi) Carparks should be designed to avoid mechanical ventilation, but where mechanical ventilation is unavoidable, time clocks should concentrate operation during peak hours or at regular intervals.

(vii) Building materials and insulation should assist thermal performance, with high thermal mass materials concentrated around living areas to capture sunlight during winter, and insulation provided for all ceilings, roofs, walls and floors.

(viii) Landscaping should admit sun during winter and provide summertime shade, as well as filtering the air.

(ix) Development proposals should incorporate facilities for recycling and composting, as well as low energy and reduced water flow fixtures that include dual flush toilets, and provide for the storage and reuse of roof water.
Note. Detailed requirements for energy efficiency and environmental planning are specified by SEPP (BASIX) 2004.

3.5.3 VISUAL PRIVACY

Objectives

Objectives in relation to privacy for all types of residential development are:

(a) Limit overlooking into neighbouring dwellings and private open spaces.

Controls

Site planning and the design of new developments should comply with the following provisions:

(a) Provide reasonable separation between the windows of habitable rooms and/or balconies in adjacent dwellings (both proposed dwellings and existing dwellings).

(b) Prevent direct cross viewing between dwellings by orienting windows of habitable rooms and balconies in a proposed dwelling to face away from the windows of any habitable room, or a balcony, or a courtyard in an adjoining dwelling.

(c) Prevent direct cross viewing between dwellings by screening or offsetting windows to habitable rooms, or balconies, or courtyards in adjoining dwellings.

(d) In multi-unit developments, separate or screen proposed windows and balconies from communal areas such as paths, driveways and open spaces in order to prevent direct cross viewing.

(e) Privacy screening for windows may be achieved by translucent or obscured glass, or by window sills that are elevated at least 1600mm above floor level.

(f) Privacy screening for private open spaces and windows may be achieved by courtyard walls, by fences or screen panels, by distance separation or changes in level.

Note. Dimensions which achieve reasonable separation between adjacent dwellings are specified by the Residential Flat Design Code under State Environmental Planning Policy No 65.

3.5.4 ACOUSTIC PRIVACY

Objectives

Objectives in relation to acoustic privacy for all types of residential development are:

(a) Substantially contain noise within each building.

(b) Limit the effect of noise from shared facilities or communal areas upon adjoining dwellings.

(c) Ensure that housing located next to major roads is designed and constructed to provide comfortable living conditions by reducing adverse impacts of traffic.
Controls

Site planning and the design of new developments should comply with the following provisions:

(a) Acoustic privacy for all dwellings should be maximised:
   (i) Rooms which are sensitive to noise such as bedrooms should be located away from noise sources.
   (ii) Bedrooms should not be located adjacent to living rooms or garages that belong to another dwelling.
   (iii) Balconies and related building elements should be located and designed to minimise the penetration of noise into any dwelling.
   (iv) Dwellings that would be located close to high noise source such as a busy road or airport flight path should be protected by appropriate shielding or by an appropriate layout which protects noise sensitive rooms.
   (v) Layout and construction of new dwellings should conform to relevant guidelines for noise and sound transmission.

Note. Relevant guidelines for acoustic privacy are provided by the Building Code of Australia, Australian Standards, and by guidelines that support State Environmental Planning Policy (Infrastructure) 2007.

3.5.5 VIEW SHARING

Objectives

Objectives in relation to view sharing for all types of residential development are:

(a) Provide opportunities for view sharing by existing and future residents of the Municipality.

(b) Ensure that the maximum number of residents enjoy a view by avoiding the monopoly of any view by an existing dwelling and undue obstruction of any view by a new dwelling or addition.

Controls

Site planning and the design of new developments should comply with the following provisions:

(a) Views that are significant features of this Municipality should be protected or shared, and include panoramic outlooks toward the Parramatta and Lane Cove Rivers, and the city skyline.

(b) New developments should not unduly obstruct views that are available from any street, public place or reserve.

(c) New developments should promote view sharing by minimising the loss of existing views for adjoining or nearby properties while providing views from the proposed development itself.
(d) In situations where existing views would be affected, development applications must clearly demonstrate the extent of likely impacts:

(i) Applicants should erect templates that indicate the height and/or form of the proposed development, with the accuracy of templates certified by a registered surveyor.

(ii) Development applications should include illustrations of the proposed development which are montaged over eye-level photographs that are taken from affected properties.

Note. The NSW Land and Environment Court has published a Planning Principle in relation to view sharing which provides useful guidance.
3.6 GARAGES & CARPORTS

3.6.1 INTRODUCTION

This chapter provides guidelines for the location and design of new garages, carports and car parking areas in residential zones that are defined by the Hunters Hill Local Environmental Plan 2012 (LEP 2012).

The primary purpose of these guidelines is to maintain qualities of this Municipality’s townscapes and its tree covered environmental settings.

These guidelines are necessary to address the recent proliferation of large carports and garages, especially in front of houses, which have a detrimental effect upon townscape of the Hunters Hill Municipality.

3.6.2 EXISTING CHARACTER

The Municipality of Hunters Hill is distinguished throughout Australia for its architectural heritage and townscape character. Buildings, structures and gardens reveal a great deal about the history of this Municipality and Sydney in general.

In order to maintain the historic character of Hunters Hill, important evidence of the Municipality’s history is provided by subdivision patterns, gardens, buildings and building materials. An important element of historic character is provided by the relationship between garden spaces, buildings and fences which contribute to townscapes that are of very high quality.

It is imperative that townscape quality is not compromised by new garages and carports.

Traditional garages

Garages which emerged as a building type just before World War 1 have no architectural precedent in the Victorian and early-Federation periods when most of this Municipality’s most significant development occurred. However, before the advent of the car, stables had served a similar purpose.

In establishing principles for the siting and design of modern carports and garages, it is worth noting that their antecedent “the stable” was always separated from the house and was usually sited toward the rear of allotments. Early garages were located in a similar manner.

Between the two world wars, garages became more common as car ownership increased. For this Municipality, this period was an important development phase, particularly for the western areas. Garages constructed during this period had little impact on townscape because they were still treated as “out-buildings”. Typically, they were located in the back yard at the end of a driveway which passed down one side of a property. Developments at this time incorporated alternating wide-and-narrow side boundary setbacks which created a distinctive streetscape pattern, particularly in Boronia Park.

In the older estate subdivisions on the Hunters Hill Peninsula where land was steeply sloping, houses often were set well back from street boundaries, and single garages sometimes were constructed next to the street frontage. Whether they were located on the street frontage or at the rear of the block, traditional garages were treated as secondary or utilitarian buildings with little architectural embellishment.
Where planned as part of an overall site development, garages often were constructed with materials that were the same as the house.

It is important to recognise that early garages did not draw attention to themselves, or compete with a site’s major buildings. Most notably, traditional garages within the front boundary setback were exceptions rather than the rule.

**Carports**

Carports did not occur until the 1960s. They were less costly to build than the enclosed lock-up garage.

However, with no direct stylistic antecedents, carports have been designed in a wide range of shapes, sizes and architectural treatments which range from bland pipe columns and flat roof structures, to attempts that simulate decorative high-Victorian or Federation period structures of a type (which, of course, never existed).

Similar to garages, carports relate most successfully to older houses where they are designed as simple functional shelters without grafted-on embellishments that are derived from earlier architectural periods.

**Streetscape impacts**

In recent years, construction of two and three car garages has impacted local streetscapes, particularly where structures have been sited close to the street or are visible from a public place.

Large garage structures have a detrimental impact on townscape where:

(a) They obscure the house or neighbouring houses, particularly when those buildings are fine examples of the domestic architecture of their time.

(b) They compete with traditional streetscape elements such as leafy gardens, stone walls, hedges, brick and timber fences, which contribute to the special character of this Municipality.

(c) They introduce new horizontal shapes into the streetscape, such as wide roller shutters and tilt up doors or batteries of garage doors which are out of scale with existing houses.

(d) They block views from public streets and reserves that were available between houses.

Intrusive new elements in the townscape cannot be disguised by architectural features such as finials or Federation period gables, or by the use of traditional materials such as rough cast stucco, terracotta tiles or slates: a large intrusive garage remains a large intrusive garage.

Large carports are as intrusive as garages when they are visible from the street, and parked cars remain very visible elements that affect the surrounding streetscape.

In more densely subdivided parts of this Municipality, garages and carports that have been squeezed into small front boundary setbacks have created a “gap-toothed” effect that detracts from traditional streetscapes.
3.6.3 PLANNING & DESIGN GUIDELINES

Where to put a new garage or carport

First consider whether it is necessary to have car parking on the site at all:

(a) Check with the Council to find out if off street parking will be required;
(b) Look at the availability of kerb side parking;
(c) Think about the loss of site area for garden, outdoor recreation and children's play areas.

Note that on-site parking is best located at the rear of the property:

(a) Where garages and carports can be located at the rear, favourable consideration will not be given to parking forward of the house.
(b) The windows, doors or verandahs of your house are best if they are not obscured by your new garage or carport.

Where there is no room to build a garage or carport behind the house:

(a) A paved standing area at the front may be acceptable.
(b) Where a garage or carport is sited at the side of the house, it needs to be setback at least 1 metre from the front wall of that house (not the front of the verandah).

Consider whether a sheltering structure is required at all:

(a) Would a paved area be sufficient?
(b) If a shelter is needed, an open sided carport will do the job more economically and less intrusively than an enclosed garage;
(c) An open carport can often double as a garden shelter for outdoor entertainment;
(d) If exceptional circumstances of a site mean that essential parking can only be located within the front boundary set back, Council would prefer a paved open area instead of a garage or car port.

Design principles: views

(a) Avoid blocking views of the building already on site.
(b) Avoid blocking public views between buildings.

Design principles: form & design

(a) Garages and carports are utilitarian structures. Their design should be subservient to the scale, form, materials and colours of the house to which they belong.
(b) Garages and carports should express their present day functions and should not attempt to imitate architecture details like finials and barge boards which belong to earlier periods. Avoid 'reproduction' garages and carports.
(c) Avoid designs which compete with existing townscape character by attempting to be clever or to stand out.
(d) Look at the shape of roofs and buildings on your allotment and in your neighbourhood, and design your garage or carport to fit in without imitating. For example a well-designed flat roof on a well-proportioned supporting structure will fit in better than a low pitch skillion on pipe columns or a garage with high Federation gables.

(e) Batteries of garage doors or very wide doors visible from the street are destructive to the townscape of Hunters Hill, and further proliferation of such structures will not be viewed favourably by Council. Where a garage or carport is to be more than one car wide, it must be faced away from the street or broken up into smaller units.

(f) If you are building a new house think about separating car parking from the house: this opens up opportunities for a better house design.

Design principles: roofs

(a) The early garages of Hunters Hill and other Sydney suburbs were built with a slightly lower pitch than the roof of the main house.

(b) A well-designed flat roof structure may often be a better solution. In this way it is often possible to minimise the visual impact on an existing house.

Design principles: materials

(a) Materials and colour selections should harmonise with the house. They do not have to be identical and should not draw attention away from the house. Remember, the garage is a secondary building.

(b) Traditionally garages (and their antecedent: the stable) were often built of lighter materials: for example a stone house would often have brick or timber stables, and a brick house always looked much more important than its timber or fibro garage.

(c) Roof materials are particularly important: slate should be avoided except on those rare substantial garages for large stone villas. It should never be used on a lightweight structure like a carport. Corrugated iron is often the appropriate roofing material for a garage and carport.

(d) Avoid doors, which draw attention to themselves such as decorative or panelled doors.

Design principles: driveways

(a) Paved driveways can jar the look of your property. At all times avoid large concrete or paved brick or tile areas. Two wheel tracks on a solid substrate of road base with lawn or ground cover between can reduce the visual impact and look attractive. They can be constructed from split sandstone, or even broomed concrete.

(b) Crushed gravel for driveways is another low impact solution.

Design principles: access

All access gates must have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath. Where it is proposed to provide an opening in the fence or wall of a distance of less than 5 metres it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.
Where the property is a heritage item or in a conservation area, dispensation from these requirements will be considered where an opening for vehicular access is required and there is an existing fence which contributes to the heritage significance of the property, but only when matters of safety are adequately addressed.

**Design principles: garages & carports within the front building line**

If the garage or carport can only be located within the building line, it should be set as far to the side as possible without affecting the amenity of neighbouring properties.
3.7 FENCES

3.7.1 INTRODUCTION

This chapter provides guidelines for the location and design of new fences in residential zones that are defined by the Hunters Hill Local Environmental Plan 2012 (LEP 2012).

The primary purpose of these guidelines is to maintain qualities of this Municipality’s townscapes and its tree covered environmental settings.

3.7.2 EXISTING CHARACTER

Character of the Hunters Hill Municipality comes in part from its fences: stone walls are the most obvious, but brick and timber are more numerous.

The early photographs available to Council suggest that early this century timber fences were by far the most common. Many large houses had timber fences, either pickets or palings. Iron fences do not appear to have been part of the earlier character of Hunters Hill and are not characteristic of the area today, as they are for example in Paddington, Stanmore or Annandale suburbs with ready access to iron foundries. Iron fences are very durable and if they existed in any numbers in Hunters Hill they would still be present.

Stone fences mark the boundaries of some of the original land grants in Hunters Hill and stone was a readily accessible material for front boundary fences from first settlement until the 1920s.

Many properties still have front fences, which were built at the same time as the house and these form part of the architectural composition of the house. Many fences make an important and deliberate contribution to the character of the street and in some localities, such as Gladesville, there is a consistency in their scale and character.

In Sydney, as in other cities, different fashions in fencing can be seen as one walks or drives around each suburb. These different fashions can be seen also in Hunters Hill, for example, the low unpainted brick fences with diagonal brick capping, which were popular from the 1930s - 1950s.

3.7.3 HEIGHTS & SPECIAL REQUIREMENTS

Height of fences, walls & screens

In general the height of fences, walls and screens should not exceed:

(a) Front fences: 1.2 metres facing any street (which includes the second street frontage on a corner site).

(b) Side fences that are forward of the building line: 1.2 metres graded up to 1.8 metres at the building line.

(c) Side fences that are behind the building line and rear fences: 1.8 metres.

Fences taller than 1.2 metres

Fences taller than 1.2 metres may be considered in the following circumstances:

(a) Where they are needed to provide privacy and to reduce offensive noise;
Where they do not adversely affect the view to and from a public place (parks, roads, footpaths);

Where they do not affect the amenity of any adjoining property;

Where they do not adversely affect townscape, or the presentation of a listed heritage item, or a contributory building.

**Sight lines for vehicles**

(a) All vehicular access gates shall have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath. Where it is proposed to provide an opening in the fence or wall of a distance less than 5 metres it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.

(b) In addition to the requirements above, where it is proposed to erect a fence or wall along both street frontages of a corner block, a splay of at least 1.5 metres shall be provided at the corner of the allotment.

Where the property is a heritage item or in the conservation area, dispensation from these requirements will be considered when an earlier fence is to be reconstructed, but only when matters of safety are adequately addressed.

**Access for public utilities**

Design of fences shall provide for access to public utility installations such as electric meters, water meters, and the like, which would satisfy requirements of the relevant authorities.

### 3.7.4 GUIDELINES FOR FRONT FENCES

**Purpose of the front fence**

The primary purpose of a front fence is to mark the boundary between private and public responsibility, to exclude animals, and provide some privacy. But in large part, the design and character of the front fence is a convention, part of the 'manners' of the locality, (which include building setbacks and height) and designed not only to suit the house but also the street.

Some of the similarity in fences in any one area is also likely to be due to the designs favoured by local builders.

The increase in road traffic and in outdoor living means that some people now want front fences to provide privacy and to attenuate the impact of unwanted noise.

**Assessing value & appropriateness of the present fence**

Before deciding upon a new front fence, the appropriateness of the existing fence must first be considered by asking the following questions:

(a) Is the fence an original or early fence built to complement the house?

(b) Does the fence match other nearby in scale, materials or design?

If "YES" is the answer to either or both questions, then:

(a) Is the fence structurally sound?
(b) If not, can it be repaired?

Many timber fences can be repaired with much of the existing material. If the existing fence cannot be repaired then consider its re-construction i.e. build a new fence the same as the old, but using new materials.

**Options for a new fence**

If the present fence is not suitable for the house, or the locality, and needs replacing, then the following options should be considered:

**Option 1** Reconstruction of an earlier fence (known from old photographs and or physical evidence). This option can be used when the present fence is not original, and where information about the design of an earlier fence is available (from old photographs or other documents or remains of the old fence).

**Option 2** Construction of a period fence (based on information about fences in the locality and on the age and design of your house). This option can be used when:

(i) There is insufficient evidence to re-construct an earlier fence; and

(ii) You don't want a modern fence.

**Option 3** Construction of a modern fence that complements the house and, the locality and fits in with the established conventions in the street. This option is appropriate where:

(i) There is insufficient evidence to construct an earlier fence; and

(ii) There are other modern fences in the locality.

**Documentary evidence of an earlier fence**

Before designing a new period fence or new modern investigate evidence for earlier fences. Possible sources of photos ad other information about the property include:

(a) *Hunters Hill Historical Society* (museum in western end of Council building in Alexandra Street) has a collection of photos of houses and street scenes, including copies of photos from the Government Printer’s Collection (now in Mitchell Library).

(b) Previous owners of your house: remember that fences often appear in family or garden photos.

(c) Books of Hunters Hill. The first edition 1969 of the *Old Buildings of Hunters Hill* published by the *Hunters Hill Trust* shows many early fences that have now been demolished. A copy can be inspected at the Council offices.

(d) Douglass Baglin Collection. Douglass Baglin took many photos of houses in Hunters Hill from mid 1950s - 1980s. Contact Yvonne Douglas, on 9975 3492 to inspect contact prints.

(e) Owners of neighbouring properties may also have useful photos, or may remember earlier fences.
Physical evidence of an earlier fence

The most obvious sources of evidence of an earlier fence are the property itself.

The position of fence posts and rails might remain in the footpath adjoining the boundary, or in the adjoining fences. Careful inspection below the surface of the ground might reveal evidence of fence posts or the brick base course. Often the material from earlier fences is re-used in the backyard or elsewhere, or perhaps stored under the house! Whilst such evidence might not provide all the details, it could provide sufficient to construct a fence similar in character to an earlier fence, and more appropriate to your house than a new period fence chosen from a book.

If there is no evidence of such a fence, it is more likely that the original fence was timber.

Choosing a new period fence

In choosing a few period fences it is preferable to select a plain, rather than a fancy or elaborate design.

In contrast with the current fashion for elaborate fences, fences in the Hunters Hill Municipality until the 1970’s were simple designs. Elaborate fences and non-palisade fences will not fit in with the established character of the Municipality, no matter how well-designed or executed.

To assist in designing period fences where there is little evidence of previous fences, Council has:

(a) Copies of some old photos of Hunters Hill
(b) Photos of appropriate fences
(c) Information about design and construction of period fences.

Designing a new modern fence

In designing a new modern fence look at the fences in the street, their scale, height, materials, colour and finish.

Identify their most common characteristics, and use these as a basis for your design. It is not necessary to imitate other fences in every detail.

Plants and ‘greenery’ might be a prominent feature along the front boundaries, so one option might be to construct a fence which allows a hedge or other planting to grow through obscuring the materials of the fence itself.

3.7.5 GUIDELINES FOR TIMBER FENCES

Care for timber fences

A problem with older timber fences is that they tend to deteriorate and become unstable because of rotting posts.

Where a fence is generally sound, except for the posts in the ground, it can often be repaired simply by strengthening the posts, or replacing the lower part of the post.

Loose pockets can be a problem. A simple means of extending the life of such fences is either by screw fixing the pickets or by using galvanised hoop iron to prevent pickets falling off. The hoop iron should be the plain sort, not the punched variety used in building construction.
Sometimes total rebuilding of a picket fence is needed because a number of its elements have deteriorated. Even in this situation a number of items can be reused. Pickets that have a rotten base can be shortened slightly and the overall height of the fence maintained with a higher plinth. Replacement pickets and posts can be obtained from most timber yards.

**Timber picket fences**

The most common style of fencing for Victorian and Edwardian houses in Hunters Hill was the timber picket fence.

The pickets were normally about 1 metre to 1.2 metres high, although on some larger properties they may have been taller. Sometimes, the fences were backed by a hedge that was taller than the fence itself.

Two design features which varied were the shape of the picket heads and the configuration of the pickets. Early fences had simple picket heads either arrow shaped (cut to about 60 degrees) or curved. Towards the end of the 19th century designs became more elaborate. After about 1910 simple designs were again in fashion.

The pickets were arranged in a straight line along the boundary often with a slight upturn at the gate and posts. Some fences had an overall curved configuration, usually concave.

Some examples of simple picket fences that would be appropriate for Hunters Hill, can be found in publications such as *Getting the Details Right* by Ian Evans (1989).

**Timber paling fences**

Unpainted timber paling fences are the common form of side boundary fencing in Sydney, and are the most suitable form of side and rear fences in Hunters Hill.

The side boundaries of corner properties also had paling fences even though they were erected along a street frontage. Large properties sometimes had front paling fences, often with a scalloped edge to each paling.

**Painting**

Timber picket fences are always painted, not stained.Traditionally, pickets were painted in the lightest colour used in the painting of the house in white or cream or a light ochre.

Front paling fences were sometimes painted in the past, but side paling fences are not painted and the timber is allowed to weather to soft silver.

**Timber and wire fences**

Fences of timber posts with wire mesh infill panels are becoming quite rare now and are worthy of conservation.

They were fashionable in the 1930s and 1940s, and were often associated with a clipped hedge of lantana, bay or privet. They can be repaired or reconstructed, while an informal hedge behind can provide the desired privacy.
3.7.6 GUIDELINES FOR BRICK FENCES

Existing brick fences

Brick fences most commonly belong to houses built in the 1920s and 1930s, but are also found with Federation houses.

They were usually designed to complement the house, using the same bricks and the same brick decoration. They usually stood just below one metre high, and like the walls of the houses to which they belong, they were never painted. They are a characteristic part of the streetscape of post World War 1 suburbs, and are particularly notable in Hillcrest and Sunnyside Avenues and Isler and Massey Streets, and in parts of Woolwich Road.

Very low brick fences of very simple decoration belong with houses of the 1940s and 1950s, and may be seen in Windeyer Avenue and in Ramleh and Gaza Streets, Boronia Park.

New brick fences

These are appropriate where evidence of an earlier brick fence can be found or where brick fences are common in your street or where it is known that the house was built in the 1920s, 1930s or 1950s.

3.7.7 GUIDELINES FOR STONE FENCES

Existing stone fences

Stone fences are a major feature of Hunters Hill.

There are several types, the most obvious being the front stone fence often built at the same time as the house, and the dry stone walls used to mark boundaries of estates, such as the one parallel to and between Herberton Avenue and Durham Street.

Care for stone walls

Stone walls are best conserved with the minimum of change or interference. Walls may need repair due to loss of mortar, cracking of stone, damage caused by tree roots, or accidental bumping.

Where repairs are necessary it is essential to seek expert advice, so that the wall can be repaired with minimum change to its fabric, construction and configuration: (i.e. height and width). Jointed walls should be repaired using lime mortar of mix 1 part cement; 2 parts slaked lime: 10 parts or 12 parts bush sand, not a cement mix.

To avoid damage to stone walls:

(a) Always repair walls using original building methods.
(b) Avoid changing the level of ground alongside the wall.
(c) Avoid water flowing near the base of the wall.
(d) Do not build other fences or structures directly alongside.
(e) Do not plant trees near the wall to avoid damage from roots.
(f) Detailed guidelines about stone walls in Hunters Hill are available from Council.
New stone fences

Unless there is evidence that a stone wall previously existed, a new stone fence should be avoided.

Where such evidence exists, the new wall must be of the same type of cut stone as the earlier wall i.e. dressed stone, sparrow pecked stone or rock faced stone.

3.7.8 GUIDELINES FOR TALL FRONT FENCES

Private needs & public townscape

The increase in road traffic and in outdoor living means that some people now want tall front fences to reduce unwanted noise and to provide increased privacy.

The challenge in Hunters Hill (and in other areas of heritage value) is to meet these needs whilst retaining the heritage and townscape values of appropriate fencing. However it should be noted that the private interest does not outweigh the public interest in this regard.

Alternative approaches

(a) Where the present fence is of value because it complements the house, or the streetscape:

(i) Use screen planting behind the existing fence. e.g. plant a hedge, or build a frame designed to support climbing plants;

(ii) Build a new fence behind the existing fence in a different material.

(iii) Build an additional fence attached to or above the present fence. This may be appropriate where:

- The present fence is a new brick fence, and the additional height would not interfere with the continuity of fences in the street; or
- The present fence originally had a superstructure which has been removed; or
- The additional fence can be erected without causing damage to the existing fence.

(b) Where the present fence does not complement the house or is not in keeping with the general character of fences in the street:

(i) Examine fences in the locality and take note of their design, materials, height and finish.

(ii) Consider the type of fence that will suit the design of your house.

(iii) Where low brick fences predominate, as they do in much of the western areas of the Municipality, build a low brick fence which keeps the continuity of the streetscape with a timber or wire fence behind through which a hedge or other plantings can grow and provide privacy.

(c) Where low fences are not common, it might be appropriate to have a high fence of a material, finish and colour to blend with the streetscape:
(i) Particular care is needed with wide frontages, such as along Woolwich Road, to avoid introducing a new and dominant element into the streetscape.

(ii) High walls of rendered masonry painted in a light colour are out of character with Hunters Hill and are not acceptable.

Views

Views to the water, to the city, to bushland and to other suburbs are one of the features of Hunters Hill. Equally important is the interrelationship between the public and private domains, and views toward buildings with heritage significance or which contribute positively to the character, history and identity of Hunters Hill.

Any new high fence should be designed so that these views are maintained.

3.7.9 GUIDELINES FOR SIDE & REAR FENCES

Dividing Fences

Dividing fences in Hunters Hill are mostly of paling, with some stone walls, and some modern wire fences. The options for side fences include:

(a) The unpainted timber paling fence, the typical Sydney fence.

(b) A wire fence where shrubs can be planted alongside.

Height within the building line.

In Hunters Hill it is common for side boundary fences to increase in height from the alignment with the footpath up to the building line.

On corner lots it is the common practice to have the paling fence along the side alignment, for most of its length, and to have a decorative front fence along the front boundary, and turning the corner.

Council must still consider the impact on streetscape.

Design of side & rear fences.

The considerations for side fences are the same as those for front fences: namely, examine the side fences common in your locality and choose a design that fits in and suits the circumstances of the property.

Consultation with adjoining owners.

The Dividing Fences Act (administered by the Local Court) makes provision for neighbours to share equally the costs of a standard timber paling fence. It is recommended that the character of new side fences be discussed with adjoining owners even if you are prepared to pay the total cost.
3.7.10 INAPPROPRIATE FENCES

Some types of fences are inappropriate in Hunters Hill because they would be out of character or because they would confuse the historic character of fencing in the suburb.

Examples of inappropriate fences include:

(a) Elaborate period fences for which there is no documentary evidence on that site such as the iron palisade, the highly decorative picket fence or elaborate Federation fence.

(b) High fences at the front boundary where the predominant fences are of low to medium height.

(c) High fences which on street public views or the view of buildings which contribute to the history, character and identity of Hunters Hill.

(d) Fences which are extremely high and solid and which impact on the streetscape.

(e) Fences with inset panels of cast or wrought iron.

(f) Fences that introduce new materials into the locality, or which by their painting scheme or decorative treatment are likely to be dominant in the streetscape.
3.8 SUBDIVISION

3.8.1 INTRODUCTION

This chapter applies to all types of subdivision in residential zones within the Municipality of Hunters Hill.

This chapter aims to provide detailed development controls that complement provisions of the Hunters Hill Local Environmental Plan 2012 (LEP 2012).

Development consent is required for all types of subdivision which do not satisfy the standards that are specified by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Applications for subdivision must address requirements of the Hunters Hill LEP 2012 together with other parts or chapters of this Plan which are relevant:

(a) Part Two Character & Heritage of the Hunters Hill Municipality.

(b) Chapter 3.2 Bushland Localities

(c) Chapter 3.3 Dwelling Houses, Secondary Dwellings & Ancillary Works

(d) Chapter 3.5 Residential Amenity.

(e) Chapter 3.6 Garages & Carports.

(f) Chapter 3.7 Fences.

3.8.2 OBJECTIVES OF THIS CHAPTER

General objectives for subdivision are to:

(a) Conserve the identity of this Municipality which is established by heritage, character, topography and residential amenity.

(b) Conserve the environmental and heritage significances, scenic qualities of foreshores and river-scapes, townscape quality and the tree covered environment of this Municipality.

(c) Ensure that new development is undertaken in a manner which is sympathetic to, and does not detract from, the significance of Heritage Items and their settings, as well as streetscapes and landscapes which contribute to the distinctive character of this Municipality.

(d) Ensure protection of the environment, including significant natural features that contribute to the locality’s scenic quality, landscapes and character.

(e) Encourage the orderly and economic use of land.

(f) Achieve a balance between economic use of residential land and the amenity of existing residents.

(g) Provide a greater range in the size of residential allotments and therefore contribute to greater choice in housing.
(h) Provide for equitable and efficient use of public amenities and services.

(i) Provide land for community housing needs.

(j) Design allotments with sizes and shape that are appropriate to accommodate the following:

(i) Buildings which are designed for land uses that are permitted by the Hunters Hill LEP 2012, including dwelling houses, ancillary buildings and facilities; and/or

(ii) Access for vehicles to and from the site; and/or

(iii) Space for landscaping and outdoor recreation; and/or

(iv) Outdoor space for service areas; and/or

(v) Off-street car parking; and/or

(vi) On-site disposal of stormwater and waste water.

3.8.3 SITES WITH HERITAGE SIGNIFICANCE

Any property which is a heritage item that is listed by the Hunters Hill LEP 2012 should not be subdivided if elements which contribute to the value or significance of that heritage item:

(a) Would not be located fully within a separate allotment that is part of the proposed subdivision; and

(b) Occupies more than 20% of the existing allotment; and

(c) Comprises a building which has a floor space ratio that is greater than 0.3:1 (measured in relation to the existing allotment).

Notes. Heritage items may include monuments and trees.

Provisions of Part Two to this Plan also apply to such applications.

Any proposal to subdivide a Heritage Item or land adjoining a Heritage Item shall be accompanied by heritage management documents which have been prepared by a qualified heritage architect or a heritage planner.

3.8.4 ALLOTMENT WIDTH

Development standards in the Hunters Hill LEP 2012 are relevant to this section:

(a) Minimum subdivision lot size is specified by clause 4.1.

(b) Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings are specified by clause 4.1A.

(c) Minimum street frontage for medium density residential development is specified by clause 6.8.
Proposed allotments that would accommodate a dwelling house should satisfy the following controls:

(a) For allotments that have a minimum area of 700m²:
the average lot width should not be less than 12 metres.

(b) For allotments that have a minimum area of 900m²:
the average lot width should not be less than 15 metres.

(c) For allotments that have a minimum area of 1000m²:
the average lot width should not be less than 18 metres.

3.8.5 BUILDING AREA

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

(a) Minimum subdivision lot size is specified by clause 4.1.

(b) Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings are specified by clause 4.1A.

(c) Minimum street frontage for medium density residential development is specified by clause 6.8.

Proposed allotments that would accommodate a dwelling house should satisfy the following controls:

(a) Demonstrate that proposed allotments would be capable of accommodating a building area sufficient for a dwelling house that complies with provisions of the *Hunters Hill LEP 2012* and that also satisfies this Plan.

(b) The minimum building area should satisfy the following requirements:

(i) For properties where the minimum lot size is 700m²:
the building area should have a minimum width of 12 metres and a minimum area of 175m².

(ii) For properties where the minimum lot size is 900m²:
the building area should have a minimum width of 15 metres and a minimum area of 175m².

(iii) For all properties, existing ground levels across the building area should not have a slope which is steeper than 1:10.

3.8.6 TREE PRESERVATION

Proposed subdivisions should satisfy the following requirements (which are in addition to controls in Chapter 2.3 Trees & Vegetation):

(a) Subdivisions and future development which would be permitted should not result in significant clearing of existing trees.

Note. Clause 5.9 of the *Hunters Hill LEP 2012* requires the preservation of specified vegetation and trees.
3.8.7 DRAINAGE

Proposed subdivisions should satisfy the following restrictions and requirements:

(a) Provide inter-allotment drainage to ensure that any lower allotment within a proposed subdivision, or any property that is located downstream from a proposed subdivision, would not be exposed to discharges of roof or surface waters.

(b) If proposed allotments cannot be drained by gravity to Council’s drainage system, provide easements to drain water through downstream properties.

(c) For subdivisions that involve not more than two allotments, and where an easement may not be created, Council will consider alternative stormwater management via pump out or on-site disposal systems only if:
   
   (i) A development application provides satisfactory evidence that reasonable endeavours to create an easement have been unsuccessful; and
   
   (ii) The alternative system has been designed by a qualified civil or hydraulic engineer; and
   
   (iii) The proposed alternative system would not have any adverse impacts downstream and would not adversely affect any surrounding property.

(d) Usually, drainage works must be constructed to a standard which meets Council’s satisfaction before release of the final linen plan:
   
   (i) In limited cases, the Council might accept a guarantee bond in lieu of construction which has been completed prior to release of the final linen plan.

3.8.8 ACCESS

Proposed subdivisions should satisfy the following restrictions and requirements:

(a) Provide vehicle access to every allotment in order to accommodate off-street parking in locations which satisfy Chapter 3.6 Garages & Carports.

(b) In subdivisions which contain battle-axe allotments, driveway access may be via a corridor which satisfies the following requirements:

   (i) Width of driveways and construction should respond to site factors such as topography and existing trees which are to be retained.

   (ii) Minimum width of access corridors should satisfy Table 3.2.

   (iii) For subdivisions with three allotments or more: the minimum corridor width should accommodate at least one passing bay for every 40 metres of driveway length, or at intervals as required by the Council having regard for circumstances of the site and its surroundings.

   (iv) Minimum width of an access corridor also should accommodate landscaped verges that are at least 400mm wide along both sides of the driveway.
(v) Titles shall be created so that each parcel of land has “frontage” to a public street: common driveways shall include reciprocal rights-of-way for all allotments.

Table 3.2: Minimum width of access corridors

<table>
<thead>
<tr>
<th>Number of proposed allotments</th>
<th>Minimum corridor width</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2.75 metres</td>
</tr>
<tr>
<td>3</td>
<td>3.5 metres</td>
</tr>
<tr>
<td>4 or more</td>
<td>5 metres</td>
</tr>
</tbody>
</table>

Note. In Table 3.2, the number of proposed allotments means the total number of allotments (it does not mean the nett number of allotments which are proposed in addition to the existing property).

(c) Access ramps or driveways shall have gradients that comply with the *Australian Standard AS 2890.1*, including a relatively level area next to the street frontage and transition gradients.

(d) Design and construction of driveways should minimise visual impacts upon the streetscape.

Note. With regard to visual impacts, plain untreated concrete generally is not considered an acceptable design solution.

3.8.9 DEVELOPMENT APPLICATION REQUIREMENTS

The following requirements apply to all subdivision applications:

(a) Development applications must include analysis of the proposed subdivision in relation to features of the site and surroundings which include:

(i) The surrounding land use pattern.

(ii) Topography and nature of the land.

(iii) Natural hazards which include geotechnical stability, together with exposure to bushfire and flooding.

(b) Development applications should provide an evaluation of relevant impacts which are likely to be generated by future development after the proposed subdivision, and having particular regard for the following matters:

(i) Natural or environmental features.

(ii) Cultural or historic features.
(iii) Traffic.
(iv) Demand for community facilities.
(v) Load upon utility services.
(vi) Stormwater run-off and drainage.

(c) Development applications should provide the following information:

(i) Plans of the proposed subdivision at a measurable scale of not less than 1:200.

(ii) Boundaries and land title references for the allotment which is proposed to be subdivided.

(iii) Reference numbers for the proposed allotments.

(iv) Details of the proposed allotments including dimensions, areas, means of access, existing easements or rights-of-way, and the current location of utility services.

(v) Locality plan including name of the road which fronts the site and dimension to the nearest adjoining street.

(vi) Contours of existing ground within the site, with a contour interval of not more than 2 metres, and including the location of natural features such as sandstone outcrops, cliffs or rock shelves.

(vii) Location of existing watercourses within or adjoining the site, and information regarding flood levels that affect the site and surroundings.

(viii) Location of existing trees which exceed a height of 4 metres, and areas of bushland that include understorey.

(ix) Locations and floor plans of existing structures, and a statement confirming whether structures would be retained or demolished as part of the subdivision application.

(x) Existing wells and drains.

(xi) Proposed stormwater drainage or disposal, including preliminary engineering designs.

(xii) Proposed vehicle access from a public street or via a proposed right-of-carriageway, including preliminary engineering designs.

Note. Information specified above is in addition to requirements of the Development Application Checklist which may be obtained from the Hunter’s Hill Council Administration Centre in Alexandra Street Hunters Hill, or which may be downloaded at http://www.huntershill.nsw.gov.au
3.8.10  RELEASE OF LINEN PLANS & SUBDIVISION CERTIFICATES

The following restrictions and requirements apply to all subdivision applications:

(a) The Linen Plan of subdivision and Subdivision Certificate will not be released by Council until all infrastructure works have been provided to each lot, and works have been completed to the Council’s satisfaction.

   Notes. Required infrastructure works include driveways, stormwater drainage, and supply mains for water, electricity, sewer, gas, telecommunication etc.

   All services should be located underground to avoid adverse visual impacts.

(b) Prior to release of the Linen Plan or Subdivision Certificate, a Work-as-Executed Plan shall be submitted to the Council, prepared by a registered surveyor and confirming the location of all services.

(c) Where a development application includes building works and subdivision, Council might require construction of the proposed building to have reached a suitable stage (for example, practical completion) prior to issue of the Linen Plan or Subdivision Certificate.

3.8.11  STRATA & COMMUNITY TITLE SUBDIVISION

The following restrictions and requirements apply to applications for strata or community title subdivision:

(a) Any proposed subdivision which would create a separately titled space, parcel or allotment shall be treated in the same way as a Torrens Title subdivision, and will be subject to all requirements that are specified by this chapter.

(b) Community or strata title subdivisions that would create ‘security’ or gated estates will not be favoured by the Council.