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| **Section 4 – Dual Occupancies** | |
| **Subdivision** | |
| **4.1** For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m2 per dwelling. | The modification does not seek to change the approved subdivision, does not propose a secondary dwelling. |
| **Storey limit (not including basements)** | |
| **4.2** The storey limit for dual occupancies is two storeys. | The modification does not seek to change the approved two (2) storeys. |
| **4.3** The siting of dual occupancies, and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation. | The modification does not seek to change the approved siting of the dual occupancy and associated works are compatible with the existing slope and contours of the allotment. |
| **4.4** Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where:  (a) the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or  (b) the fill is contained within the ground floor perimeter of the dual occupancy to a height no greater than 1 metre above the ground level (existing) of the site. | The modification does not seek to change the approved fill of no more than 600mm above ground level. |
| **Setback restrictions** | |
| **4.5** The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment. | The site is located within an existing low density residential area not within 9m of an existing animal boarding or training establishment. |
| **Street setbacks** | |
| **4.6** The minimum setback for a building wall to the primary street frontage is:  (a) 5.5 metres for the first storey (i.e. the ground floor); and  (b) 6.5 metres for the second storey. | The modification does not change the front setback of 6.0m |
| **4.7** The minimum setback to the secondary street frontage is:  (a) 3 metres for a building wall; and  (b) 5.5 metres for a garage or carport that is attached to the building wall. | N/A. The site does not have a secondary road frontage |
| **Side setbacks** | |
| **4.8** For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the site is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site. | The modification does not change the side setback of 0.9m. The modification does not change the wall height of less than 7m. |
| **4.9** For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the site is 1.5 metres. | As above. |
| **4.10** The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like. | As above. |
| **4.11** The basement level must not project beyond the ground floor perimeter of the dual occupancy. | N/A. No basement proposed in the modification. |
| **Private open space** | |
| **4.12** Dual occupancies must provide a minimum 80m2 of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout. | The modification does not seek to change the approved POS provided as:  Unit 1: 90.74 sqm  Unit 2: 87.22 sqm  The POS are provided as a sum of areas that includes and each of the POS have a minimum dimension of 5 metres throughout |
| **Access to sunlight** | |
| **4.13** At least one living area of each dwelling must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas. | The modification does not change the solar access to the living areas. |
| **4.14** At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. | The modification does not change the solar access to the adjoining dwellings. |
| **4.15** A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space. | The modification does not change the solar access to the POS. |
| **4.16** Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites. | As above. |
| **Visual privacy** | |
| **4.17** Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:  (a) offset the windows between dwellings to minimise overlooking; or  (b) provide the window with a minimum sill height of 1.5 metres above floor level; or  (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or  (d) use another form of screening to the satisfaction of Council. | The modification seeks to :  *- Removal of ASW 1218 windows to bedroom 3 and 4 and replaced with ASD 2118 for accessibility to the proposed balconies.*  *- New ASW 0618 to bedroom 3 to units 1 and 2.*  The windows proposed on the upper floor have a sill height of more than 1.5mFFL. |
| **4.18** Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:  (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or  (b) the window has a minimum sill height of 1.5 metres above floor level; or  (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or  (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. | The modification does not propose windows that directly looks into the private open space of an existing dwelling. |
| **4.19** Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:  (a) does not have an external staircase; and  (b) does not exceed a width of 1.5 metres throughout; and  (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. | The modification seeks to :  *- Proposed first floor rear balconies.*  The balconies proposed on the upper floor:  (a) does not have an external staircase; and  (b) does not exceed a width of 1.5 metres throughout; and  (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. |
| **4.20** Council does not allow dual occupancies to have roof-top balconies and the like. | No roof–top balconies and the like are existing or proposed in the modification. |
| **Building design** | |
| **4.21** Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site. | The modification does not seek to change the approved demolition of existing structures on the site. |
| **4.22** The design of dual occupancies must ensure:  (a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or  (b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and  (c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and  (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and  (e) the two dwellings on a corner site each face a different frontage. | The modification proposes:  *- Face brick to front entry wall instead of render.*  *- Unit 1 first floor northern balcony attached to the party wall.*  The modification maintains:  (a) the street facade as an asymmetrical design to provide each dwelling with an individual identity when viewed from the street;  (b) the street facade of the dual occupancy incorporates architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, and  (c) the front porch and an upper level bedroom / living area face the street; and  (d) the garage and driveway do not dominate the front of the building and front yard; and  (e) the site is not a corner allotment |
| **4.23** The maximum roof pitch for dual occupancies is 35 degrees. | N/A. The modification maintains a flat roof. |
| **4.24** Council may allow dual occupancies to have an attic provided the attic design:  (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and  (b) ensures the attic does not give the external appearance of a storey. | N/A. The modification does not propose an attic. |
| **4.25** The design of dormers must:  (a) be compatible with the form and pitch of the roof; and  (b) must not project above the ridgeline of the main roof; and  (c) must not exceed a width of 2 metres; and  (d) the number of dormers must not dominate the roof plane. | N/A. The modification does not propose dormers. |
| **4.26** Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown). | The site is not located in the foreshore protection area. |
| **Building design (car parking)** | |
| **4.27** Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must:  (a) comply with the road pattern shown in Appendix 2; and  (b) ensure vehicle access from Balmoral Crescent to land at 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3. | The site is not land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall. |
| **4.28** Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:  (a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and  (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages. | The modification does not seek to change the approved parking for each of the dwellings in an attached garage and as hard stand in front of each of the garages.  (a) The uncovered spaces are located in a stacked arrangement on the driveway in front of the covered car parking space; and  (b) the covered car parking space is setback in excess of 6 metres from the primary frontage. |
| **4.29** Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages. | N/A. The modification does not seek to change the approved single garages’ width. |
| **4.30** Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:  (a) the building is at least two storeys in height, and  (b) the garage is architecturally integrated with the upper storey by:  (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and  (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.  This clause prevails where there is a numerical inconsistency with another clause in this chapter of the DCP. | N/A. The modification does not seek to change the approved maximum of two (2) single garages. |
| **Landscape** | |
| **4.31** Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy. | The modification does not seek to change approved removal of a tree to the front of the site prior to construction. The development is not within the area required for tree protection measures. |
| **SECTION 11–LIVABLE HOUSING** | |
| **11.1** Development must comply with the Livable Housing Design Guidelines (Livable Housing Australia) as follows:  Dual occupancies and semi-detached dwelling  New dual occupancy dwellings are to provide:  • capability for a safe and continuous path of travel from the street or car parking area into the dwelling;  • internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces;  • a toilet at the ground floor level;  • a bathroom that contains a hobless shower recess;  • reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date;  • stairways that are designed with handrails and safe access.  The above dimensions and clearances are to be demonstrated on a floor plan.  Should the National Construction Code apply livable housing design requirements to class 1a buildings in NSW, at least one dwelling must achieve the Gold Standard; and the second dwelling must achieve the Silver Standard of the Livable Housing Design Guidelines. | At least one dwelling achieves the Gold Standard; and the second dwelling achieves the Silver Standard. |
| **SECTION 14–SITE FACILITIES** | |
| Building design (utilities and building services)  **14.1** The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.  **14.2** Utilities and building services are to be integrated into the building design and concealed from public view. | Standard utilities are proposed. |
| Building design (substations)  **14.3** The location and design of substations must be shown on the plans.  **14.4** Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.  **14.5** Substations must not locate forward of the front building line. | A substation is not required / proposed. |
| **4.32** Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):  (a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and  (b) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and  (c) plant at least one 75 litre tree between the dual occupancy and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in CanterburyBankstown); and  (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody. | The modification does not change the approved landscaping on the site. |