

Liverpool Development Control Plan 2008  
Part 3.5

Dwelling houses on Lots less than 400sqm  
in the R2, R3 and R4 Zone

19 February 2014

Part 3.5 must be read in conjunction with Part 1  
Check if any Locality Parts also apply



# Liverpool Development Control Plan 2008

## Part 3.5 Dwelling Houses on lots less than 400sqm

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# 1. Preliminary

## **Applies to**

1. Part 3.5 applies to Dwelling Houses on all land less than 400m<sup>2</sup> in the R2 – Low Density Residential, R3 - Medium Density Residential, R4 – High Density Residential (except within Liverpool City Centre) zones under *Liverpool LEP 2008* except as described in 4.
2. Part 1 of the DCP also applies to the land.
3. The following Parts also apply to development in certain areas these Parts only provide controls for the Public Domain, in particular the proposed street layout.
  - Part 2.1 Casula Green Valley.
  - Part 2.2 Hoxton Park, Carnes Hill and Prestons.
4. Part 3.5 does not apply to residential development on land in the following locations. All controls in relation to the Private and Public Domain are covered by the respective parts.
  - Georges Fair Moorebank. (Refer to Part 2.3 for all controls on residential development).
  - Greenway Views. (Refer to Part 2.7 for all controls on residential development).
  - Voyager Point (Refer to Part 2.8 for all controls on residential development).
  - Moorebank East (Refer to Part 2.10 for all controls on residential development).
  - Edmondson Park (Refer to Part 2.11 for all controls on residential development).

## **Background**

Dwelling houses on lots less than 400sqm are similar to dwelling houses on conventional sized lots but which are on smaller lots. Many front a public street in the same way as a dwelling house. It is intended that this form of housing be compatible with the residential environment.

## **Link to Liverpool LEP 2008**

*Liverpool LEP 2008* provides overall requirements and objectives for development in the residential areas of Liverpool. It does not just cover residential development but also non-residential development in residential areas.

Each zone provides objectives, which provide direction for the controls in the DCP. There are also general provisions for development in the residential zones as well as provisions for specific forms of development in the residential areas or for development on specific sites.

## **Objectives**

- a) To provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area.
- b) To provide for a variety of housing choice within residential areas with Liverpool.

## 2. Site Planning

### **Objectives**

- a) To ensure that the dwelling house is sensitive to site attributes, such as streetscape character, natural landform, drainage, adjoining private open space, existing vegetation, land capability, slope, solar access and if relevant, heritage items.
- b) To ensure privacy for residents and neighbours.

### **Controls**

1. The dwelling layout must be designed around the site attributes, such as slope, existing vegetation, land capability, and/or solar access.
2. There must be a direct link from at least one living area to the principal private open space.
3. Building siting, window location, balconies and fencing must consider the importance of the privacy on site and adjoining buildings and private open space.
4. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the private open space of neighbouring properties.
5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Note: You will also need to refer to Water cycle Management in Part 1.

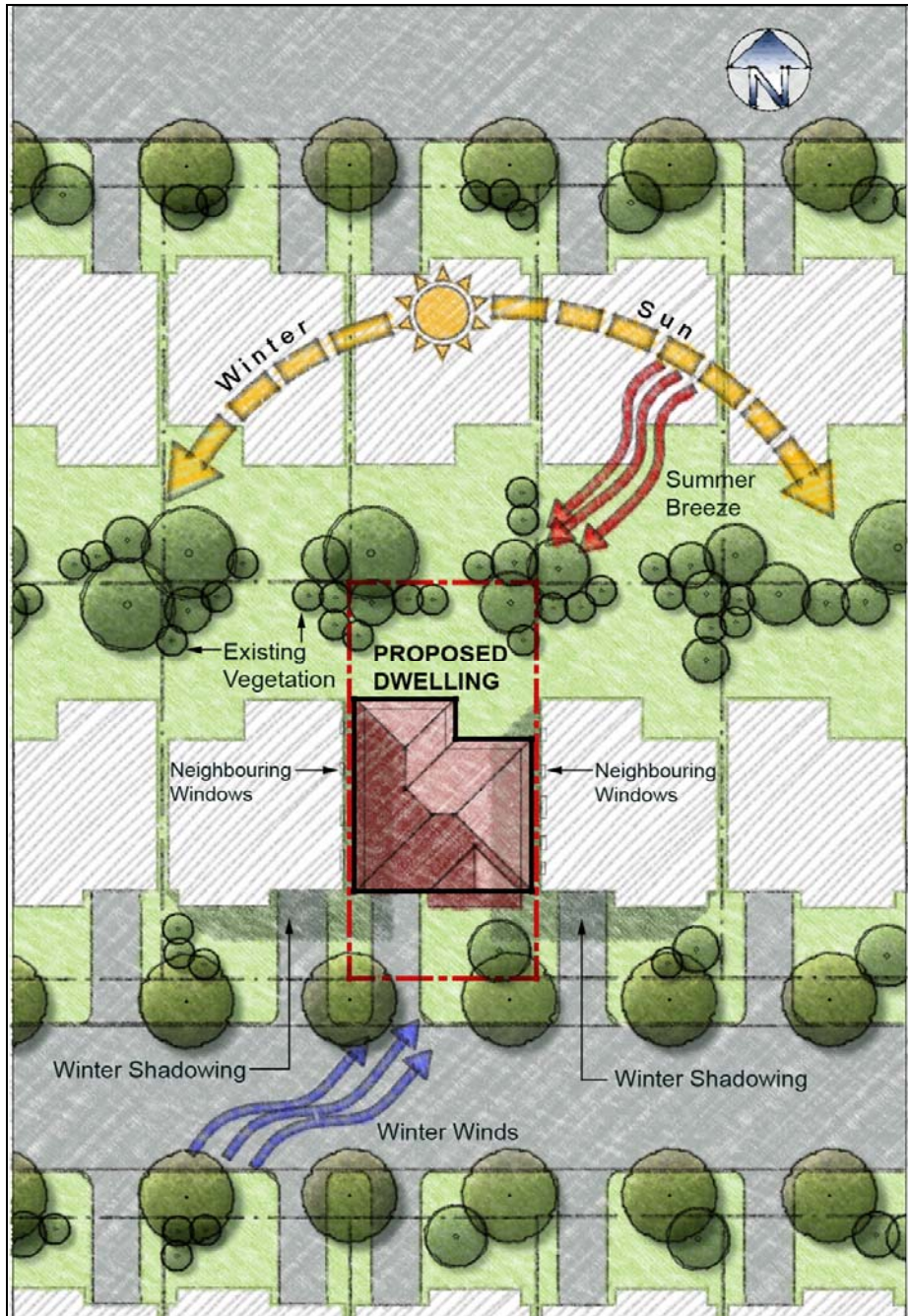


Figure 1 Site Analysis

## 3. Setbacks

### Objectives

- a) To set dwellings back from the street and adjacent properties to provide reasonable space for landscaping, private open space and solar access.
- b) To set dwellings back from each other to provide visual and acoustic privacy.
- c) To create a streetscape that provides a desirable and safe environment.
- d) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.
- e) To maximise the amount of area capable of allowing the growth of trees and shrubs.

### Controls

#### Front and Secondary Setbacks

1. Dwellings shall be setback in accordance with Table 1.

Table 1 Front and Secondary Setbacks

Street	Front Setback	Secondary Setback
Classified Roads	7.0m	7.0m
Other Streets (ground floor)	4.5m	2.5m
Other Streets (first floor)	5.5m	2.5m

2. Garages must be set back a minimum of 1m behind the main face of the dwelling (see Figure 2). (The main face is the first wall of a habitable room)
3. Verandahs, balconies, eaves and other sun control devices may only encroach on the minimum secondary setback by up to 1m.
4. The secondary setback is the longest length boundary.
5. Garages that address the secondary frontage must have a minimum setback of 5.5m.

#### Side and Rear Setbacks

6. Buildings shall be setback from the side and rear boundaries in accordance with Table 2.

Table 2 Side and Rear Setbacks

Item	Side Setback	Rear Setback
Single storey dwelling houses	0.9m	4.0m
Second storey component of dwelling houses	0.9m	7.0m
Setback within an a proposed Internal subdivision	0.9m	4.0m
Living room doors (such as family, dining or rumpus rooms)	4.0m	4.0m

*Note: Building encroachments may only occur if it is seen as beneficial for open space, solar access and the internal layout of the dwelling. The dwellings living areas should open out to open space.*



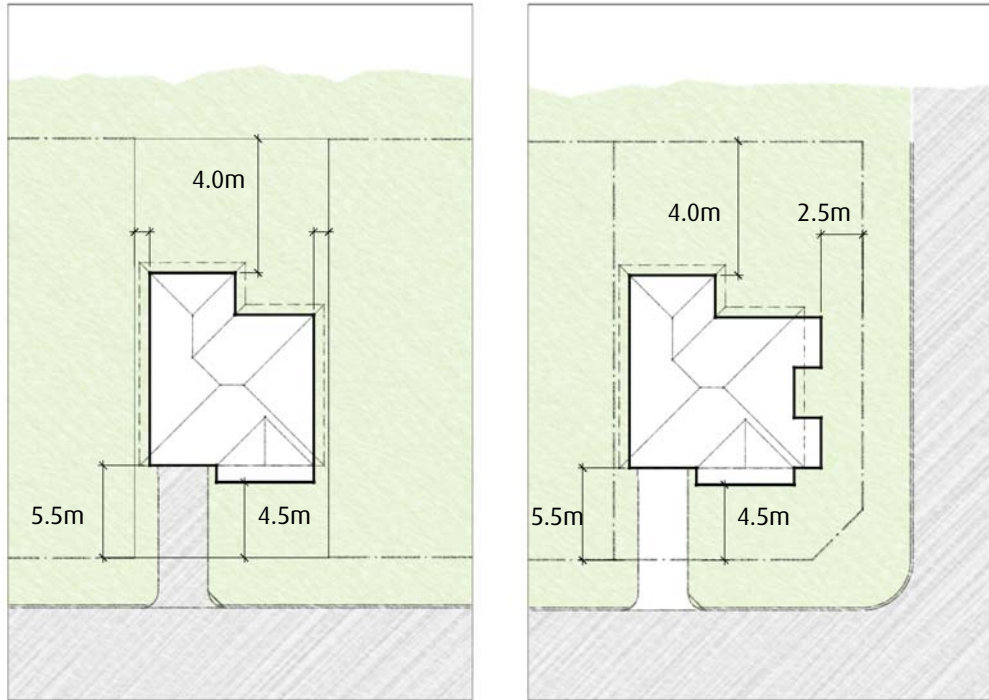


Figure 2 Front, Rear and Secondary Setbacks

## Internal / Zero Lot Boundaries

7. Buildings may be built to the common boundary.

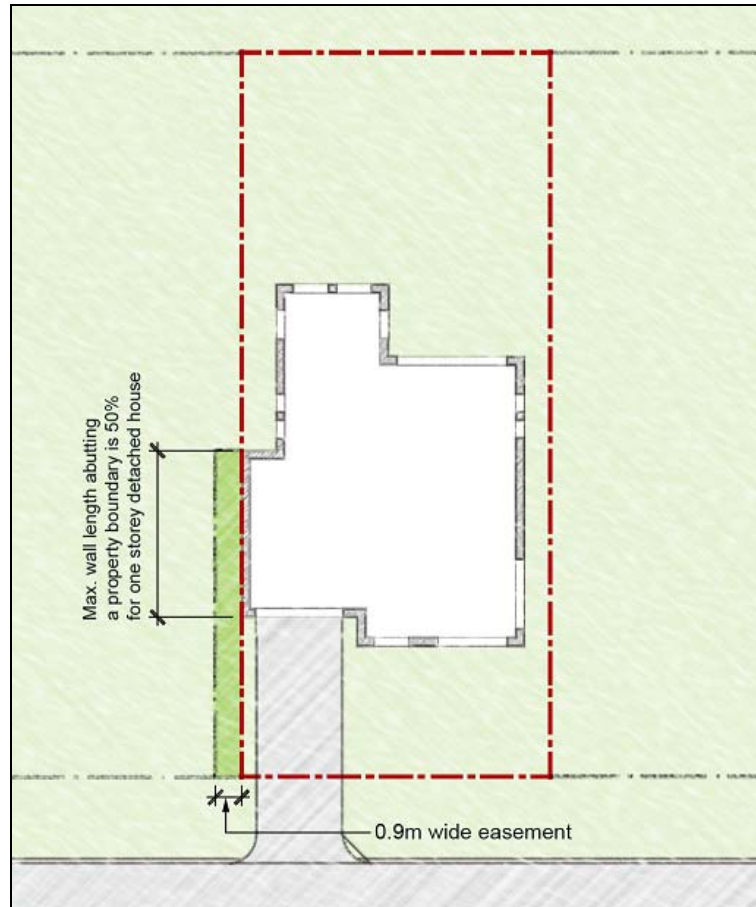


Figure 3 Zero Lot Lines

Zero lot line housing is permissible on approved zero lot subdivisions provided all of the following criteria are met:

8. An easement for access and maintenance of no less than 0.9m wide must be created adjacent to the proposed zero lot on the adjoining property.
9. The lot has a cross slope not exceeding 5%.
10. The zero lot line is situated on the down slope (filled) side of the lot and not on the up-slope (excavated) side. No excavation is permitted to zero lot and any filling is to have a dropped edge beam to natural ground.
11. Construction meets the Fire Resistance level requirements of the Building Code of Australia, with no windows along the zero lot line.
12. Piers to a minimum depth of 500mm are to be provided beneath the wall structure on the zero lot line.
13. Zero lot line construction is permissible only on one side boundary of the lot, with a minimum setback of 1.2 m to be observed to the opposite boundary.
14. A zero lot line wall shall have select face brickwork, rendered or similar finish.
15. Fencing is not to be constructed immediately adjacent to the zero lot line as this may aid the access of termites into the dwelling.

16. It can be demonstrated that the zero lot line wall will have a similar impact on the solar access to the adjoining lot to that of a wall setback 900mm from the boundary.
17. The zero lot line wall will not have an adverse impact on the streetscape.
18. The maximum wall length for a detached house abutting a property boundary is 50% (for one storey) or 30% (for two storeys) of the total depth of the building.
19. Where a dwelling is to be situated on the zero lot line, the dwelling shall have a physical barrier termite treatment (*Note: chemical treatments cannot be used, as this requires perimeter spraying on the adjoining lot*).

## 4. Landscaped Area and Private Open Space

*Landscaped area is defined in Liverpool LEP 2008.*

Private open space is an area within the site (usually at the rear) that is set aside for outdoor activities. Clotheslines, BBQ areas, pergola (unroofed structure), patio, garden sheds and pools can be included in the private open space.

Principal Private open space is an area that is directly accessible from at least one living room and is included in the private open space calculations (the principal private open space area may be paved or sealed).

### **Landscaped Area**

#### **Objectives**

- a) To provide an area to allow vegetation to mature.
- b) To reduce the impact to neighbouring properties and natural waterways from stormwater runoff.
- c) To reduce the amount of impervious areas.
- d) To enhance the existing streetscape and soften the visual appearance of the dwelling.
- e) To maximise the amount of landscaped area within the front setback of dwellings.

#### **Controls**

1. A minimum of 25% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.
2. A minimum of 50% of the front setback area shall be Landscaped Area.
3. A minimum unincumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.
4. A minimum unincumbered area of 3 x 3m shall be provided in front setback to accommodate deep rooted trees.

Note: All proposed developments require a landscape plan to be submitted with the development application.

### **Private Open Space**

#### **Objectives**

- a) To ensure that a minimum amount of Private Open Space is provided for outdoor activities and Principal Private Open Space areas are located adjacent to internal living areas.
- b) To ensure that Private Open Space is clearly defined for private use.
- c) To ensure that Private Open Space is private, landscaped, screened from overlooking and receives an adequate amount of solar access.

#### **Controls**

1. Private Open Space must have an area greater than 60sqm.
2. Areas less than 2.5 m in width does not qualify as Private Open Space.
3. Private Open Space areas are not permitted within the primary street setbacks.
4. Private Open Space must have an area for clothes drying with at least 2 hours of full sun between 9.00am and 5.00pm at 21 June.

5. The Private Open Space shall include a Principal Private Open Space area, which is directly accessible from the main living area of a dwelling with a minimum dimension of 4 x 6m.
6. The Principal Private Open Space must receive 3 hours of sunlight to at least 50% of the area between 9:00am and 5:00pm on 21 June.
7. Where the Principal Private Open has a predominately northern aspect Clause 6 (above) does not apply.

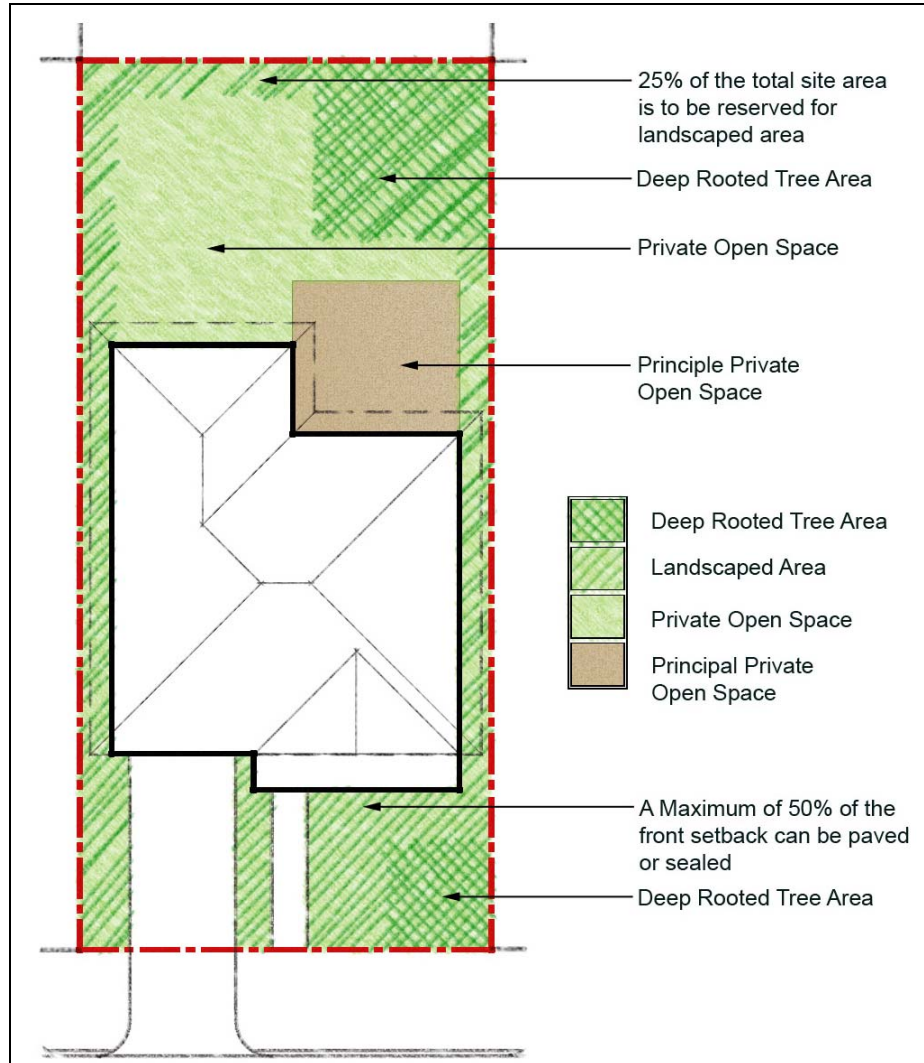


Figure 4 Diagram of private open space and principal private open space.

## 5. Cut and Fill, Building Design, Streetscape and Layout

### Cut and Fill of Land

#### Objectives

- a) To reduce the incidence of change in natural ground levels.
- b) To encourage the architectural designs of dwellings which suit the contours of the land.
- c) To provide controls for cut and fill of land designed to minimise the incidence of soil erosion and subsequent sedimentation of waterways.
- d) To ensure that development on adjoining properties is not threatened or prejudiced by proposed cut and fill practices.
- e) To discourage and eliminate, where possible, the construction of retaining walls on allotment boundaries.
- f) To minimise overshadowing of neighbouring dwellings, their private open space or any solar panelling.

#### Controls

1. The maximum cut on a site must not exceed 600mm.
2. All retaining wall structures shall be masonry construction and designed by a suitably qualified person, or constructed as specified by the manufacture of the product. The retaining wall shall be constructed wholly inside (within) the boundary of the site.
3. All slab constructions for dwellings that are above natural ground level are to be constructed using dropped edge beams to retain fill. The maximum fill within the confines of the slab must not exceed 1m. All fill must be contained within the dwelling footprint.
4. Contaminated fill, either imported or found on site is not permitted.

Note: In the event of approval being granted to the erection of retaining wall(s) to contain proposed cut, Council will require the completion of such retaining wall(s) PRIOR TO the release of the occupation certificate.

5. Where an applicant considers that an allotment has characteristics which warrant exemption from this policy, an application for exemption may be made by the submission of a development application to Council for consideration. In addition to normal requirements the submission should include:
  - i. A plan showing existing contours (at 0.5m intervals) of the subject site and all adjoining sites;
  - i. A plan showing future contours (after proposed cut and fill) of the subject site and all adjoining sites; and
  - ii. Full details of any proposed retaining wall(s).

Note: In the event of approval being granted to the erection of retaining wall(s) to contain proposed cut and fill, Council will require the completion of such retaining wall(s) PRIOR TO the commencement of any building works.

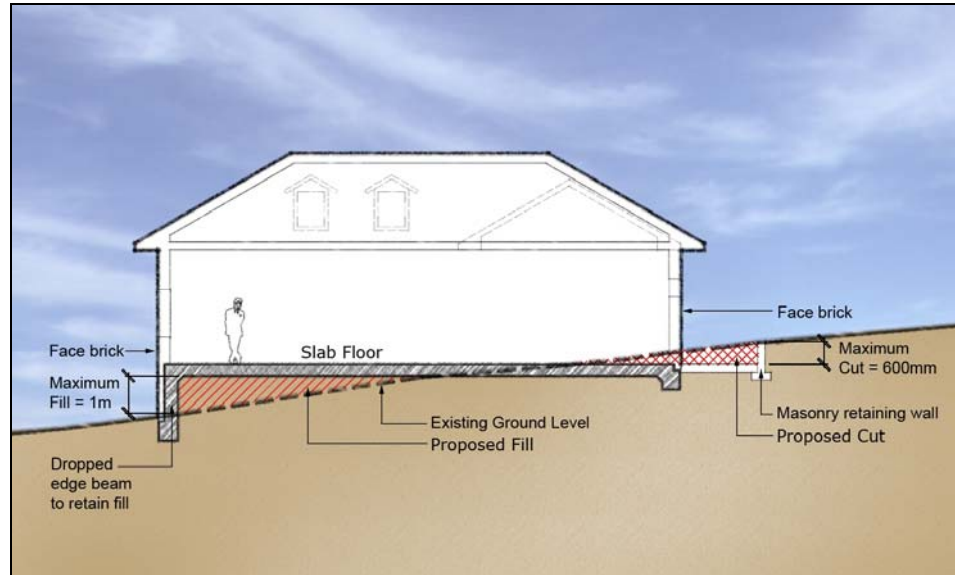


Figure 5 Cut and Fill

## Building Design and Appearance

### Objectives

- a) To encourage designs that will enhance the character of the neighbourhood.
- b) To promote variation of building façade and design.
- c) That the building enhances the streetscape through the use of suitable built form design and landscaping.
- d) To ensure buildings address all street frontages.
- e) To discourage garages and in particular garage doors, from visually dominating the streetscape.
- f) To ensure that the building design, detailing, colour and finish shall add visual interest to the street and shall compliment the street.
- g) To ensure habitable rooms address the street.
- h) To encourage balconies over garages in two storey dwellings.

### Controls

1. Small lot housing with a street frontage must orientate the dwelling to that street.
2. The front pedestrian entrance must be visible from the street.
3. The front Building facades shall be articulated, this articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.
4. Eave overhang must provide for sun shading and protect windows and doors. Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling.
5. Developments that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.
6. The sidewalls shall be articulated if the wall has a continuous length of over 14m.

### Specific controls for two storey dwellings

7. To break up the bulk of two storey dwellings balconies built above garages are encouraged (See Figure 6).
8. Balconies are not permitted on the first floor of the side and/or rear portion of the dwelling. Balconies may be considered if they address public open space/utilities.

### Garages

9. The maximum width of garage doors or carports must be no greater than 50% of the building frontage width.
10. Garages and carports must be designed to be the minor element of the façade.
11. Garage roofs shall be incorporated into the roof design of the house. Separate roofs for garages are discouraged, unless actually separated from the dwelling.
12. Garages and carports are to be compatible with the building design in terms of height, roof form, detail, materials and colours.
13. Carports may be built in front of the garage *only if* the carport:
  - Is no larger than 5.5 x 6m.
  - Is built of a similar colour and materials of the house.
  - Is setback 2m from the front property boundary.
  - Is compatible with the local streetscape.
14. The conversion of garages to living space may only be permitted if:
  - At least one car parking space is provided behind the front setback.
  - The additional living area does not result in the building exceeding the maximum permitted floor space ratio.



Figure 6 Building Appearance (Indicative Only – Not to Scale)



## **Internal Design**

### **Objectives**

- a) The internal design must contribute to personal safety and to the protection of property by permitting casual surveillance of public spaces from private windows and entries.
- b) To provide passive surveillance from rooms addressing the street or any adjoining open space.
- c) To encourage the internal design of the dwelling to take advantage of cross ventilation.
- d) To locate amenity rooms (such as laundries, bathrooms, toilets) to the side and rear of the development.
- e) To ensure that each dwelling shall provide a sufficient amount of storage for elements such as garden and sports equipment.

### **Controls**

1. All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.
2. Living rooms should take advantage of northern aspects.
3. Access to private open space must be from at least one living room.
4. The internal layout of the dwelling is encouraged to incorporate cross ventilation.
5. Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the dwelling.
6. Each dwelling must provide a minimum storage area of 8m<sup>3</sup>.
7. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).

## **Security**

### **Objectives**

- a) To ensure buildings are orientated to allow surveillance from the street and adjoining buildings.
- b) To ensure entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.

### **Controls**

1. Entrances to buildings should be orientated towards the front of the site facing the street or the communal driveway.
2. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.
3. Blank walls addressing the street frontage and other public places should be avoided.
4. Minimise the number of entry points to buildings.
5. Communal areas and utilities should be easily seen and well lit.
6. Position habitable rooms or active uses to face the main communal areas.

## 6. Landscaping and Fencing

### **Objectives**

- a) To retain existing mature trees within the site in a way, which ensures their ongoing health and vitality.
- b) To provide privacy, summer shade and allow winter sun.
- c) To enhance the existing streetscape and visual appearance of dwellings.
- d) To add value to residents' quality of life within the development in the form of privacy, outlook and outdoor recreation, by providing a landscape setting.
- e) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.
- f) To ensure the visual impact of development is minimised and integrated into the streetscape.

### **Controls**

1. The front and rear setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within the front and rear setback areas.
2. At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8 m.
3. Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.
4. Any tree with a mature height over 8m should be planted a minimum distance of 3 m from the building or utility services.

Note: It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.

### **Fencing**

#### **Objectives**

- a) To provide a clear transition between public and private areas.
- b) To provide a visual element within the streetscape.
- c) To ensure fencing enhances the streetscape.

#### **Controls**

##### Primary Frontage

1. The maximum height of a front fence is 1.2m.
2. The front fence may be built to a maximum height of 1.5m *if* the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.
3. Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.
4. The front fence must be 30% transparent.
5. Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.

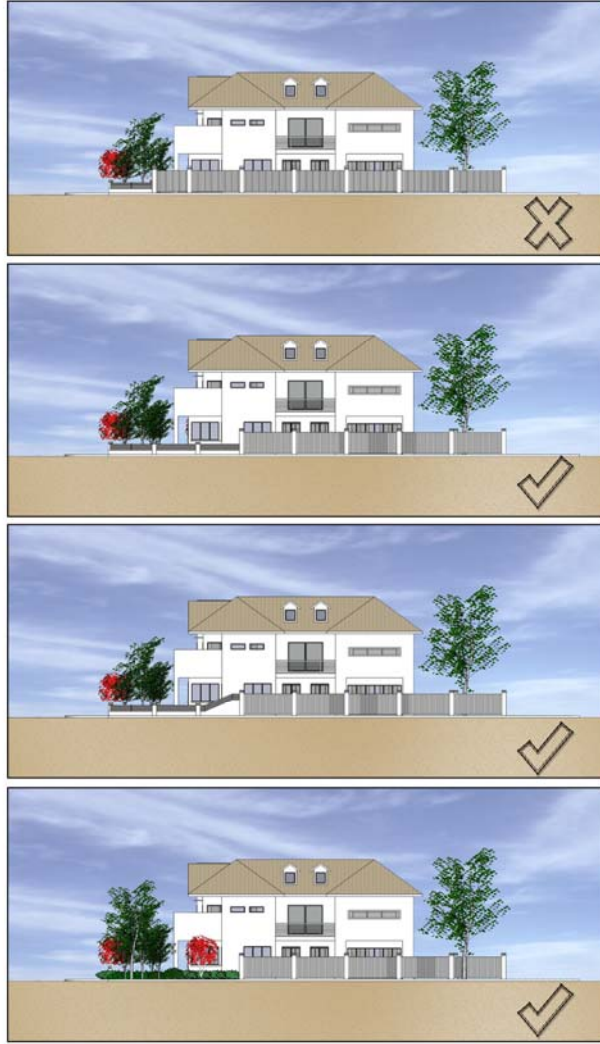
6. The front fence may be built to a maximum of 1.8m *only if*:
  - The primary frontage is situated on a Classified Road.
  - The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.
  - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.

#### Secondary Frontage

7. Side fences and walls must be a maximum of 1.8m in height, and constructed or masonry, timber and/or landscaped.
8. For walls or fences along the secondary frontage, a maximum height of 1.2 m is required for the first 9m measured from the front boundary, the remaining fence/wall may then be stepped up to a maximum of 1.8m (see Figure 8).
9. Side fencing addressing a secondary street frontage must not be constructed of sheet metal. However, metal sheet fencing is permitted on the internal boundaries.

#### Boundary Fences

10. The maximum height of side boundary fencing within the front setback to the street is 1.2m.
11. Internal boundary fences shall be lapped and capped timber or metal sheeting.



**Figure 7 Fence treatment on secondary frontage**

## 7. Car Parking and Access

### **Objectives**

- a) To provide car parking facilities on site that are convenient, safe and have sufficient space for vehicular manoeuvrability, whilst being visually unobtrusive.
- b) To minimise the need for on street parking from new dwellings.

### **Controls**

1. Two car parking spaces shall be provided for each dwelling.
2. At least one car parking must be provided behind the front setback.
3. A parking space is to be a minimum of 2.5 x 5.5m.
4. A single garage is to be a minimum of 3m wide internally and unobstructed.
5. Kerbs shall be provided along the edge of all internal driveways.

## 8. Amenity and Environmental Impact

### Overshadowing

#### Objectives

To minimise overshadowing of neighbouring dwellings and their private open space.

#### Controls

1. Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least
  - One living, rumpus room or the like; and
  - 50 % of the private open space.

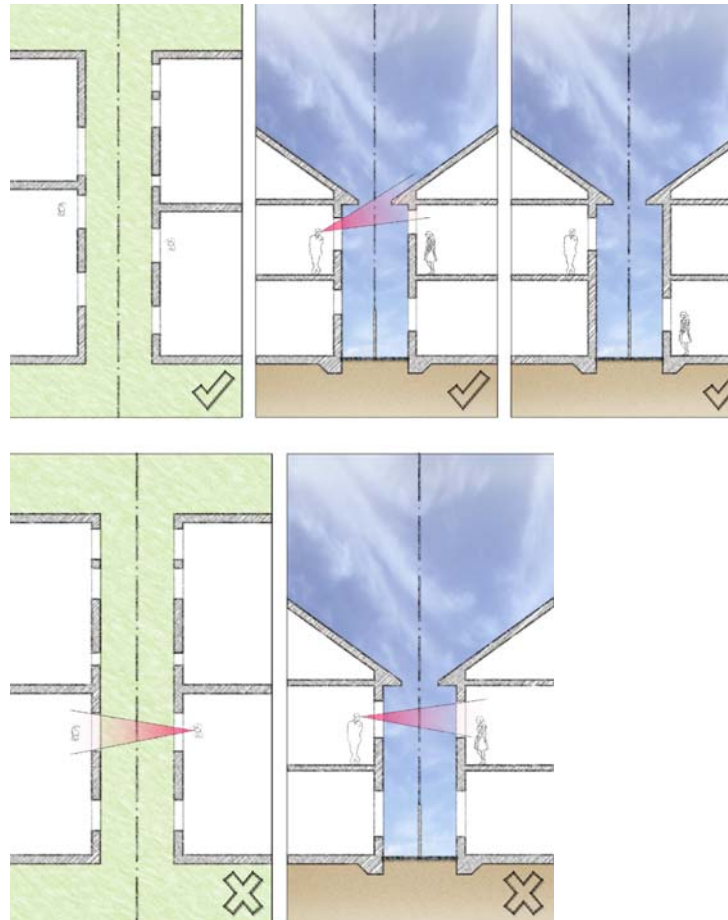


Figure 8 Privacy and Amenity Privacy

## **Privacy and Amenity Privacy**

### **Objective**

To site and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents.

### **Controls**

1. Building siting, window location and balconies should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.
2. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.
3. Windows of habitable rooms facing side boundaries are to be offset by at least 1 m from any adjoining facing window.
4. Except where they face a road or public open space, habitable room windows to the side are to avoid unreasonable overlooking by having a minimum sill height of 1.5m.

## **Acoustic Privacy**

### **Objective**

To ensure appropriate noise and vibration attenuation measures are incorporated into residential development.

### **Controls**

1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.
2. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.
3. Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the *Building Code of Australia*.
4. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.

## 9. Site Services

### **Objectives**

- a) To ensure that the required services are provided.
- b) To ensure that the services provided are easily protected or maintained.

### **Controls**

#### Letterboxes

1. Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.
2. Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.
3. Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.

#### Frontage works and damage to Council infrastructure

4. Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
5. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
6. Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.



## 10. Secondary dwellings (Studio apartments)

Studio apartments are not permitted on lots smaller than 400sqm (unless they form part of an Integrated Development which overlook laneways).

### **Objective**

To provide housing choice within a standard residential lot for the use of a separate dwelling within the existing title.

### **Controls**

1. A studio apartment should be attached to the main dwelling. However, Council may consider applications for detached studio apartments on merit base.
2. A studio apartment must be above the garage. The studio apartment is to be a maximum of one storey high above the garage.
3. Studio apartments should compliment the main dwelling by using the same style and colour.

Note: Studio apartments are included in the overall floor space ratio of a property, and only one studio apartment per lot is permitted.





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