

SUTHERLANDSHIRE

**ANCILLARY  
DEVELOPMENT**  
DCP 2015 CHAPTER 34



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Ancillary development is a group term encapsulating a variety of types of minor development that would ordinarily be associated with the occupation and use of a dwelling house or dual occupancy and that generally have minimal environmental impact. Many of these forms of development can be undertaken as Exempt Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. These controls are intended to apply in those circumstances where a development does not to utilise the State provisions.

This section comprises two parts:

**Part 1 General ancillary development. This includes:**

- Access ramps
- Aerials, antennae and communication dishes
- Air conditioning units and roof mounted evaporative cooling units
- Animal shelters and aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs  
(Note: Development attached to a dwelling house, may also be considered under the DCP Dwelling House Chapter 2 provisions)
- Constructed barbeques and other built outdoor cooking structures
- Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses
- Flagpoles
- Fowl and poultry houses
- Garbage bin storage enclosures
- Hotwater systems
- Privacy screens
- Rainwater tanks
- Tennis courts.

**Part 2 Specified forms of ancillary development. These forms of development are:**

- Detached garages, carports, driveways and hardstand spaces
- Fencing
- Retaining walls
- Swimming pools.

Each ancillary development will only need to comply with the controls in either Part 1 or Part 2.

**a. General Ancillary Development**

**1. Objectives**

1. Balance the ability of the individual residents to erect structures which contribute to their enjoyment of their property while protecting the amenity and acoustic and visual privacy of neighbours.
2. Ensure that ancillary structures are compatible with the established character, scale and setting of its immediate vicinity.

3. Minimise the potential environmental impacts of ancillary development.
4. Manage the cumulative impact of ancillary development, particularly the visual impact when viewed from waterways, bushland, open space, the public domain and neighbouring properties.
5. Ensure ancillary development maintains the existing landform and protects the integrity and stability of geological elements of the site and neighbouring sites.
6. Ensure new ancillary development minimises view loss for neighbouring properties.
7. Minimise interruption and alteration of groundwater and surface water flows.
8. Ensure that fencing does not become unsafe during floods and potentially becomes moving debris which threatens the integrity of structures or the safety of people.
9. Minimise overshadowing of adjacent properties and private or shared open space.
10. Retain the existing tree canopy.

## **2. Controls**

1. The cumulative total floor area of all ancillary structures (including the ground floor area of any detached garages and detached carports) is limited to 10% of the site area.
2. Ancillary structures must not be visually dominant in the foreshore area of any property. The remainder of the foreshore area should:
  - a. retain its natural landform,
  - b. be landscaped with indigenous species chosen from Council's Native Plant Selector available on Council's website.

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**Note:**

SSLEP2015 Clause 6.9 limits development in the Foreshore Area.

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3. The maximum height of ancillary structures (except aerials, antennae and satellite/communication dishes) is 4.0m from ground level.
4. Satellite/communication dishes must not exceed the highest point of the roof ridgeline.
5. The finished floor level of an ancillary structure must not be more than 1m above ground level (existing) at any point.
6. Ancillary development should be located within the rear yard. Development may only be located within the front yard, where it is unobtrusive and complementary to the streetscape.

7. The following minimum setbacks are required:

<b>Setbacks</b>	<b>Minimum</b>
<b>Street Setback</b> (where development is permissible in the front yard)	7.5m
	3.0m (Secondary street)
	4.0m (Internal lot)
<b>Side Setback</b> for development with a floor level less than 0.5m above ground level	1.5m in E3 and E4 0.9 m in R2 and R3 and R4
for development with a floor level more than 0.5m above ground level	1.5m
for enclosed structures on bush fire prone land	1.5m
<b>Rear Setback</b>	6.0m in Sylvania Waters 1.0m in all other instances

8. Satellite dishes must be sufficiently setback so as not to encroach onto an adjoining property, public space or road reservation.
9. Satellite dishes must not be visible from a public place or street.
10. The natural contours of the land must not be unduly altered. Developments should avoid any unnecessary earthworks by designing and siting development within the natural slope of the land.

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**Note:**

Subclause 10 does not apply to steeply sloping sites where:

- a. alternative design solutions have been explored and presented to Council showing no feasible solution to excavation is available, and
  - b. the actual extent of the excavation has been minimised, and
  - c. there is unlikely to be disruption, or detrimental effects on existing drainage patterns, vegetation, sedimentation and soil stability in the locality, and
  - d. the design is a sensitive solution to the constraints of the site.
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11. The depth of excavation must not exceed 1m below the ground level and the depth of fill must not exceed 1m above ground level.
12. Where site conditions warrant, excavation is to be carefully carried out and based on geotechnical advice to ensure the long term stability of geological elements, particularly in areas where acid sulphate soils are present.
13. The removal of natural rock, trees and bushland to enable ancillary development is not permitted.
14. The overshadowing of neighbouring properties should be minimised. For the neighbouring dwellings:
- a. ensure 10m<sup>2</sup> of private open space has 4-3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June);

- b. ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June);
- c. consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms;
- d. overshadowing by vegetation should be ignored;
- e. overshadowing by fences, roof overhangs and changes in level should be taken into consideration.

## **b. Specific Forms of Ancillary Development**

### **1. Objectives**

1. Balance the ability of the individual residents to erect structures which contribute to their enjoyment of their property while protecting the amenity and acoustic and visual privacy of neighbours.
2. Ensure that ancillary structures are compatible with the established character, scale and setting of its immediate vicinity.
3. Minimise the potential environmental impacts of ancillary development.
4. Manage the cumulative impact of ancillary development, particularly the visual impact when viewed from waterways, bushland, open space, the public domain and neighbouring properties.
5. Ensure ancillary development maintains the existing landform and protects the integrity and stability of geological elements of the site and neighbouring sites.
6. Ensure new ancillary development minimises view loss for neighbouring properties.
7. Minimise interruption and alteration of groundwater and surface water flows.
8. Minimise overshadowing of adjacent properties and private or shared open space.
9. Retain the existing tree canopy.

### **2. Detached Garages, Carports and Hardstand Spaces**

#### **2.1 Controls**

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).

2. The minimum setbacks required are set out in the table below:

<b>Setbacks</b>	<b>Minimum</b>
<b>Primary Street frontage</b>	7.5m
	3.0m (Secondary street)
	4.0m (Internal lot)
<b>Side</b> for development with a floor level less than 0.5m above ground level	0.9m in R2, R3 and R4 zones
	1.5m on Internal lots
	1.5m in E3 and E4 zones
for development with a floor level more than 0.5m above ground level	1.5m
for enclosed structures on bush fire prone land	1.5m
<b>Rear Setback</b>	1.0m

3. Carports and hardstand spaces may be located within the street setback if:
- The topography of the site limits alternative siting of the carport and hardstand space on the site; and
  - The siting of the carport and hardstand space is in keeping with the established streetscape character of the locality; and
  - The provision of the carport or hardstand space is essential to meeting the on-site parking requirement for the development; and
  - The design of the carport does not compromise the streetscape or obscure views from the public domain.
4. A variation to the side setback may be considered if the objectives of this section are achieved and there is no adverse impact on the adjoining property, for example:
- An open carport on a nil boundary setback;
  - Detached garage on a nil boundary setback where the topography enables views to be maintained.
5. Garages, carports and hardstand spaces are to be located and designed so that they do not form dominant elements in the streetscape.
6. In areas where views from public and private areas are available, open form structures, such as carports are preferred to solid structures to minimise the impact on existing views.
7. Parking spaces adjoining walls and other structures or within single garages shall be 5.5 m long and 3.0 m wide with a clear garage opening of 2.75m. The garage opening (doorway width) may be reduced to 2.4m wide where the driveway leads straight into the garage (as shown in Figure 1 in Chapter 36). A double garage in a residential development shall be 5.5 metres long and 5.7m wide with a clear garage opening of at least 5m.
8. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum width of 6m, is to face the street.
9. Parking spaces shall have a grade no greater than 1:20.

10. Car parking layout, vehicular access requirements and design and public and private footpaths are to be in accordance with the Australian Standards, in particular AS 2890.1-2004 and the requirements contained in Chapter 36.
11. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
12. Vehicular crossings associated with dwelling houses shall be a single (combined entry and exit) vehicular crossing with a maximum width of 3.5 m in the road reserve.
13. Development is to be located so that:
  - a. Clearing of natural bushland is avoided
  - b. A stable building footprint can be established that:
    - i. does not rely on the use of cut or fill, or any other form of terracing;
    - ii. avoids the location of buildings over slopes greater than 18 degrees or 33%;
    - iii. uses, where practicable, an existing flat area of the site.
14. The depth of cut or fill must not exceed 1m from ground level. Council will consider cut greater than 1m where:
  - a. alternative design solutions have been explored and presented to Council showing no feasible solution to excavation is available; and
  - b. the actual extent of the excavation has been minimised; and
  - c. there is unlikely to be disruption, or detrimental effects on existing drainage patterns, vegetation, sedimentation and soil stability in the locality; and
  - d. the design is a sensitive solution to the constraints of the site.
15. The natural contours of the land must not be unduly altered. Developments should avoid any unnecessary earthworks by designing and locating development within the natural slope of the land.
16. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.
17. The maximum height of detached garages and carports is 4.0m from ground level.
18. Hard surface areas within the street frontage are to be limited to a maximum of 50%, with the remaining 50% utilised for deep soil landscaping.
19. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
20. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
21. The overshadowing of neighbouring properties should be minimised. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> of private open space has 4-3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June);
  - b. ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June);

- c. consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms;
- d. overshadowing by vegetation should be ignored;
- e. overshadowing by fences, roof overhangs and changes in level should be taken into consideration.

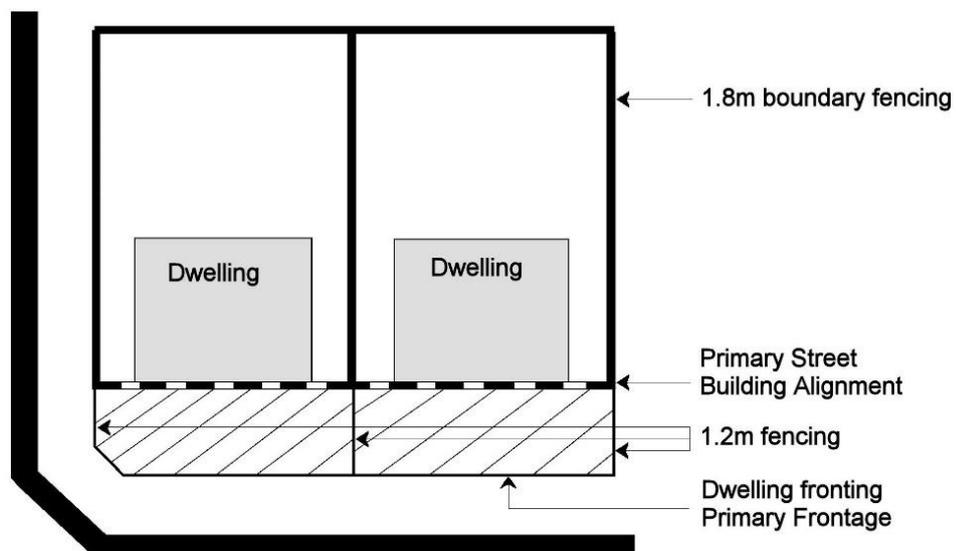
22. The cumulative total floor area of all ancillary structures (including the ground floor area of any detached garages and detached carports) is limited to 10% of the site area.

### 3. Fencing

#### 3.1 Controls

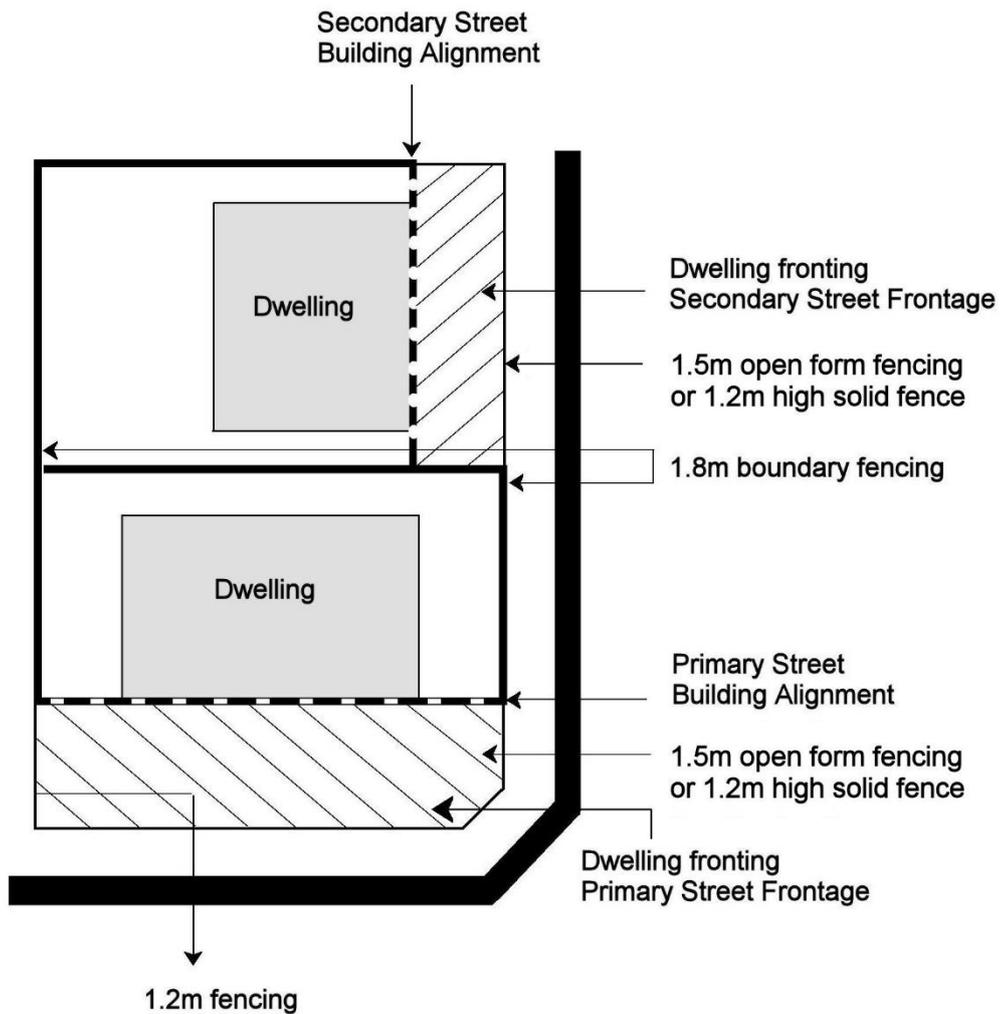
1. Fencing for dual occupancies and multi-dwelling development should complement the streetscape and be of a similar character and height as already exists in the streetscape.
2. No fencing, except pool fencing, is permitted below the Foreshore Building Line.
3. The overall design of and materials used for front fences must complement existing structures, landscaping and the general streetscape.
4. Trees are not to be removed to allow for fencing.
5. Boundary fences - side and rear: The maximum height permitted at any point for a side or rear fence shall be 1.8 m from natural ground level in accordance with Diagram 1.
6. Where a portion of the fence is a retaining wall, 1.8m is the total maximum height permitted. Such fences shall not extend beyond the front building alignment.
7. Paling fences should be lapped and capped.

**Diagram 1**



Note: Dwellings fronting a secondary road shall comply with street frontage fencing requirements in accordance with Diagram 2 and controls below.

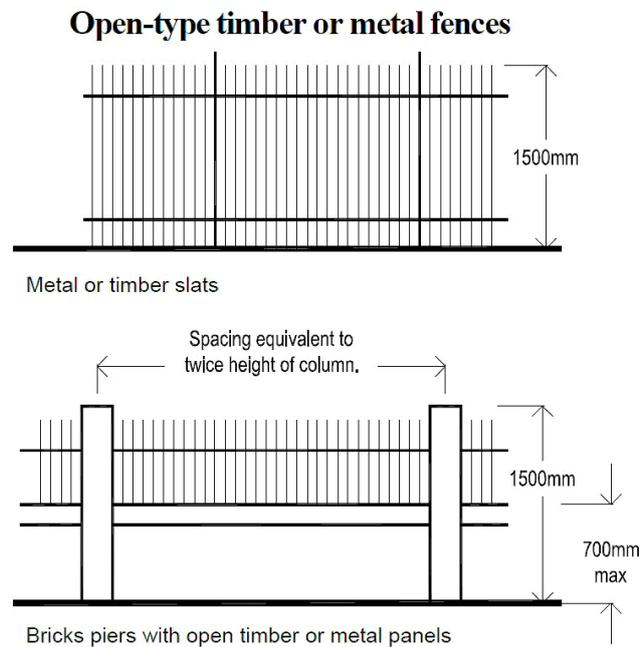
**Diagram 2**



8. **Open form front boundary fences** – Dwelling houses primary and secondary street frontages:

Open form fencing shall have a maximum height at any point of 1.5m from natural ground level in accordance with Diagram 3. Any solid or masonry portion is to be no greater than 700mm. Privacy is to be obtained through advanced screen planting.

**Diagram 3**

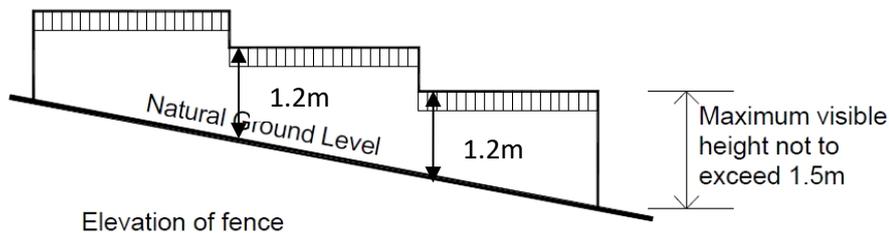


9. Clearance between all members of open-form timber or metal front fences shall be equal to or greater than the width of the member, with a minimum spacing of 50mm.
10. Columns and piers for open-form timber or metal front fences must be spaced at twice the finished fence height.
11. Open form sections should be incorporated into fences, particularly on corner blocks to increase visibility for security purposes.
12. **Solid form front boundary fences** – Dwelling houses primary and secondary street frontages:

Solid form front fences shall have a maximum height of 1.2m from natural ground level at any point. Solid form fencing includes: block, masonry, paling, lapped and capped and sheet or panelled fences.

On sloping ground, the maximum height permitted for a front fence (at any point) can be up to 1.5m from natural ground level. Where a portion of the front fence is a retaining wall, 1.5m shall be the total maximum height permitted, as shown in diagram 4 below.

**Diagram 4**



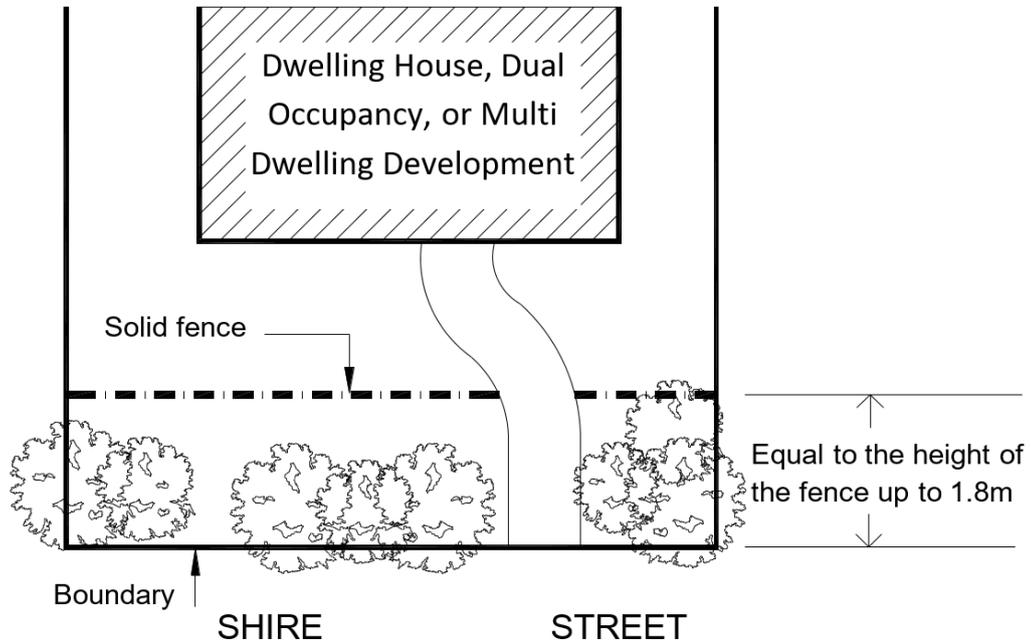
**13. Higher fences-** Dwelling Houses, Dual Occupancies and Multi Dwelling developments primary and secondary street frontages:

These controls apply for primary and secondary street frontage fencing greater than 1.2m in height (solid) or greater than 1.5m in height (open form).

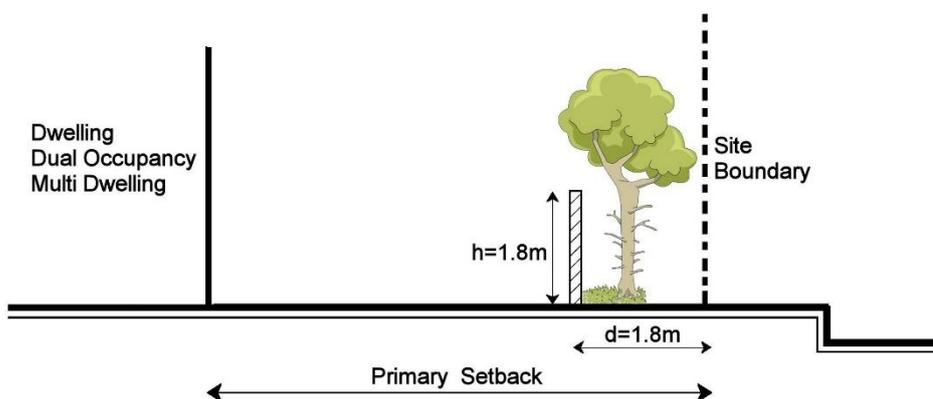
Higher front fences, such as those used to shield dwellings from the noise of classified road, where they are not part of the character of the streetscape, will only be considered on merit. Where such fencing is warranted, fences shall be a maximum of 1.8m from natural ground level at any point and set back from the property boundary by a distance equivalent to the height of the fence. Landscape planting is to be provided between the fence and the boundary, with a mature height of at least 1.5m (as shown in Diagram 5 and 6 below). Open form sections should be incorporated into such fences, particularly on corner blocks, to increase visibility for security purposes.

Visually solid front fences set back from the property boundary by a distance equivalent to the height of the fence, to facilitate planting to screen the fence, as shown in Diagram 5 and 6 below.

**Diagram 5**



**Diagram 6:** Higher front fences Dwellings, Dual occupancy and Multi Dwelling Development



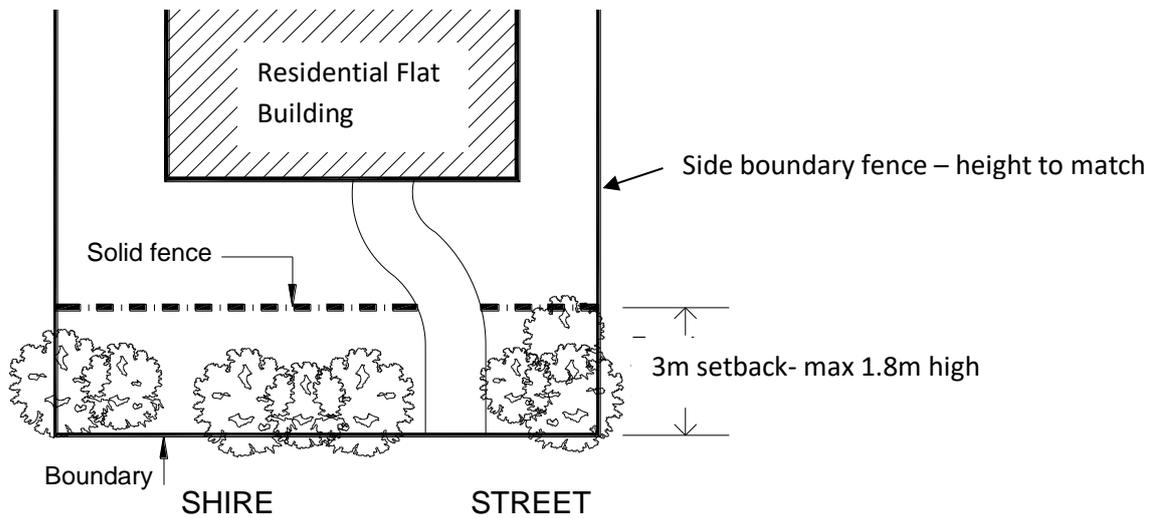
14. Higher fences - Residential Flat Buildings primary and secondary street frontages:

These controls apply for primary and secondary street frontage boundary fencing greater than 1.2m in height (solid) or greater than 1.5m in height (open form).

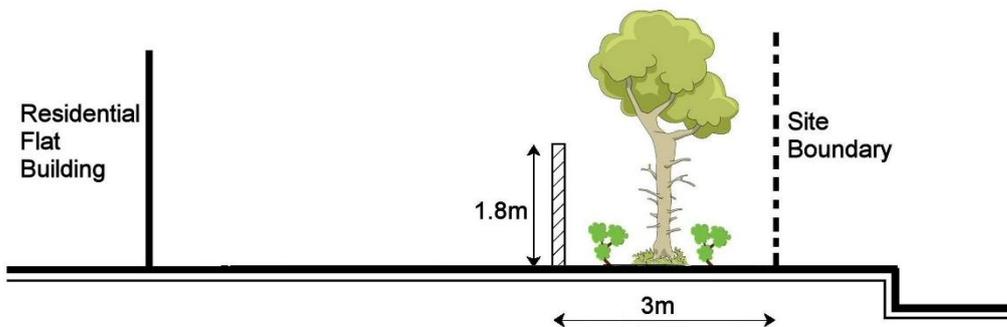
Front fences shall be a maximum of 1.8m from natural ground level at any point and set back a minimum of 3m from the property boundary to facilitate planting to screen the fence, as shown in Diagram 7 below.

Open form sections should be incorporated into such fences, particularly on corner blocks to increase visibility for security purposes.

**Diagram 7**

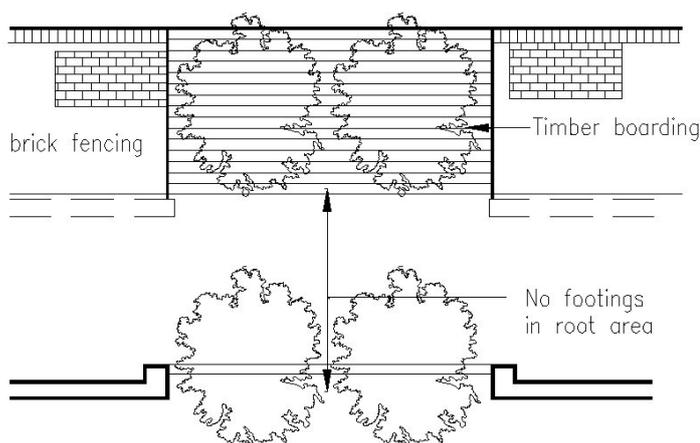


**Diagram 8** Higher front fences Residential Flat Buildings



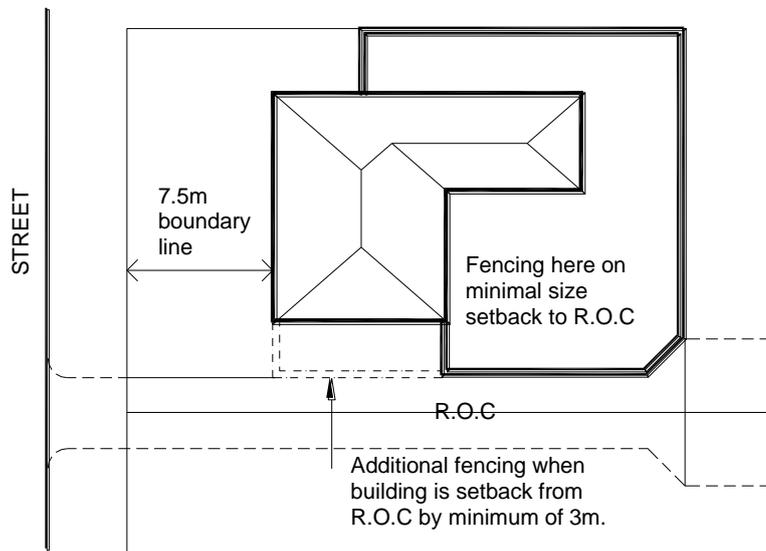
15. Open form sections should be incorporated into fences, particularly on corner blocks to increase visibility for security purposes.
16. Landscaping is required where fencing is setback from the site boundaries to reduce the visual impact of the fence.
17. Where fences are required to be set back from the boundaries of the site, planting shall be provided with species capable of reducing the visual impact of the fence. The height of planting at maturity shall be at least equal to the height of the fence, as shown in Diagram 9. Planting is to be chosen from Council's Native Plant Selector.

**Diagram 9**



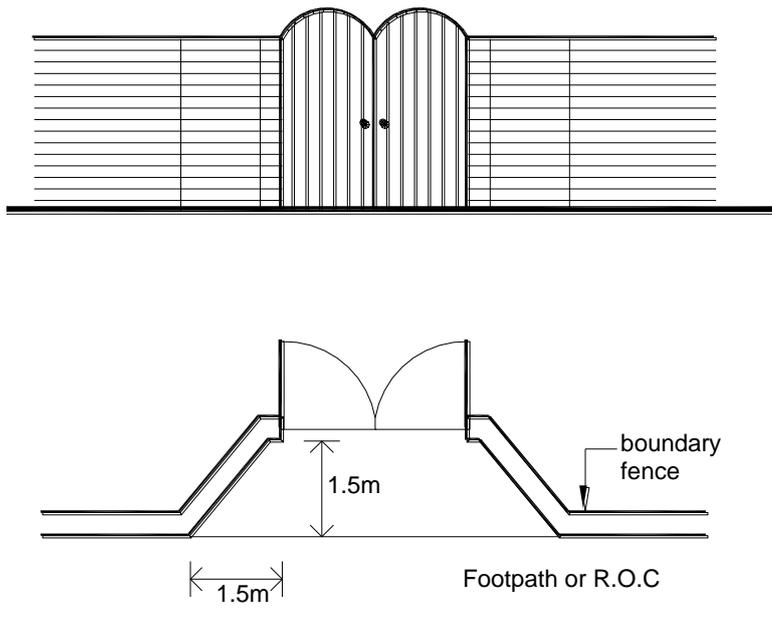
18. Brick or similar solid fences are generally unacceptable across drainage easements.
19. Fencing must provide adequate sight distance for the safety of pedestrians using the footpath area.
20. Fencing on the boundary of a right-of-carriageway or access handle will be permitted, generally up to a point in line with the rear of the dwelling. However, where the setback of the dwelling from the right-of carriageway boundary exceeds 3.0 m or where circumstances of building design (such as the positioning of windows and doors exposed to the right-of-carriageway require screening for privacy and security) a further extension of the fencing may be permitted up to the front of the dwelling. As shown in diagram 10 below.

**Diagram 10**



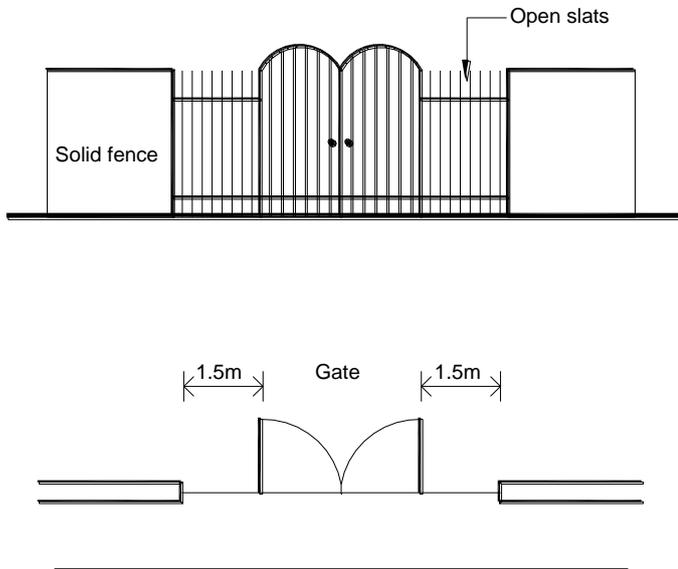
21. Openings for vehicular entry along rights-of-carriageway and streets shall be of such dimensions and form as will facilitate safe entry and exit conditions.
22. Openings for vehicular entry shall be designed with special consideration to the visibility of pedestrians.
23. Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road. As shown in Diagram 11 below.

**Diagram 11**



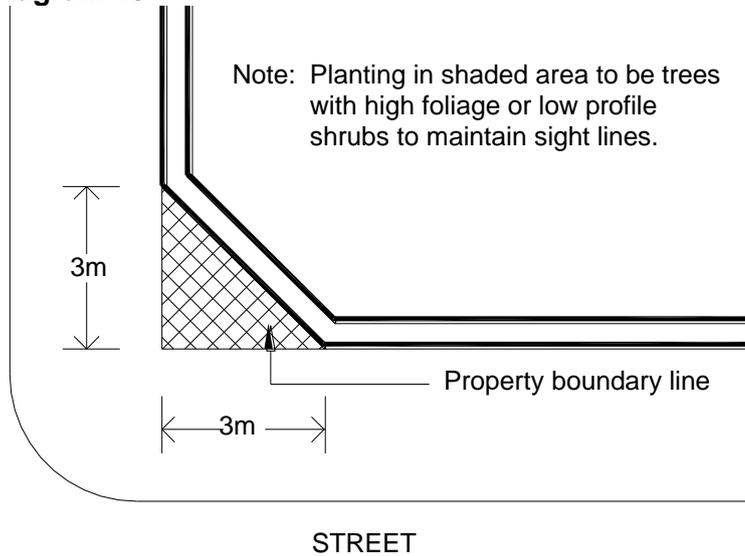
**Diagram 12**

This form of fencing only permitted where footpath exceeds 5.5m wide.



24. Where a fence is proposed at the intersection of two major roads, a minimum splay of 3 m x 3 m is to be provided to enable satisfactory sight distances for traffic, as shown in diagram 13 below.

**Diagram 13**



### **3.2 Additional Controls for Fencing on Flood Prone Land**

1. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally increase flood affection on surrounding land.
2. An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters.

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**Note:**

Appropriate fences include an open collapsible hinged fence structure or pool type fence.

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3. An engineer's report shall be provided to certify that the proposed fence will be constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.
4. Fencing within a High Flood Risk Precinct is to be designed to minimize the potential for any adverse impacts on human life or property having regard to the degree of flood risk affecting a site. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters.

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**Note:**

This requirement may be secured by a Section 88B instrument burdening the title of the land.

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## **4. Retaining Walls**

### **4.1 Controls**

1. The maximum height for a retaining wall is 1m, measured vertically from the base of the retaining wall to its uppermost portion.
2. The minimum setback between retaining walls or other structural supports on the site is 1m, measured horizontally.
3. Retaining walls are not permitted at the front boundary.
4. Retaining walls must be wholly located within private land above the Mean High Water Mark.
5. Retaining walls are to be screened by appropriate indigenous planting chosen from Council's Native Plant Selector.
6. Materials and colours used are to be in keeping with the natural environment.
7. Retaining walls are to reflect the natural landform features and topography of the locality, and not form a straight lineal feature across the site.
8. Retaining walls should not alter ground water levels or surface stormwater flows to the extent that trees, bushland vegetation, water bodies or other properties are adversely affected.
9. Retaining walls should be designed to retain existing canopy trees in the vicinity of the wall, including on adjoining land.
10. Retaining walls should not affect the long term stability of geological elements on site or other properties, particularly in areas where acid sulphate soils are present.
11. Artificial terracing of the site using retaining walls to provide a suitably accessible building platform is not permitted.

## **5. Swimming Pools in the E3 and E4 zones**

### **5.1 Objectives**

1. Ensure that pool location and design maximises safety
2. Ensure that all swimming pools and pool areas visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural setting of the area.
3. Ensure swimming pools and associated development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality and that the environment's natural qualities dominate.
4. Retain and incorporate existing natural features, trees and bushland into the design of swimming pools and pool enclosures.
5. Ensure that the pool location and design respects existing land forms and protects the integrity and stability of geological elements in the vicinity
6. Ensure that acoustic and other residential amenity impacts of pools and associated development are minimised
7. Ensure that existing drainage easements and floodways are not adversely affected or impeded.

### **5.2 Controls for Location**

1. Pools shall be located and designed to:
  - a. to minimise disturbance to the natural landscape with existing significant, healthy trees and vegetation retained and enhanced
  - b. minimise any impact on native vegetation from excavation
  - c. minimise any alterations to the natural topography.
2. Swimming pools are not permitted below the Mean High Water Mark.
3. Where the site contains significant natural landforms such as cliff faces, rock outcrops etc, especially those which are visible from a waterway or public place, the pool shall be sited and designed to retain the natural land forms and protect the integrity and stability of geological elements in the vicinity.
4. Where a pool is located in close proximity to an existing tree, the pool surround/decking shall be of isolated pier and beam construction to prevent tree root damage.
5. The pool shall be located such that it is separated from any ancillary residential structures such as a garage, carport, shed, boat shed, pergola or the like. Such non-pool structures shall be outside the pool area enclosure.

6. The enclosed pool area is to be located and designed so that access between the residence and the waterway, street or adjoining public open space is outside the pool enclosure and not through the pool area.
7. The pool and surrounds must be designed such that splash, drainage and spill water does not adversely affect waterways and other sensitive natural features, or adjoining properties.
8. Where a site is affected by a drainage easement, pools and associated structures and equipment shall be located clear of the easement boundaries.
9. In Sylvania Waters, the construction of a pool must not affect the stability of the seawall. Construction feasibility shall be verified by a suitably qualified engineer.

### 5.3 Controls for Setbacks

1. The minimum setback from the outside of the pool coping (or pool surrounds/ decking) to the primary street boundary is 7.5m.

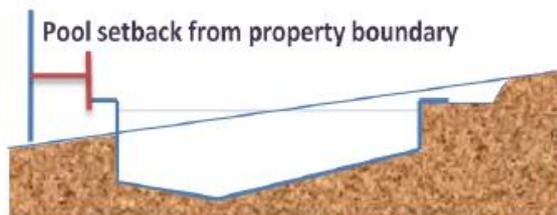
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**Note:**

No pool or associated structures are allowed forward of the dwelling for properties within Woronora Heights and west of the Woronora.

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2. Where a pool / surrounds is not more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and/or rear boundary is:
  - a. 1m where no landscaping will be provided
  - b. 1m where landscaping is non-climbable
  - c. 1.8m where landscaping is climbable.

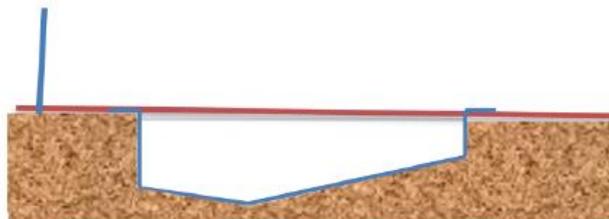


3. Where a pool / surrounds is more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and / or rear boundary is:
  - a. 1.5m where no landscaping will be provided
  - b. 1.5m where landscaping is non-climbable
  - c. 1.8 where landscaping is climbable.

4. Where landscaping with a height greater than 900mm is required or proposed, a 1.8m setback is required to allow a 900mm non-landscape / non-climbable zone to be provided.

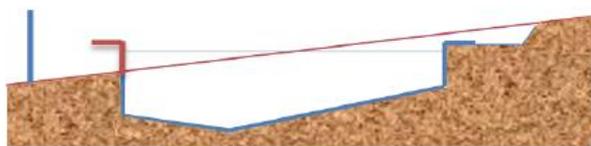
#### 5.4 Controls for Height

1. Pools shall be built so that the top of the pool is as close to existing ground as possible.



Pool to be as close as possible to natural ground level

2. Further to the above clause, the following controls apply:
  - a. a pool must not extend more than 300mm above existing ground level (at any point), if located within the primary or secondary street setback;
  - b. an in-ground pool located outside the street setbacks must not extend more than 500mm above existing ground level (at any point).



Pool Maximum 500 mm above natural ground level

- c. a demountable pool (i.e. those pools also known as above ground/ portable/ prefabricated pools) located outside the street setbacks must not extend more than 1m above existing ground level (at any point).

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**Note:**

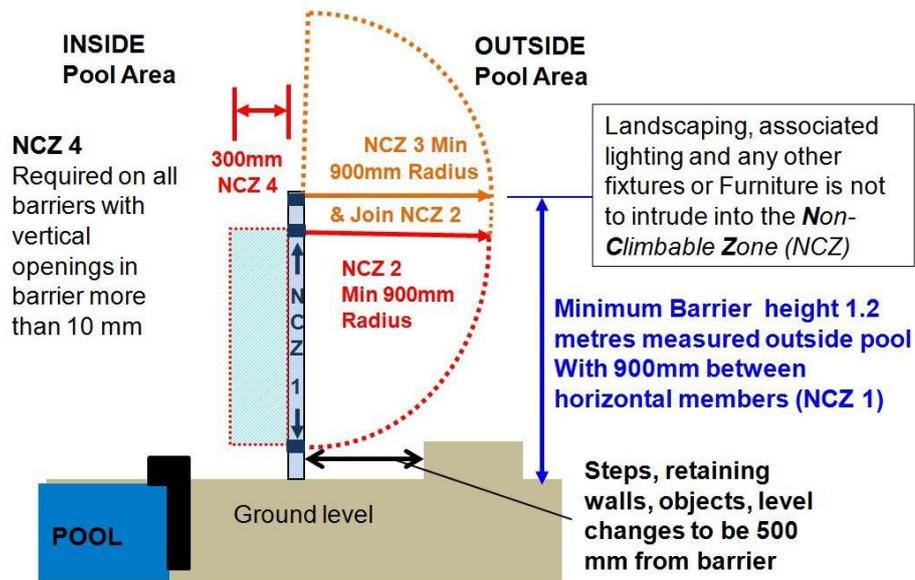
SSLEP clause 6.9 prohibits pools located between the Foreshore Building Line (FBL) and Mean High Water Mark (MHWM) exceeding a height of 300mm above existing ground level (at any point).

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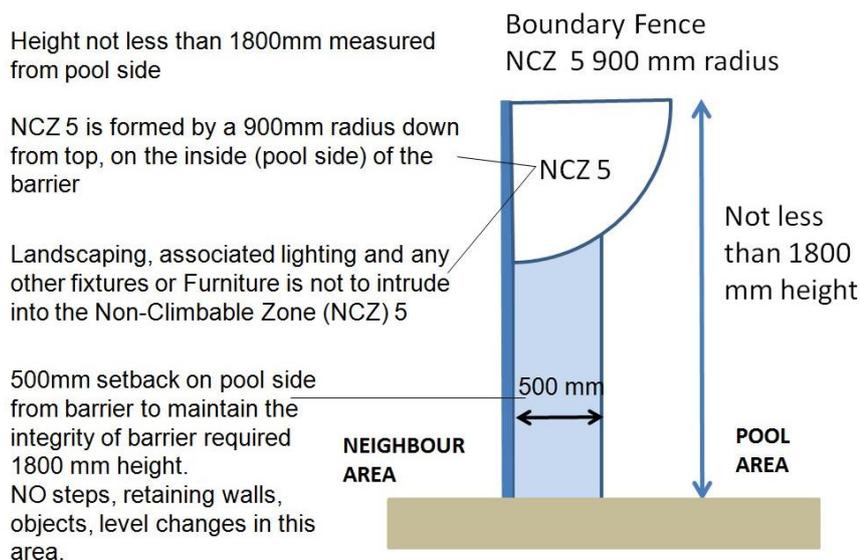
## 5.5 Controls for Swimming Pool Barrier Fences

- Swimming pool barrier fences are to meet minimum heights, as indicated in Figure 1 and Figure 2 below.

**Figure 1 Where Internal Fence used as a Child-Resistant Barrier**



**Figure 2 Where Boundary Fence used as a Child-Resistant Barrier**



- The maximum height permitted at any point for a swimming pool barrier fence within the side or rear yard is 1.8m.

3. The maximum height permitted at any point for a swimming pool barrier fence within the front street setback is 1.2m and the fence is to be open form.
4. Where a swimming pool barrier fence is located between the Foreshore Building Line and the Mean High Water Mark and required for safety reasons, the following apply:
  - a. The swimming pool barrier fence must be located within 2.5m of the pool structure;
  - b. The maximum permitted height of the swimming pool barrier fence at any point is 1.2m;
  - c. The swimming pool barrier fence is to be setback a minimum 900mm from the side boundary. Where landscaping is proposed or required along the side boundary, a 1.8m minimum setback will apply.
  - d. The swimming pool barrier fence is to be setback a minimum of 1.8m from Mean High Water Mark to allow for adequate landscaping and to maintain a barrier non climbable zone;
  - e. Materials used for the construction of the swimming pool barrier fence shall be of high quality, low reflectivity and open form, so as not to detract from the visual quality of the foreshore area or adversely impact on views.

## **5.6 Controls for Pool Landscaping**

1. Where a pool extends above existing ground level and is visible from a waterway, public place or adjoining property, the following measures must be used to mitigate the visual impact of the structure:
  - a. The colour and texture of the materials comprising the exposed sides are to complement the natural setting;
  - b. Landscaping shall screen the exposed sides of the pool.

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**Note:**

Stone facing is the preferred facing material because it best complements the natural environment of the Sutherland Shire.

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2. Pool, surrounds and any decking must be screened by plants if the pool, its surrounds or decking stands more than 500mm above ground level.
3. Screen planting shall be provided to achieve a reasonable level of privacy between adjoining neighbours. Such planting shall achieve a minimum mature height of 1.8m.
4. Landscaping on a property is not to be located in a position that intrudes into the non-climbable zone of swimming pool barrier fences.
5. Landscaping should be located clear of any subsurface drainage, water or sewer easement to eliminate root penetration into pipelines or damage during pipeline maintenance works.
6. Hard surface areas adjacent to pools shall be minimised to allow stormwater and pool overflow to permeate into the ground surrounding the pool.
7. The materials and design of any associated retaining walls shall be integrated with and complement the natural setting.

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**Note:**

Suitable species for swimming pools is located in the Environmental Specification –Landscaping.

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### **5.7 Controls for Pools on Flood Prone Land**

1. Swimming pools and associated structures shall not obstruct a floodway.
2. The design and siting of swimming pools shall not exacerbate flooding in neighbouring properties; this includes land upstream and downstream from the subject site.
3. At no time may swimming pools be emptied into the stormwater drainage network, watercourse or environment. Swimming pools may only be emptied to the sewer.

## **6. Swimming Pools in all zones except E3 and E4**

### **6.1 Objectives**

1. Ensure that pool location and design maximises safety.
2. Ensure swimming pools and associated development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Ensure that all swimming pools and pool areas visible from the street and public domain make a positive contribution to the streetscape and natural setting of the area.
4. Retain and incorporate existing natural features, trees and bushland into the design of swimming pools and pool enclosures.
5. Ensure that the pool location and design respects existing land forms and protects the integrity and stability of geological elements in the vicinity.
6. Ensure that acoustic and other residential amenity impacts of pools and associated development are minimised.
7. Ensure that existing drainage easements and floodways are not adversely affected or impeded.

### **6.2 Controls for Location**

1. Swimming pools are not permitted below the Mean High Water Mark.
2. Pools shall be located and designed to:
  - a. Ensure retention of existing significant, healthy trees;
  - b. Minimise any impact on native vegetation from excavation;
  - c. Minimise any alterations to the natural topography.
3. Where the site contains significant natural landforms such as cliff faces, rock outcrops etc, especially those which are visible from a public place, the pool shall be sited and designed to retain the natural land forms and protect the integrity and stability of geological elements in the vicinity.
4. Where a pool is located in close proximity to an existing tree, the pool surround/decking shall be of isolated pier and beam construction to prevent tree root damage.
5. The pool shall be located such that it is separated from any ancillary residential structures such as a garage, carport, shed, boat shed, pergola or the like. Such non-pool structures shall be outside the pool area enclosure.
6. The enclosed pool area is to be located and designed so that access between the residence and the waterway, street or adjoining public open space is outside the pool enclosure and not through the pool area.

7. The pool and surrounds must be designed such that splash, drainage and spill water does not adversely affect waterways and other sensitive natural features, or adjoining properties.
8. Where a site is affected by a drainage easement, pools and associated structures and equipment shall be located clear of the easement boundaries.
9. In Sylvania Waters, the construction of a pool must not affect the stability of the seawall. Construction feasibility shall be verified by a suitably qualified engineer.

### 6.3 Controls for Setbacks

1. The minimum setback from the outside of the pool coping (or pool surrounds/ decking) to the primary street boundary is 7.5m.

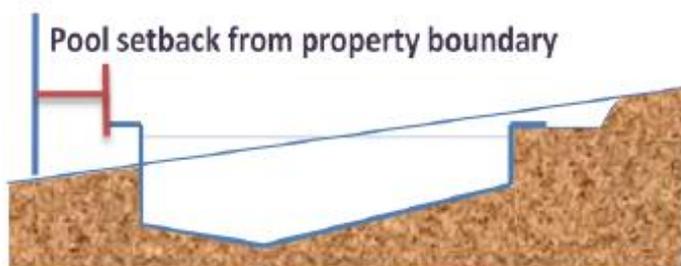
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**Note:**

No pool or associated structures are allowed forward of the dwelling for properties within Woronora Heights and west of the Woronora.

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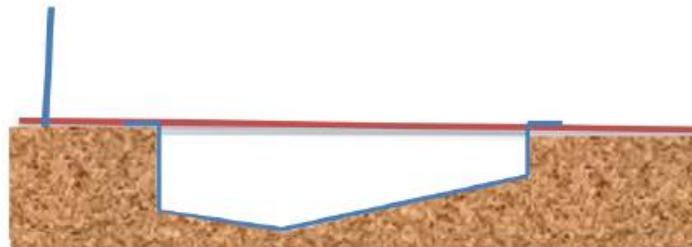
2. Where a pool / surrounds is not more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and/or rear boundary is:
  - a. 1m where no landscaping will be provided
  - b. 1m where landscaping is non-climbable
  - c. 1.8m where landscaping is climbable.



3. Where a pool / surrounds is more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and / or rear boundary is:
  - a. 1.5m where no landscaping will be provided
  - b. 1.5m where landscaping is non-climbable
  - c. 1.8 where landscaping is climbable.
4. Where landscaping with a height greater than 900mm is required or proposed, a 1.8m setback is required to allow a 900mm non-landscape / non-climbable zone to be provided.

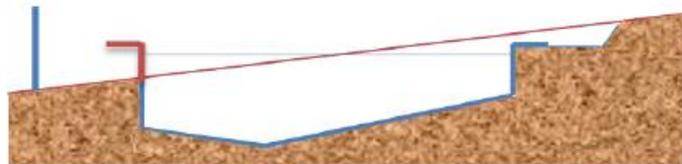
## 6.4 Controls for Height

1. Pools shall be built so that the top of the pool is as close to existing ground as possible.



Pool to be as close as possible to natural ground level

2. Further to the above clause, the following controls apply:
  - a. a pool must not extend more than 300mm above existing ground level (at any point), if located within the primary or secondary street setback;
  - b. an inground pool located outside the street setbacks must not extend more than 500mm above existing ground level (at any point).



Pool Maximum 500 mm above natural ground level

- c. a demountable pool (i.e. those pools also known as above ground/ portable/ prefabricated pools) located outside the street setbacks must not extend more than 1m above existing ground level (at any point).

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### Note:

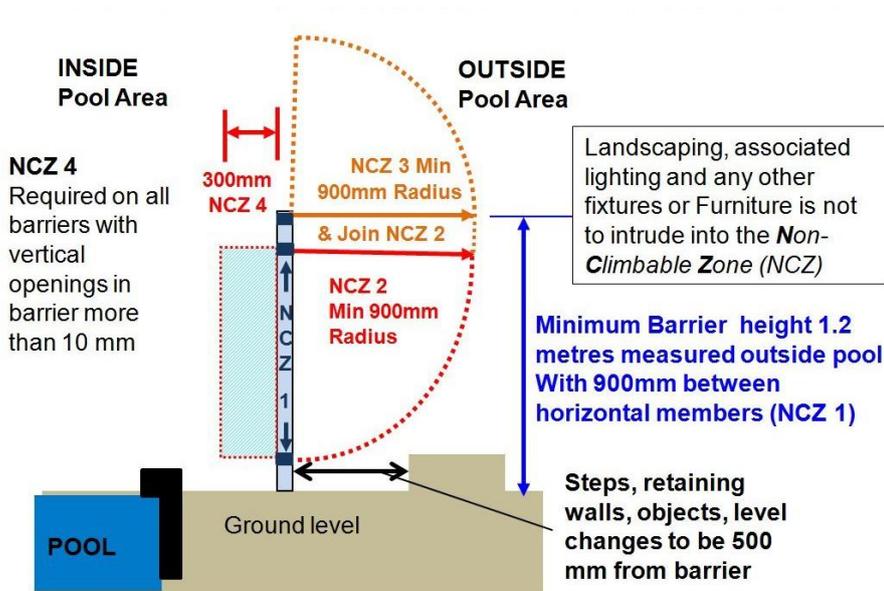
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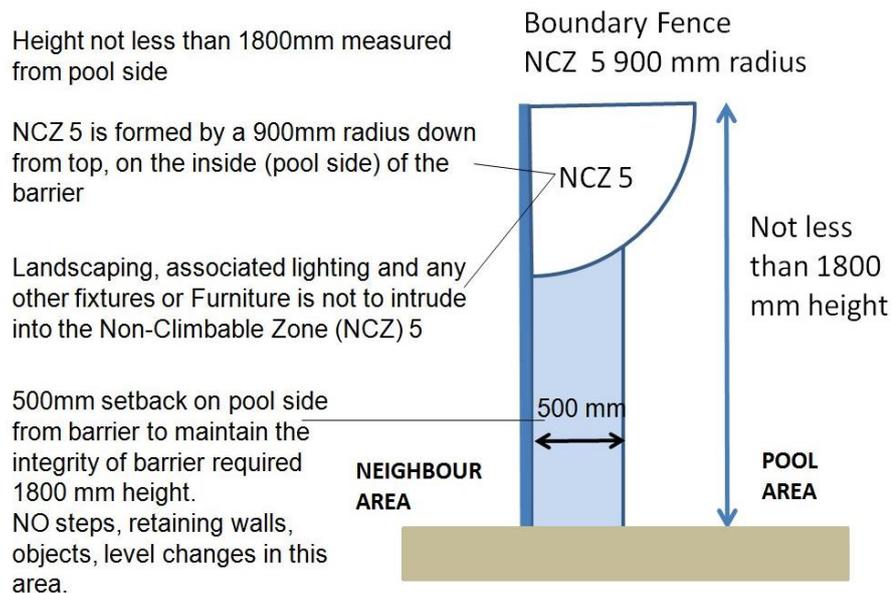
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**Figure 1: Where Internal Fence used as a Child-Resistant Barrier**



**Figure 2: Where Boundary Fence used as a Child-Resistant Barrier**



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3. The maximum height permitted at any point for a swimming pool barrier fence within the front street setback is 1.2m and the fence is to be open form.
4. Where a swimming pool barrier fence is located between the Foreshore Building Line and the Mean High Water Mark and required for safety reasons, the following apply:
  - a. The swimming pool barrier fence must be located within 2.5m of the pool structure;
  - b. The maximum permitted height of the swimming pool barrier fence at any point is 1.2m;
  - c. The swimming pool barrier fence is to be setback a minimum 900mm from the side boundary. Where landscaping is proposed or required along the side boundary, a 1.8m minimum setback will apply;
  - d. The swimming pool barrier fence is to be setback a minimum of 1.8m from the water to allow for adequate landscaping and to maintain a barrier non climbable zone;
  - e. Materials used for the construction of the swimming pool barrier fence shall be of high quality, low reflectivity and open form, so as not to detract from the visual quality of the foreshore area or adversely impact on views.

### **6.6 Controls for Swimming Pool Landscaping**

1. Where a pool extends above existing ground level and is visible from a waterway, public place or adjoining property, the following measures must be used to mitigate the visual impact of the structure:
  - a. The colour and texture of the materials comprising the exposed sides are to complement the natural setting;
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**Note:**

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3. Screen planting shall be provided to achieve a reasonable level of privacy between adjoining neighbours. Such planting shall achieve a minimum mature height of 1.8m.
4. Landscaping on a property is not to be located in a position that intrudes into the non-climbable zone of swimming pool barrier fences.
5. Landscaping should be located clear of any subsurface drainage, water or sewer easement to eliminate root penetration into pipelines or damage during pipeline maintenance works.
6. Hard surface areas adjacent to pools shall be minimised to allow stormwater and pool overflow to permeate into the ground surrounding the pool.
7. The materials and design of any associated retaining walls shall be integrated with and complement the natural setting.

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**Note:**

Suitable species for swimming pools is located in the Environmental Specification –Landscaping.

### **6.7 Controls for Swimming Pools on Flood Prone Land**

1. Swimming pools and associated structures shall not obstruct a floodway.
2. The design and siting of swimming shall not exacerbate flooding in neighbouring properties; this includes land upstream and downstream from the subject site.
3. At no time may swimming be emptied into the stormwater drainage network, watercourse or environment. Swimming pools may only be emptied to the sewer.