

## 3.03 Residential Development

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### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	27/6/2017	10/7/2017	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which residential accommodation is permissible with consent under the Newcastle Local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to all development consisting of:

- attached dwellings
- boarding houses
- dual occupancies
- group homes
- hostels
- multi dwelling housing
- residential flat buildings
- semi-detached dwellings
- seniors housing

This section **does not** apply to shop top housing, single dwellings or secondary dwellings.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 6.13 Precinct Maps
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision
- 4.01 Flood Management - all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection - within a mapped bushfire area/zone
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.05 Social Impact
- 5.02 Land Contamination - land on register/where risk from previous use
- 5.03 Tree Management - trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 5.10 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.12 Minmi - if proposed development is located in this precinct.
- 7.04 Movement Networks
- 7.11 Development Adjoining Laneways

## Associated technical manual/s

- Nil

## Additional information

This section of the DCP has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.

## **Acceptable Solutions**

The acceptable solutions provide a means of achieving compliance with the performance criteria for this section. Where a development proposal does not meet all of the acceptable solutions in each section the development will be required to meet the performance criteria for that section and the application will become a performance based assessment.

## **Performance Criteria**

The performance criteria permit applicants to be flexible and innovative in responding to the DCP requirements. Applications which meet the performance criteria are assessed on merit and it is the applicant's responsibility to demonstrate how the performance criteria have been met. Compliance with the performance criteria can be undertaken through the use of 3D montages, 3D models, constraints mapping and other forms of visual representation.

Note 1: Development application forms, checklists and other explanatory information are available on Council's website to assist with the use of this section of the Development Control Plan.

Note 2: Diagrams are provided for illustrative purposes only.

## **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan and include:

- **Row housing** - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

## **Objectives of this section**

1. To ensure the efficient use of land for residential purposes.
2. To encourage increased residential development in areas in proximity to services and transport.
3. To encourage innovation and diversification in the type and size of residential development.
4. To ensure development respects the amenity and character of surrounding development.
5. To ensure new development is compatible with the scale and desired residential character.
6. To ensure dwellings provide their occupants with adequate levels of amenity, comfort and security.
7. To ensure new development is designed to complement the individual site conditions including slope, aspect, trees and existing buildings.
8. To ensure landscaping is in scale with the building and complements the desired character of the area and surrounding development.

### 3.03.01 Principal controls

#### A. Frontage widths

##### **Performance criteria**

1. Sites are wide enough to accommodate new development that respects the desired character of the surrounding area, the amenity of adjoining development and provides good internal site amenity.
2. Development in the R3, R4 or B4 zones does not result in isolated sites that have less than the minimum developable site frontage.

##### **Acceptable solutions**

The following controls apply to all forms of residential development

1. The minimum site frontage width is:

Residential Development Type	Site Frontage Width	
	R2*	R3, R4 or B4
Dual Occupancy /attached dwellings	12m	12m
Multi-dwelling with basement car park	15m	15m
Multi-dwelling row housing	18m	15m
Residential Flat Building		

\*Excluding the Moderate Growth Precinct. Development in the Moderate Growth Precinct is to comply with the frontage requirements of the R3, R4 or B4 zone

2. The minimum site frontage for boarding houses, group homes, hostels and seniors housing is consistent with the minimum frontage in clause 1 based on the type of building proposed. For example, a seniors housing development in the form of a residential flat building would require a frontage of 18m in the R2 zone and 15m in the R3 zone.
3. In the R3, R4 and B4 zones the development does not result in the creation of an isolated lot. Where a development will result in an isolated lot, the Planning Principles outlined by the NSW Land and Environment Court for redevelopment resulting in isolated sites are satisfied.

Note: The Planning Principles require the following matters to be addressed:

1. Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.
2. Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.
3. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*.
4. Whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.
5. To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.
6. The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

## **B. Front setbacks**

### ***Performance criteria***

1. Setbacks are consistent with the existing or intended local streetscape.
2. Garages and carports are integrated into a development and do not dominate the streetscape.
3. Setbacks provide suitable space for site landscaping.
4. Setbacks provide suitable privacy and amenity for the building occupants.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Compliance with the locality specific controls in section 6 of this DCP. Where there are no locality specific controls front setbacks are:
  - (a) In established areas the proposed building is setback the average distance of buildings within 40m either side of the lot on the same primary road (see **Figure 1**). The setback on a corner lot (secondary road) is 2m.

(b) If there is no established building line, the front setback is:

Road Type	Front Setback	
Zone	R2	R3, R4 or B4
Primary road	4.5m	4.5 m
Corner lot (secondary road)	2m	2m
Classified road	As defined in any applicable Environmental Planning Instrument, or if none exists 9m.	

- Entries to a basement car park, garage or carport are setback at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the boundary with the road.
- An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line. See **Figure 2**.

Note: Articulation zone means an area within a lot where building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- the required front setback (building line), or
- a gable or roof parapet having a surface area of more than 10m<sup>2</sup>.

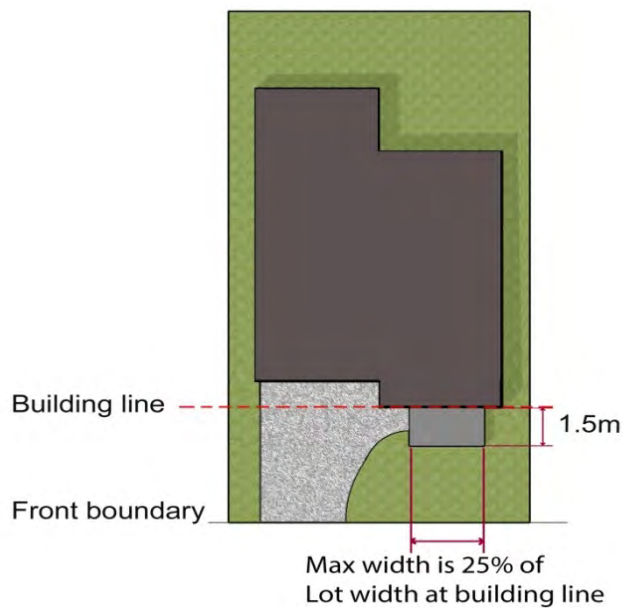
The following building elements are permitted in an articulation zone:

- an entry feature or portico
- a balcony, deck, patio, pergola, terrace or verandah
- a window box treatment
- a bay window or similar feature
- an awning or other feature over a window
- a sun shading feature.

**Figure 1: Front setbacks consistent with neighbouring buildings 40m either side**



**Figure 2: Building articulation zone**



### **C. Side and rear setbacks**

#### ***Performance criteria***

1. Development is consistent with and complements the desired built form prevailing in the street and local area.
2. Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.
3. Significant views from adjoining properties are maintained.
4. Sufficient landscape and deep soil areas are provided around the development to conserve existing trees and to accommodate intensive new landscaping.

#### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the locality specific controls in section 6 of the DCP. Where there are no locality specific controls, side and rear setbacks are:
  - (a) In the R2 Low Density Residential Zone:
    - (i) Side setbacks are a minimum of 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1 up to the maximum permitted height under Newcastle Local Environmental Plan 2012 (see **Figure 3**).
    - (ii) Rear setbacks are a minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m height.

- (b) In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones:

Wall height	Side and rear setbacks
Up to 4.5	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

Note: Dwellings should be orientated to the front and rear of the site. Orientation to a side boundary may be considered where it is necessary to achieve good solar access to living rooms and private open space. In these cases, greater side boundary setbacks will be required.

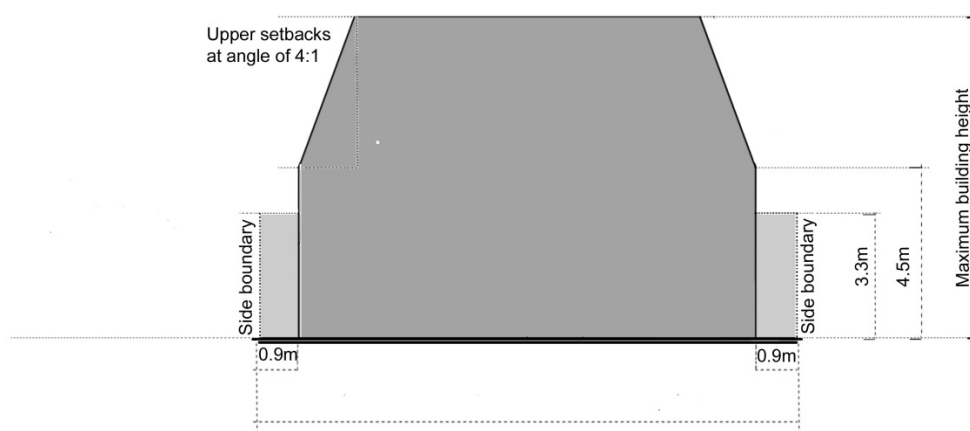
2. In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones side or rear boundary setbacks may be reduced/built to the boundary where:
  - (a) the wall height and length match an existing or similarly constructed wall on the adjoining site; and
  - (b) the proposed wall and the wall on the adjoining property do not contain any openings; and
  - (c) the wall will not impede the flow of stormwater or overland flow paths.
3. In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.

Note: In these cases, building setbacks will need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.

4. Where a rear boundary adjoins a lane, development complies with Section 7.11 - Development adjoining laneways, of this DCP.
5. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.



**Figure 3: Side setbacks in the R2 Low Density Residential Zone**



## D. Landscaped Area

### **Performance criteria**

1. New development integrates into established streetscapes and neighbourhoods.
2. Landscaped areas are sized and located so that the amenity and privacy of adjoining dwellings is maintained.
3. Landscaped areas are of usable size and proportions to add value and quality of life for occupants within a development in terms of privacy, outlook, views and recreational opportunities.
4. New development respects and incorporates existing established trees and provides appropriate sized places and soil depths for the planting of new medium and large sized trees.

### **Acceptable solutions**

The following controls apply to all forms of residential development

1. Landscaped areas are provided as follows:

Zone	Minimum landscaped area (% of site area)	Minimum deep soil zone (% of site area)
R2 zone	30%	15%
R2 zone - Moderate Growth Precinct	25%	12%
R3 zone	25%	12%
R4 and B4 zones	20%	10%

Note: The moderate growth precinct covers areas within a SAFE 5 minute walk of local or neighbourhood centres and is considered suitable for increased residential density. While a wide range of housing is expected to be undertaken, residential flat buildings and multi dwelling housing are encouraged. This precinct also forms a transition between the limited and substantial precincts. Refer to Section 6.13 of the DCP for the Residential Growth Precinct Maps.

Further information about the Residential Growth Precincts and the SAFE criteria can be found in Newcastle Local Planning Strategy [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

2. Landscaped areas have a minimum width of 1.5m and the following items are excluded from the landscaped area calculation:
  - (a) paving wider than 1m, impervious or otherwise
  - (b) structures such as air conditioning units, awnings, decks, patios, garden sheds, hot water systems, LPG storage tanks, water tanks and the like.
3. A minimum 25% of the front setback is landscaped area.
4. A minimum 3m wide landscaped area is located along the rear boundary.
5. Landscaped areas are distributed throughout the site and incorporated into both private open space and communal open space areas.
6. Landscaped areas take advantage of existing site conditions and respond to significant site features such as:
  - (a) significant landscape features including existing trees
  - (b) change of levels
  - (c) views.
7. One large tree or two medium sized trees are provided for every 90m<sup>2</sup> of landscaped area.
8. A medium sized tree with a minimum mature height of 5m is provided in the front setback, where the setback is greater than 3m.
9. Landscaping is consistent with Section 7.02 Landscape, Open Space and Visual Amenity of this DCP.

Note: Pedestrian and vehicle access controls require landscaping to be incorporated into the setbacks of driveways, internal streets, lanes and visitor car parking spaces.

## 3.03.02 Siting the development

### A. Local character and context

#### ***Performance criteria***

1. The built form, articulation and scale relate to the desired local character of the area and the context.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.

#### ***Acceptable solutions***

The following controls apply to dual occupancies and attached dwellings

1. A design statement describing how the built form of the development contributes to the character of the local area is submitted with the development application.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. A detailed site analysis is undertaken to understand all issues and considerations including:
  - (a) relationship to the public domain and surrounding development
  - (b) existing vegetation and trees
  - (c) boundary treatments
  - (d) retaining walls, fences, overshadowing impacts and privacy considerations
  - (e) orientation
  - (f) slope
  - (g) geology
  - (h) contamination
  - (i) infrastructure
  - (j) access arrangements
  - (k) stormwater management
  - (l) views.

## **B. Public Domain Interface**

### ***Performance criteria***

1. Transition between the private and public domain is achieved without compromising security.
2. Front fences and walls do not dominate the public domain and compliment the context and character of the area.
3. Amenity of the public domain is retained and enhanced.

### ***Acceptable solutions***

#### The following controls apply to all forms of residential development

1. Private open space is located behind the building line of the primary road frontage, but may be partially located within an articulation zone.
2. Windows and balconies overlook the public domain.
3. Direct visibility is provided along pathways and driveways from the public domain.
4. Fences and walls forward of the building line of the primary road frontage:
  - (a) have an average height of 1.2m, with a maximum height of 1.5m and are constructed using materials such as slats or pickets with at least 50% of the fence area open.
  - (b) may use high solid acoustic fencing to shield dwellings from the noise from classified roads. These walls may have a maximum height of 2.1m and a setback of at least 1.5m from the boundary. Landscape planting with a mature height of at least 1.5m is provided between the wall and the front boundary.
  - (c) do not use unfinished timber paling and metal panel fences forward of the building line.
  - (d) have courtyard fences and walls to secondary street frontages align with the facade facing the street. Solid fencing components are finished with the same material as the building facade.
5. Retaining walls within the front setback that have a height greater than 600mm are softened by landscape planting with a minimum width of 600mm on the low side of the retaining wall.
6. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:
  - (a) street access, pedestrian paths and building entries which are clearly defined; or
  - (b) paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or
  - (c) walls fronting the public spaces have openings that are at least 25% of the surface area of the wall.

The following controls apply to dual occupancies and attached dwellings

7. Mail boxes are located at each dwelling entry not in a central location.
8. Direct visibility is provided to the front door and garage along paths and driveways from the public domain.

**C. Pedestrian and vehicle access**

***Performance criteria***

1. Internal vehicle and pedestrian circulation functions like a street.
2. Adequate space is provided for vehicle circulation and the dominance of driveways within the site and to the streetscape is minimised.
3. Impacts on habitable spaces are minimised.
4. Visual and environmental impacts of car parking are minimised.

***Acceptable solutions***

The following controls apply to all forms of residential development

1. Internal streets, lanes, driveways and parking spaces and circulation comply with AS 2890.1.
2. Battle-axe driveways, internal streets, lanes and visitor car parking spaces are setback:
  - (a) at least 1m from a fence;
  - (b) at least 1m from another dwelling;
  - (c) at least 2.5m from a window to a habitable room that has 1m<sup>2</sup> or larger in size.
3. Landscape planting is incorporated into the driveway, street and lane setbacks.
4. Driveways that are adjacent to a tree are located outside of the dripline or comply with the recommendations in a report prepared by a qualified arborist.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

5. All internal driveways, streets and lanes are overlooked by windows from habitable rooms or private open space.
6. Open space or the window of a dwelling is provided at the termination point of an internal driveway, street or lane.
7. Multi dwelling developments that contain 20 or more dwellings include pedestrian paths that are separated from the internal road or lane by a kerb or landscaped area.
8. Where pedestrian circulation is separated from vehicle circulation, the paths still function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.

9. Lighting is provided in accordance with AS 1158.3 to roads and pedestrian spaces and avoids light spill into private open space or habitable rooms.
10. The maximum length of a dead end lane or driveway is 40m and serves a maximum of 10 dwellings.
11. Lanes and driveways including pedestrian paths are straight and all parts have a clear line of sight from internal or public streets.

The following controls apply to all forms of residential development that incorporate basement car parking

12. Basement car parking:
  - (a) does not protrude more than 1m above finished ground level, except at the entrance to the car park
  - (b) car park entrances have a maximum width of 3.5m where there are less than 10 dwellings served by the car park
  - (c) the car park entry has a maximum height of 2.7m.

#### **D. Orientation and siting**

##### ***Performance criteria***

1. Building types and layouts respond to the streetscape and site while optimising solar access within the development and maximise street surveillance and connectivity.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Overshadowing of neighbouring properties is minimised during mid-winter.
4. The development responds to the natural landform of the site, reducing the visual impact and minimising earthworks.

##### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. The principal area of private open space and the window to a living room of an adjoining dwelling receives greater than 2 hours of solar access between 9am and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not reduced by more than 20%.
2. On sloping sites the buildings respond to the topography with changes in floor level to minimise the need for cut and fill.

3. Fill outside the building footprint does not exceed a height measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary, and
  - (b) 1m if located greater than 1m from a boundary.
4. Dwellings are orientated to maximise solar and daylight access to living rooms and private open space

The following controls apply to dual occupancies and attached dwellings

5. Each dwelling has a frontage to a primary, secondary or parallel road.

Note: See section 7.11 Development adjoining laneways for specific design criteria for development adjoining a laneway
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6. Battle-axe lots have access to the primary road of at least 3m.
7. Every wall that faces the street has a window to a habitable room at each level.
8. Excavation does not exceed a depth measured from existing ground level of:
  - (a) 1m if located within 1m of a boundary and
  - (b) 3m if located greater than 1m from a boundary.

The following controls apply to multi dwelling housing, dual occupancies and attached dwellings

9. Each dwelling has a frontage to a public street, internal street or lane.
10. Dwellings facing the street have a covered entry door and a window of a habitable room facing the street.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

11. Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.
12. Excavation does not exceed a depth measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary and
  - (b) 1m if located greater than 1m from a boundary.
13. Fill outside the building footprint does not exceed a height measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary and
  - (b) 1m if located greater than 1m from a boundary.

## **E. Building separation**

### ***Performance criteria***

1. Adequate space is provided between buildings to allow for landscape, daylight access between buildings, provide visual separation, reduce visual bulk.

### ***Acceptable solutions***

The following controls apply to dual occupancies and attached dwellings

1. The minimum separation between two or more buildings on the same lot is 3m.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. The minimum separation between two or more buildings on the same lot is:
  - (a) 3m where a wall height is less than 7.5m
  - (b) 6m where a wall height is 7.5m or greater.

Note: Building separation may need to be increased to provide adequate privacy or solar access

The following controls apply to all forms of residential development except for dual occupancies and attached dwellings in the R2 Low Density Residential Zone, excluding the Moderate Growth Precinct

3. Buildings are broken into a series of massing elements. Each massing element has a maximum wall length of 25m and is separated by a minimum 6m x 6m landscaped area. The landscaped area between each massing element may incorporate open car parking spaces and driveways, only where a minimum 3m wide deep soil zone is provided adjacent to the boundary.

## **3.03.03 Amenity**

### **A. Solar and daylight access**

#### ***Performance criteria***

1. The number of dwellings receiving sunlight to habitable rooms and private open space is maximised.
2. Solar access enables passive solar heating in winter and provides a healthy indoor environment.
3. Access to daylight is suited to the function of the room and artificial lighting is minimised.



## **Acceptable solutions**

1. Compliance with the standards for 'Solar and daylight access' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

Note: State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Apartment Development requires some types of residential development to meet the requirements of The Apartment Design Guide.

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
  - (i) the erection of a new building,
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
  - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2m above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

2. Compliance with the standards for solar access in in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.

### The following controls apply to all forms of residential development

3. The living room and private open space receives a minimum of 2 hours direct sunlight between 9am and 3pm at the winter solstice for:
  - (a) Each dwelling in a dual occupancy or attached dwelling
  - (b) At least 70% of dwellings in all other forms of residential development.
4. Direct sunlight is achieved when 1m<sup>2</sup> of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - the periods do not need to be consecutive.
5. Every habitable room has a window in an external wall with a total minimum glass area of at least 15% of the floor area of the room.
6. Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.
7. No part of a habitable room is more than 8m from a window.
8. No part of a kitchen work surface is more than 6m from a window or skylight.
9. Courtyards are fully open to the sky, have a minimum dimension of one third of the perimeter wall height and a minimum area of 3m<sup>2</sup>.

## **B. Natural ventilation**

### ***Performance criteria***

1. All habitable rooms are naturally ventilated.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development:
  - (a) each habitable room is naturally ventilated
  - (b) each dwelling is cross ventilated
  - (c) the area of unobstructed window openings is equal to at least 5% of the floor area served.

## **C. Ceiling heights**

### ***Performance criteria***

1. Ceiling height achieves sufficient natural ventilation and daylight access and provides spatial quality.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Ceiling heights' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development the ceiling height measured between finished floor level and finished ceiling level are:
  - (a) 2.7m to all ground floor habitable rooms
  - (b) 2.7m to first floor living rooms
  - (c) 2.4m to all first floor bedrooms.

## **D. Dwelling size and layout**

### ***Performance criteria***

1. Dwellings are of a sufficient size to provide functional, well organised rooms with a high standard of amenity.
2. Dwelling layouts accommodate a variety of household activities and needs appropriate to the number of occupants.

## **Acceptable solutions**

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. Compliance with the standards for 'accommodation size' in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.
3. For all other residential development:
  - (a) Dwellings have the following minimum internal areas:

No. Bedrooms	Size
1	65m <sup>2</sup>
2	90m <sup>2</sup>
3	115m <sup>2</sup>

- (b) The minimum internal areas include only one bathroom. An additional 5m<sup>2</sup> floor area is provided for each additional bathroom.
- (c) An additional 12m<sup>2</sup> is provided for any bedroom in excess of three.
- (d) Kitchens are not part of the circulation space, except in 1 bedroom dwellings.
- (e) A window is visible from any point in a habitable room.
- (f) One bedroom is a minimum area of 10m<sup>2</sup> and other bedrooms are a minimum of 9m<sup>2</sup> (excluding wardrobe space) with a minimum dimension of 3m (excluding wardrobe space).
- (g) Combined living/dining areas have a minimum dimension of 4m (excluding fixtures) and are a minimum of 24m<sup>2</sup> for dwelling with up to 2 bedrooms and 28m<sup>2</sup> for dwellings with 3 or more bedrooms.

## **E. Private open space**

### **Performance criteria**

1. Private open space and balconies are located and sized to enhance residential amenity and liveability.

### **Acceptable solutions**

The following controls apply to all residential flat buildings

1. Compliance with the standards for 'Private open space and balconies' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For residential flat buildings that are not required to comply with the Apartment Design Guide, each dwelling has:

- (a) A minimum area of private open space as follows:

Dwelling size	Private Open Space
1 bedroom	8m <sup>2</sup>
2 + bedrooms	12m <sup>2</sup>
Ground floor dwellings	16m <sup>2</sup>

- (b) The minimum dimension of the included area is 2m, excluding any storage space.
- (c) Primary private open space and balconies are located adjacent to living room, dining room or kitchen to extend the living space.
- (d) 50% of the minimum required private open space is covered to provide shade and protection from rain.
- (e) Balconies and terraces above ground floor level are orientated towards the street or rear of the site and not to a side boundary.

The following controls apply to all other forms of residential development

3. Compliance with the standards for 'private open space' in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.
4. For all other residential development:
- (a) All dwellings have at least 16m<sup>2</sup> private open space.
- (b) The minimum dimension of the included area is 3m, excluding any storage space, rainwater tanks, air-conditioning units or other similar structures.
- (c) Primary private open space and balconies are located adjacent to the living room, dining room or kitchen.
- (d) 50% of the minimum required private open space is covered to provide shade and protection from rain.

## **F. Storage**

### ***Performance criteria***

1. Each dwelling has adequate, well designed storage.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Storage' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

2. For all other residential development

- (a) In addition to storage in kitchens, bathrooms and bedrooms, storage is to be provided as follows:

Dwelling size	Storage size volume
1 bedroom	6m <sup>3</sup>
2 bedrooms	8m <sup>3</sup>
3+ bedrooms	10m <sup>3</sup>

- (b) At least 50% of the required storage is located in the dwelling.
- (c) Storage not located in a dwelling is secure and clearly allocated to specific dwellings if located in a common area.

## G. Car and bicycle parking

### *Performance criteria*

1. Car and bicycle parking is appropriate for the scale of the development.

### *Acceptable Solutions*

The following controls apply to all forms of residential development

1. Car and bicycle parking comply with Section 7.03 Traffic, Parking and Access of this DCP.
2. Entries to a basement car park, garage or carport are set back at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the primary road.
3. The maximum aggregated garage door width that has a frontage to a primary road is:

Lot width	Aggregate garage door width
7.5 - 12.5m	3.2m
>12m	6m

4. Where a lot width is less than 7.5m, car parking is provided from a secondary road, parallel road or lane.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

5. Facilities for car washing are provided and a dedicated car wash bay is provided for developments containing 20 or more dwellings.

## H. Visual privacy

### ***Performance criteria***

1. Adequate building separation distances are shared equitably between neighbouring dwellings to achieve reasonable levels of external and internal visual privacy while retaining amenity for the dwelling.
2. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.

### ***Acceptable Solutions***

#### The following controls apply to all forms of residential development

1. Compliance with the standards for 'Visual privacy' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development, new development is located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings. This is to be achieved by:
  - (a) Inclusion of privacy screens where the distance from the window of a habitable room to the boundary is:
    - (i) less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or
    - (ii) less than 6m, and the habitable room has a FFL greater than 3m above ground level.
  - (b) A privacy screen is not required to:
    - (i) a bedroom window with an area less than 2m<sup>2</sup>; or
    - (ii) any window that has a sill height of 1.5m or greater, or
    - (iii) any window that has a frontage to a road or public open space.
  - (c) Provision of a privacy screen on the edge of a terrace, balcony or verandah, where the edge is:
    - (i) less than 3m from the boundary, and the habitable room has a finished floor level greater than 1m above existing ground level, or
    - (ii) less than 6m and the habitable room has a finished floor level greater than 2m above ground level.
  - (d) A privacy screen is not required to a balcony or terrace that has an area less than 3m<sup>2</sup>, or a balcony or terrace of any size that has a frontage to a road or public space.
  - (e) Separation distances between windows and balconies of dwellings on the same site are double the distances above.

- (f) Where privacy screens are provided to windows, they do not cover part of the window required to meet the minimum daylight or solar access requirements, or restrict ventilation.

## **I. Acoustic privacy**

### ***Performance criteria***

1. Noise transfer is minimised through the siting of buildings and building layout.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment does not exceed an LAeq (15 min) of 5dB(A) above background noise at the property boundary.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. Noise sources not associated with the dwelling such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment are located at least 3m from any bedroom.

## **J. Noise and pollution**

### ***Performance criteria***

1. Outside noise levels are controlled to acceptable levels in living and bedrooms of dwellings.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Dwellings that are within 100m of a road corridor with an annual daily traffic (AADT) volume of more than 40 000 vehicles (based on traffic volume data published on the website of the RMS) or 80m from a rail corridor have LAeq measures not exceeding:
  - (a) in any bedroom: 35dB(A) between 10pm - 7am
  - (b) anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time.
2. This can be achieved by:
  - (a) a full noise assessment prepared by a qualified acoustic engineer; or
  - (b) complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of Draft Guide to Infrastructure development near rail corridors busy roads.

3. Dwellings within 25m of a rail corridor have a vibration assessment carried out by a qualified structural engineer.

### 3.03.04 Configuration

#### A. Universal design

##### ***Performance criteria***

1. Universal design features are included in dwellings to promote flexible housing for all community members.

##### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Seniors housing development complies with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. All other dwellings include the *Liveable Housing Design Guidelines* Silver Level universal design features.

Note: The Liveable Housing Design Guidelines describe basic design standards for key features to facilitate liveable housing design. A liveable home is designed to meet the changing needs of occupants across their lifetime. By including user-friendly design features a liveable home seeks to enhance the quality of life for all occupants at all stages of their life. The 7 core liveable housing design elements are:

- (a) A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- (b) At least 1 level (step free) entrance into the dwelling.
- (c) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- (d) A toilet on the ground (or entry) level that provides easy access.
- (e) A bathroom that contains a hobless (step free) shower recess.
- (f) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
- (g) A continuous handrail on 1 side of any stairway where there is a rise of more than 1m.

#### B. Communal area and open space

##### ***Performance criteria***

1. Suitably sized communal open space is provided to enhance the amenity of residents.
2. Communal areas are designed to maximise safety.
3. Common circulation spaces achieve good amenity and promote safety and social interaction between residents.



## ***Acceptable Solutions***

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

1. Where 10 or more dwellings are proposed, a communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m is provided for active communal open space.
2. The active communal open space is not less than 3m from private open space or 6m from windows of a habitable room.
3. The active communal open space area receives at least 2 hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.
4. Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.
5. Where open space is provided as public open space it has a direct connection to the internal street along the longest edge.
6. Public through site links have direct line of sight between public streets.
7. Daylight and natural ventilation is provided to all common circulation spaces above ground.
8. Lighting is provided to common spaces.

## **C. Architectural design and roof form**

### ***Performance criteria***

1. Roof treatments are integrated into the building design and positively respond to the street.
2. The visual bulk of the development is reduced by breaking up the building massing.

## ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. The roof design is integrated with the overall building form.
2. Skylights and ventilation systems are integrated into the roof design.

## **D. Visual appearance and articulation**

### ***Performance criteria***

1. Façade design is consistent with the desired character of the area.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Building elements are integrated into the overall building form and façade design.

## ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Provision of an articulation zone forward of the building line.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

1. Facades contain a balanced composition of elements including a mix of solid and void.
2. Building services are integrated within the overall façade.
3. Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
4. Building entries are clearly defined and include a covered entry.
5. All building elements, including shading devices and awnings are coordinated and integrated into the overall façade design.
6. A variety of materials and colours are used.

## **E. Pools and ancillary development**

### ***Performance criteria***

1. Swimming pools and spas are located to minimise the impacts on adjoining properties.
2. Detached studios and outbuildings activate rear lanes and do not dominate the rear yard.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Swimming pools and spas are located in the rear yard.
2. The coping around a swimming pool or spa is not more than 1.4m above existing ground level.
3. The decking or paved area around a swimming pool or spa (excluding coping less than 300mm wide) is not more than 0.6m above existing ground level.
4. Water from a swimming pool or spa is connected to the sewage disposal system.
5. The pump is housed in a soundproofed enclosure.
6. A detached studio or outbuilding:
  - (a) has a maximum building height of 3.6m. Where the outbuilding is within 0.9m of a lane, the maximum building height is 6m.
  - (b) may have a 0m setback from a side or rear boundary where it adjoins a lane. In all other cases, it has a minimum rear setback of 3m and 0m side setbacks.

- (c) has a maximum floor area of 36m<sup>2</sup> and is included in the gross floor area (unless it is required for car parking).
- (d) all windows have a maximum size of 2m<sup>2</sup> where the floor level is greater than 1.5m above ground level.

### **3.03.05 Environment**

This section applies to development for residential development.

#### **A. Energy efficiency**

##### ***Performance criteria***

1. Development incorporates passive environmental design.

##### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Development provides an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line per dwelling.
2. Clothes drying areas are screened from public and communal areas.

#### **B. Water management and conservation**

##### ***Performance criteria***

1. Potable water use is minimised.
2. Urban stormwater is treated on site before being discharged to receiving waters.

##### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Each dwelling is provided with an individual meter for hot or cold water consumption.
2. Stormwater treatment and disposal is provided in accordance with Section 7.06 of this DCP.

#### **C. Waste management**

##### ***Performance criteria***

1. Waste storage and collection facilities are integrated into the development and have minimal impact on the amenity of adjoining residents, building entry and the streetscape.

## ***Acceptable solutions***

### The following controls apply to all forms of residential development

1. Waste management facilities comply with the requirements of Section 7.08 Waste Management of this DCP.
2. Where a communal bin storage area is provided, it is located behind the building line of the primary street frontage and appropriately screened from public places and adjoining properties.
3. Where the site characteristics or the number of bins and length of street frontage are not appropriate for kerbside collection of waste and recycling, developments are designed and constructed to facilitate onsite waste collection.

Note: Site owners will need to make private arrangements for waste collection where kerbside collection is not appropriate.