

SECTION 1 RESIDENTIAL DEVELOPMENT

1.1 INTRODUCTION

1.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that residential development:

- O1 reinforces the local planning priorities and actions of Council's Local Strategic Planning Statement;
- O2 reinforces the actions and targets of Council's *Local Housing Strategy*;
- O3 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O4 provides a range of living opportunities that attract and cater for a diverse population;
- O5 does not have significant adverse impacts on residential amenity or environmental quality;
- O6 is in context with surrounding development;
- O7 contributes to the garden setting, scale and character of North Sydney's residential neighbourhoods;
- O8 provides safe and comfortable accommodation;
- O9 is consistent with the desired character that is described in the relevant Planning Area Character Statements and Locality Area provisions;
- O10 incorporates innovative sustainable design to reduce energy and water consumption, and meets or exceeds sustainability requirements, and
- O11 minimise stormwater runoff, maintain or improve stormwater quality and encourage recycling where possible.

1.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for all forms of residential accommodation, including residential components of mixed use development.

1.2 SOCIAL AMENITY

A diversity of people contributes to the popularity of an area. Diversity also extends the usefulness of an area and contributes to the sustainability of both community and the environment. A range of residential accommodation in terms of built form, tenure and affordability is needed to sustain a diverse population and to ensure that a range of services and facilities continues to be provided in the area. Council aims to maintain the existing diverse mix of residential accommodation in North Sydney, not lose this residential mix to other land uses and to allow for some increase in both the dwelling stock and population, in accordance with the NSW State Government policy of urban consolidation.

The aim of urban consolidation is to accommodate a certain proportion of Sydney's residential growth within existing urban areas. To implement urban consolidation in North Sydney, Council has identified areas where growth can be accommodated in a range of dwelling types including attached dwellings, dual occupancies, dwelling houses, multi dwelling housing and residential flat buildings. Additional living space can also be created through alterations and additions to existing dwellings and residential growth the mixed-use areas.



1.2.1 Population Mix

Objectives

- O1 To provide a mixed residential population in terms of age, gender, household type and size, education, income and employment, and including households with children, households on low to moderate incomes, households with aged or disabled persons.
- O2 To ensure that dwelling yield achieves a density that contributes to energy efficient design and residential amenity.

Provisions

- P1 Multi-dwelling housing and residential flat buildings containing less than 20 dwellings must include, at least two of the following dwelling types:
- (a) studio;
 - (b) 1-bedroom;
 - (c) 2-bedroom; and
 - (d) 3-bedroom.
- P2 Despite P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.
- P3 Residential flat buildings containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table E-1.1.

TABLE E-1.1: Dwelling Mix	
Dwelling Size	% of Total Dwellings
Studio	10-20%
1 bedroom	25-35%
2 bedroom	35-45%
3 bedroom+	10-20%

- P4 Variations to the dwelling mix within P2 or P3 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.

1.2.2 Universal Design and Adaptable Housing

Objectives

- O1 To encourage the incorporation of universal design features and the provision of adaptable housing in new developments to meet the diverse needs of a variety of occupants.
- O2 To encourage greater housing choice for seniors, families and people with disabilities.
- O3 To enable residents to age in place.

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Provisions

- P1 All new dwellings must satisfy the Silver level performance requirements of the *Livable Housing Design Guidelines*. The incorporation of Gold and Platinum level universal design features is strongly supported.¹

Note: For details on the universal design features and performance requirements of the *Livable Housing Design Guidelines* visit https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLHA_GuidelinesJuly2017FINAL4.pdf.

- P2 A minimum of 20% of dwellings in multi-dwelling housing, residential flat buildings and shop top housing that contain more than 5 dwellings must comprise adaptable housing².
- P3 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.
- P4 Developments requiring adaptable housing must also satisfy the provisions of Part D: Section 3 – *Accessibility* of this DCP.

1.2.3 Maintaining residential accommodation

Objectives

- O1 To ensure that developments do not result in the loss of residential accommodation.

Provisions

- P1 Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced).

1.3 QUALITY BUILT FORM

In response to their local context, buildings need to be designed to respect the existing topography and relate to the rhythm and pattern of characteristic buildings in the prevailing streetscape. A comfortable and memorable street will be one where no one building or feature dominates.

Kerb and guttering, footpaths, fences, front gardens and the street frontage of buildings all contribute to the appearance of a street and influence how people feel in them and about them. Streets where people feel comfortable will exhibit consistency in these elements and relationships between the scale of these elements.

1.3.1 Subdivision pattern

Objectives

- O1 To ensure that the characteristic subdivision pattern remains apparent in the siting and design of new buildings, even if lots are subdivided or amalgamated.

¹ This provision applies to residential development which requires development approval and does not apply to alterations and additions to existing homes or complying development under NSW State Codes.

² Adaptable housing is designed with accessible features that can be modified to meet changing needs of residents over time. Typical adaptable features include level and wider doorways and corridors, slip resistant floor surfaces, reachable power points, lever door handles and lever taps. When designing adaptable housing consult AS 1428, 4299 and 4586.



Provisions

- P1 Design and locate buildings to reinforce the characteristic subdivision pattern in the neighbourhood (i.e. walls of buildings are generally built parallel to the property boundaries).
- P2 Where lots have been amalgamated, the bulk of larger buildings must be articulated through the use of bays or indents on the original lot line.

1.3.2 Streetscape

Objectives

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.

Provisions

- P1 All works within the road reserve must be undertaken in accordance with the [North Sydney Council Performance Guide](#) (refer to Part D: Section 7 – *Public Infrastructure* of the DCP).
- P2 All existing sandstone kerb and guttering must be retained and maintained.
- P3 Existing street trees are to be retained and protected by avoiding excavation or building within the drip line of the tree (refer to Part B: Section 3.1 – *Tree and Vegetation Management* of the DCP).
- P4 Plant new trees of the same species that are present in the street, or in accordance with guidelines or strategies adopted by Council.
- P5 Maintain a nature strip on-street if one exists.

1.3.3 Laneways

Objectives

- O1 To ensure that laneways are functional, attractive, safe and comfortable places for use by residents as part of their public space and pedestrian network.

Provisions

- P1 Where a laneway is the principal frontage to a property, dwellings are to address the lane (i.e. do not conceal the front façade of such buildings behind high walls, fences or garages).
- P2 The height of buildings facing laneways should respect the width of the lane (i.e. a 1-storey building generally provides the most appropriate scale). A 2-storey building ancillary to the main dwelling may be permitted adjacent to the laneway, but only if:
- (a) the laneway does not comprise the site's primary frontage; and
 - (b) the building does not result in any adverse impacts in terms of visual and acoustic privacy, overshadowing, heritage and an area's character.
- P3 Where a site has a sole frontage to a laneway, any 2-storey component of a building must be set back at least 10m from the laneway boundary.
- P4 Dwellings addressing laneways are to be provided with a reasonable level of privacy through design and landscaping (e.g. the use of obscure glazing and medium height shrubs that partially obscure windows).
- P5 Where car parking is only capable of being located at the boundary to the laneway, only open car spaces or carports will be permitted (i.e. roller doors are not permitted).
- P6 No more than 50% of the width of a laneway frontage may be allocated for car accommodation of any kind, or car park entrances.

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- P7 Front fences are to be softened by planting trees and shrubs that hang over or through fences.
- P8 Existing trees on land that abut the laneway should be retained.
- P9 All new and rebuilt fences and structures (including car parking spaces) must be setback at least 1.2m from the laneway frontage. This setback is to be landscaped with appropriate low maintenance plants.

1.3.4 Siting**Objectives**

- O1 To maintain the characteristic building orientation and siting.

Provisions

- P1 Buildings are to be sited in accordance with that described in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified for the relevant Planning or Locality Area, is to be consistent with the siting of neighbouring buildings which share the same street frontage.
- P2 Site buildings within a single building form, addressing the street.
- P3 Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.

1.3.5 Setbacks**Objectives**

- O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.
- O2 To control the bulk and scale of buildings.
- O3 To provide separation between buildings.
- O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

Provisions**Front**

- P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.

Side

- P2 Building setbacks are to comply with the requirements set out in Table E-1.2.

TABLE E-1.2 - Side Setback Requirements			
Zone	Development Types	Minimum Setback Requirement	
C4 Environmental Living	Dwelling houses; Group homes; Seniors housing	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m
		3rd storey or higher (greater than 7m)	2.5m
R2 Low Density Residential	Boarding houses; Dual occupancies; Dwelling houses; Group homes;	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m



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TABLE E-1.2 - Side Setback Requirements			
Zone	Development Types	Minimum Setback Requirement	
	secondary dwellings; Semi-detached dwellings; Seniors housing	3rd storey or higher (greater than 7m)	2.5m
R3 Medium Density Residential	Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m
		3rd storey or higher (greater than 7m)	2.5m
	Residential flat buildings	3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure E-1.1).	
R4 High Density Residential	Attached dwellings; Dual occupancies; Dwelling houses; Group Homes; Secondary dwellings; Semi-detached dwellings;	1.5m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure E-1.1).	
		On land with a height limit of 12m or less	3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure E-1.1).
	Boarding houses; Multi-dwelling housing; Residential flat building; seniors housing	On land with a height limit greater than 12m	1st to 3rd storey (up to 10m) 4.5m Above 3rd storey 6m
E1 Local Centre	Boarding houses; shop top housing	0m, up to 4 storeys, but only where no window or other openings are provided on the side elevation of the building. Otherwise, the setbacks are to be as follows:	
		1st to 3rd storey (up to 7m)	4.5m
		Above 3rd storey	6m
E2 Commercial Centre	Residential accommodation permitted by NSLEP 2013 or other EPIs	Refer to Part E: Section 2 - <i>Development in Employment and Mixed Use zones</i> and Part F – <i>Area Character Outcomes</i> to this DCP.	
E3 Productivity Support	Boarding houses; Dwelling houses; Dual Occupancies; Attached dwellings; Group homes; Multi dwelling housing; Semi-detached dwellings; Seniors housing	0m, up to 4 storeys but only where no window openings are provided on that elevation of the building, otherwise the setbacks are to be as follows:	
		1st to 3rd storey (up to 7m)	4.5m
		Above 3rd storey	6m
MU1 Mixed Use	Residential flat buildings; Shop top housing	Refer to Part E: Section 2 - <i>Non-residential Development in the Employment and Mixed Use zones</i> and Part F – <i>Area Character Outcomes</i> to this DCP.	

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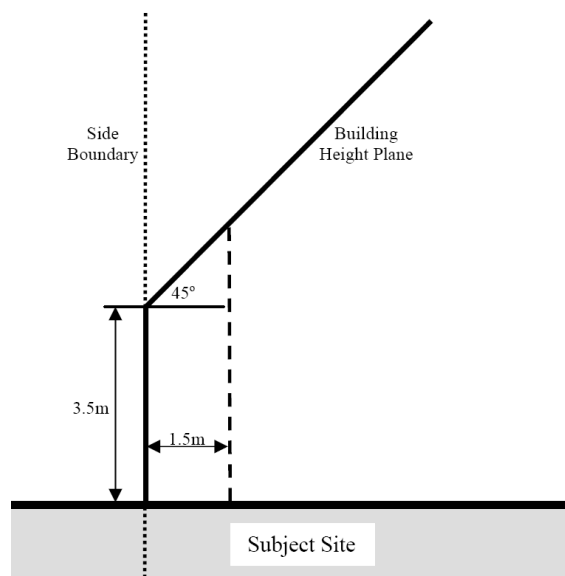


Figure E-1.1:

Setback and building height plane controls for the *R4 High Density Residential* zone, where the height limit is equal to 12m or less.

Note: The actual setback of the building may need to be increased to satisfy building separation requirements within Section 6 to Part B of the DCP.

- P3 Despite P2 above, Council may grant consent to a development with a 0m setback to a side boundary for attached dwellings, semi-detached dwellings and multi dwelling housing (e.g. villas and townhouses). However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Planning Principle “*Building to the side boundary in residential areas*” established in *Galea v Marrickville Council* [2005] NSWLEC 113 and consideration has been given to that statement. The Planning Principle is available to view on the Land and Environment Court’s website (<https://www.lec.nsw.gov.au/practice-and-procedure/principles.html>).
- P4 Where possible, side setbacks should match those on adjoining properties, or, if side setbacks on adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

Rear

- P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P6 Despite P5 above, buildings within the *R4 High Density Residential* zone:
- must be setback a minimum of 1.5m from the rear boundary; and
 - where the land is restricted by a height limit:
 - of 12m or less, must not exceed a building height plane commencing at 3.5m above ground level (existing) rear boundary and projected at an angle of 45 degree internally to the site (refer to Figure E-1.1); or
 - in excess of 12m must be setback at least 4.5m from the rear boundary for the 1st to 3rd storeys of the building (no more than 7m above existing ground level) and 6m for any part of the building above the 3rd storey.

Note: The actual setback of the building may need to be increased to satisfy building separation requirements within Section 1.4.4 to Part B of the DCP.

Laneways

- P7 Despite P1, P5 and P6 above, all buildings and structures must be setback at least 1.2m from a laneway. This provision does not apply to side setbacks.



1.3.6 Form, massing & scale

Objectives

- O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.

Provisions

- P1 In addition to compliance with the maximum heights stipulated under NSLEP 2013, the number of storeys within a building should be consistent with that identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP).
- P2 The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point.
- P3 Finished floor to ceiling heights are a minimum of 2.7m. A lesser height may be permitted by Council, but only where the applicant can satisfactorily demonstrate that the dwelling is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments with large amounts of window area).
- P4 Facades of buildings which face any public street should not be dominated by large expanses of glass (i.e. facades should incorporate smaller door and window openings, so that glass does not dominate the façade).
- P5 Ancillary buildings (e.g. garages, carports, garden sheds, etc) are a much smaller scale than the residential building.

1.3.7 Built form character

Objectives

- O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.
- O2 To ensure that alterations and additions to or the rebuilding of residential accommodation relying on existing use rights and that existing residential accommodation exceeds the key built form controls applying to that land, that the new development does not result in increased negative impacts on the character of the locality or the amenity of adjoining dwellings.

Provisions

General

- P1 Where a building is part of a uniform group of buildings of similar character, locate any additions or alterations to the rear and not visible from the street or any public place. Council may permit alterations and additions to the front of a building, but only where those alterations and additions contribute to, or are sympathetic to the character of those buildings.
- P2 Where a building is to be located amongst buildings having a consistent façade, repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.
- P3 Balconies are to be incorporated within the building envelope.
- P4 Where alterations and additions to or rebuilding of any residential accommodation relying on existing use rights are proposed, they must not result in the:
- (a) material loss of views from other properties or public places, or
 - (b) material overshadowing of other properties or public places, or
 - (c) material loss of privacy to other properties, or

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- (d) increasing of the overall building height, or
- (e) landscaped area of the development being below the requirements set out in the DCP, or further decrease the landscaped area where the landscaped area is already below the requirements of the DCP, or
- (f) site coverage of the development exceeding the requirements set out in this DCP or further increase the site coverage where the site coverage is already above the requirements of this DCP.

Attached Dwellings / Multi-dwelling Housing

- P5 The layout of the development must not result in a “gun-barrel” form (e.g. long perpendicular driveways flanked by dwellings).
- P6 Where practical, each dwelling should be provided with an individual entrance from a public street or public place.
- P7 Developments should invoke a traditional row housing form fronting the street.

Residential Flat Buildings

- P8 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of the building’s bulk and to express the elements of the building's architecture.

1.3.8 Dwelling entry

Objectives

- O1 To provide a sense of address.
- O2 To provide safe access to dwellings and security for residents.

Provisions

- P1 The front door of dwellings and at least one window to a habitable room must be oriented to the street.
- P2 Dwelling entries should be clearly identifiable from the street, have adequate lighting and have direct access from the street frontage (e.g. do not conceal or substantially recess dwelling entries).
- P3 Street numbering must be clearly visible from the primary street frontage.
- P4 In multi-dwelling developments, each dwelling must be clearly marked by number and indicate at communal entry points (e.g. a stair or lift lobby) the numbers of the dwellings that are accessed from that entry point.
- P5 Where multiple external dwelling entries are provided to a single building, the building should be detailed or articulated so that individual dwellings can be easily identified from the street and avoid unintentional entry.
- P6 Multi-dwelling developments should provide disabled access through the principal entrance to the building, in accordance with Part D: Section 3 – *Accessibility* of the DCP.

1.3.9 Roofs

Objectives

- O1 To ensure the provision of a characteristic roof typology though the use of similar forms, shapes and materials.



Provisions

- P1 Buildings should incorporate a pitched roof, except for multi-storey residential flat buildings or residential accommodation in a mixed use development and where another roof form is identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP), or as being compatible with the characteristic roof form for the neighbourhood.
- P2 Roofs should be similar in form and utilise similar materials to those identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified for that relevant Planning and Locality Area, that it is compatible with the prevailing roof forms on neighbouring buildings in the immediate streetscape.
- P3 Roofs should be pitched generally between 25 degrees and 36 degrees, and preferably within the lower end of this range at an angle of 27-28 degrees.
- P4 Despite P3 above, Council may grant consent to a building with a roof pitch less than 25 degrees to maintain views or to correspond with a particular building design.
- P5 Flat or skillion roofs may be considered, where they are provided to the rear of buildings and not seen from the primary street frontage.
- P6 Use terracotta tiles, slate or corrugated iron where appropriate.
- P7 Solar panels should be integrated into dwelling design where possible.
- P8 Avoid locating solar panels on the street elevation of a roof. They should be located towards the rear of the property as far as possible.
- P9 Minimise roof projections and internalise roof access.
- P10 If an attic is proposed, it must not exceed more than 50% of the floor area of the storey, immediately below.
- P11 Wherever possible, buildings are designed to include a north facing roof where a solar hot water system or photovoltaic solar panel may be installed.

1.3.10 Dormers

The roof line of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch cladding or ornament of a roof is very carefully considered. This is particularly important within heritage conservation areas, where the change to one property can have an adverse affect on the appearance or character of a whole street.

Traditionally, dormers were conceived and constructed as part of the original building design, but many have been added at a later date to allow the better use of attic space. Whether by design or accident, dormers were usually accommodated without generally upsetting the balance of the roof. Recently however, dormers have been incorporated with the sole purpose of maximising of floorspace as the primary consideration.

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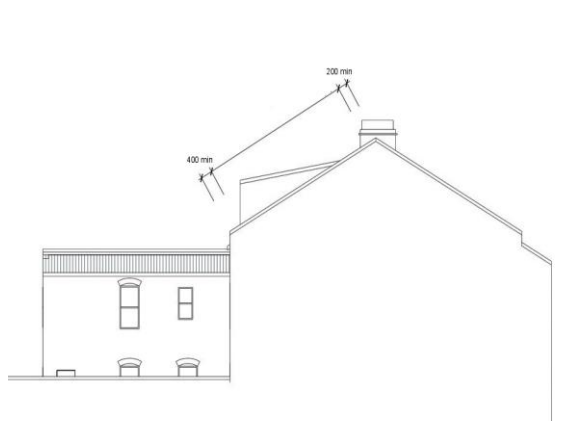


Figure E-1.2

Dormers are to be set below the main ridge line.

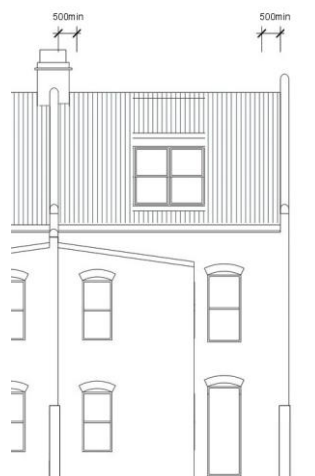


Figure E-1.3

Dormers should be inset from party walls.

Objectives

- O1 To ensure that the location, design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.

Provisions

- P1 Dormers must be appropriate to the style of building to which it is attached, and their style should reflect that which is characteristic of the neighbourhood.
- P2 Dormers may be permitted, where it can be demonstrated that:
- (a) there will be no significant impacts on privacy to adjoining properties;
 - (b) it will not result in any adverse impacts to the significance of any heritage item or heritage conservation area;
 - (c) the existing ridge line will be maintained, and any additions will be set below the ridge line.
- P3 Dormers on the street elevation of a building must not comprise more than $\frac{1}{3}$ of the width of the roof plane upon which they are placed, excluding laneways.
- P4 Rear dormers or roof additions must be set back a minimum of 200mm from the ridge line, 500mm from party walls and 400 mm from the rear wall as shown in Figures E-1.2 and E-1.3.
- P5 Dormers will not be permitted, if it results in the need to alter the pitch or ridge height of the roof to accommodate the dormers.
- P6 Dormers must not exceed a height of more than 1.5m from its base to its ridge where it faces the street.
- P7 Dormers must be contained within the relevant building envelope applying to the land.
- P8 Balconies are not permitted off dormers which are located on any street elevation, excluding rear laneways. Balconies off dormers may only be considered in any other instance, providing there are no privacy impacts.
- P9 The sides of dormers must not contain glass.



1.3.11 Colours and materials

Objectives

- O1 To ensure new buildings reflect and reinforce the existing and desired character of a locality.

Provisions

- P1 Buildings should use colours, finishes and materials identified in the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP), if provided.
- P2 Natural colours and muted and earth tones should be used for major areas of the building, such as walls and roof, with stronger colours restricted to smaller features, such as window frames, doors and decorative features.
- P3 Avoid the extensive use of reflective glass, reflective metal and plastics on the exterior of buildings.
- P4 Buildings should incorporate a high proportion of masonry to glass as follows - if a vertical or horizontal line is drawn in any position on any façade it should not pass over more than 50% of glass, or 75% of clear opening and glass.

1.3.12 Balconies

Objectives

- O1 To ensure the provision of functional private open space for apartments.

Provisions

- P1 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.
- P2 Balconies should be integrated into the overall architectural form and detail of the building.
- P3 No balconies, verandahs or the like are to project over the public domain.
- P4 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.
- P5 Balconies should not be enclosed.
- P6 Notwithstanding P5, Council may permit the enclosure of a balcony, but only if:
- (a) the building is predominantly characterised by enclosed balconies; or
 - (b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.
- P7 A balcony strategy should:
- (a) include details outlining the size, scale and choice of materials of the proposed enclosure(s); and
 - (b) be adopted by the body corporate before being submitted to Council.

1.3.13 Front fences

This subsection of the DCP applies to fences which are located between the front property boundary and the street elevation of the building.

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Objectives

- O1 To ensure that front fences contribute to a characteristic pattern of fences.
- O2 To enable causal surveillance of the public domain, minimising the potential for criminal activities to occur.
- O3 To provide visual and acoustical privacy.
- O4 To minimise their dominance on the street and contribute to a garden setting.

Provisions

- P1 Front fences and side fences located between the street frontage and its respective building line are not to exceed 1m in height. Where sites have a dual street frontage, consideration may be given to higher side fences to provide privacy.
- P2 Fences should be designed and constructed with materials similar to those identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP), if provided.
- P3 The design of the fence should not obscure views of the building and garden areas from the street.
- P4 Transparent fences (i.e. comprising no more than 50% solid construction – measured vertically across its entire length) must not exceed 1.5m in height, unless otherwise indicated in this DCP.
- P5 Solid fences (e.g. masonry, lapped and capped timber, brushwood) must not exceed 1m in height, unless otherwise indicated in this DCP.
- P6 Despite P4 and P5 above, Council may permit a higher fence in the following instances:
 - (a) Where the scale and or heritage value of the property are appropriate for a higher fence, Council may allow a fence up to 1.5m in height but only where that part of the fence over 1.2m is of open construction.
 - (b) Where traffic noise is likely to cause an adverse impact on the privacy of the residence, Council may permit a fence up to 1.8m in height of solid construction on land fronting the following streets:
 - (i) Bannerman Street;
 - (ii) Belgrave Street;
 - (iii) Brook Street;
 - (iv) Chandos Street, between Oxley and Brook Streets;
 - (v) Clarke Street;
 - (vi) Ernest Street;
 - (vii) Falcon Street;
 - (viii) Gerard Street;
 - (ix) Harriette Street;
 - (x) High Street, between Warringah Expressway and Clarke Road;
 - (xi) Kurraba Road, between Clarke and Wycombe Road;
 - (xii) McPherson Street;
 - (xiii) Miller Street;
 - (xiv) Military Road;
 - (xv) Murdoch Street;
 - (xvi) Pacific Highway;



- (xvii) River Road;
- (xviii) Shirley Road between, River Road and the Pacific Highway;
- (xix) Wycombe Road; or
- (xx) any other street where the traffic volume exceeds 5,000 movements a day.

- P7 Fences should incorporate setbacks from the boundary of the site and be articulated to minimise their visual impact.
- P8 Must not reduce the significance of any heritage item or heritage conservation area.
- P9 Soften the appearance of solid fences by:
- (a) providing a continuous landscaped area of not less than 600mm wide on the street side of the fence or
 - (b) the use of openings, variation in colour, texture or materials to create visual interest.
- P10 Match the height of transparent fences (such as metal grille) to the characteristic height in the street.

1.4 QUALITY URBAN ENVIRONMENT

The design, site layout and facilities of residential development should meet the needs of future residents and allow them to enjoy a reasonable standard of living, without having adverse effects on those residents, on residents of existing development or on the wider community and environment.

1.4.1 High quality residential accommodation

Objectives

- O1 To provide a high level of internal amenity for those who reside in the building.

Provisions

- P1 Residential flat buildings are to be designed consistent with the Apartment Design Guide including, but not limited to, minimum unit sizes, communal corridor widths, room dimensions, natural ventilation and solar access.
- P2 Dwellings within multi dwelling housing must be designed to provide the following minimum internal areas³:
- (a) Studio 35m²
 - (b) 1 bedroom 50m²
 - (c) 2 bedrooms 70m²
 - (d) 3+ bedrooms 90m²
- P3 Include courtyards, balconies and gardens as the principal open space area for residents.
- P4 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).
- P5 No more than 8 dwellings are to be accessible from a single common lobby space.
- P6 Avoid the use of double loaded corridors.

³ Minimum internal space excludes balconies, garages and ancillary storage space. For multi-dwelling developments with one predominant dwelling type strict compliance with minimum space is required.

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- P7 The depth of a habitable room from a window, providing light and air to that room, must not exceed 10m.
- P8 Apartments must provide a minimum width of 4m. An apartment’s width should increase relative to an increase in its depth.
- P9 The depth of a single aspect apartment must not exceed 8m from a window.
- P10 The habitable space serviced by a window is no more than 10 times the glazed area of the window.
- P11 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions. Refer to Figures E-1.4 – E-1.7). For apartments with no cross ventilation, ceiling fans must be provided.

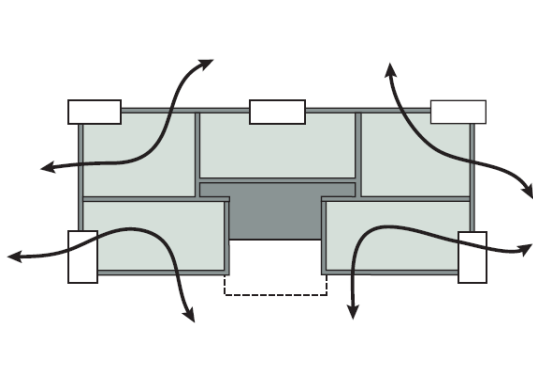


Figure E-1.4:
Corner apartments can achieve effective natural cross ventilation

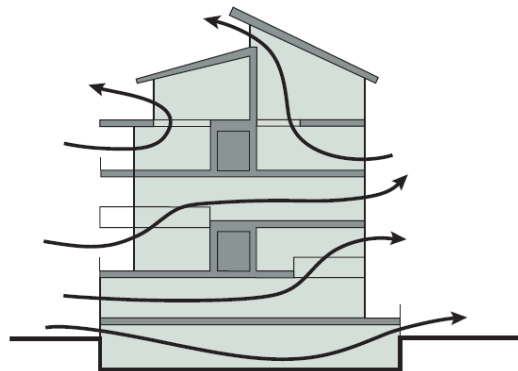


Figure E-1.5:
Good cross ventilation can be achieved with cross over apartments, maisonette apartments and semi-basement carparks

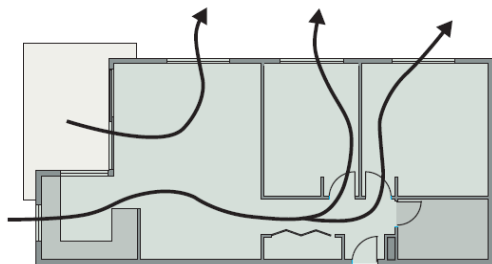


Figure B-1.6:
Natural ventilation in this corner apartment is drawn through windows having different orientation. This layout works well in upper floor apartments

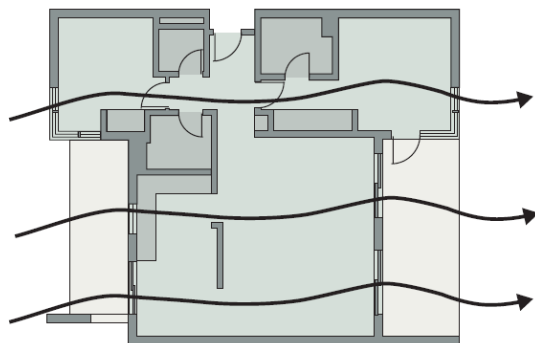


Figure B-1.7:
This optimal layout allows air flow directly from one side of the apartment to the other

1.4.2 Solar access

Objectives

- O1 To ensure that all dwellings have reasonable access to sunlight and daylight.



Provisions

P1 Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:

- (a) any solar panels;
- (b) the windows of main internal living areas;
- (c) principal private open space areas; and
- (d) any communal open space areas.

Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.

P2 Despite P1 above, solar access to dwellings within residential flat buildings and shop top housing should meet the requirements of the Apartment Design Guide which includes:

- (a) at least 70% of dwellings should receive a minimum of 2 hours of solar access to living rooms and private open spaces between the hours of 9.00am and 3.00pm at the winter solstice (21st June).
- (b) Avoid providing apartments that have a sole orientation to the south. Where south facing apartments cannot be avoided, ensure that:
 - (i) no more than 15% of all dwellings in the development receive no direct sunlight between 9am and 3pm at mid-winter; and
 - (ii) those south facing dwellings are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like).

P3 The use, location and placement of photovoltaic solar panels should take into account the potential permissible building forms on adjacent properties.

1.4.3 Acoustic privacy

Objective

O1 To ensure all residents are provided with a reasonable level of acoustic privacy.

Control

P1 New dwellings shall be designed and constructed to comply with the criteria specified in Table E-1.3 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

TABLE E-1.3: Noise intrusion criteria from external sources		
Internal Space	Time Period	Max 1hr noise level (LAeq 1 Hour)
Living areas	Day or Night	≤ 40 dBA
Sleeping Areas	Day or Night	≤ 35 dBA

Note: Readings are to be LAeq (1hour), when measured during the noisiest 1 hour period between Day 7am to 10pm; and Night – 10pm to 7am.

P2 Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements in Table E-1.4 regarding acoustic insulation of walls and floors.

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TABLE E-1.4: Internal acoustic insulation criteria

Item	Criteria
Field Sound Reduction Index R _w of walls, floors services and ducts	BCA as amended. Except that Field Noise Reduction Index of all inter-tenancy walls shall be designed to achieve $\geq R_w 55$ and the intent of the BCA requirements.
Field Sound Reduction Index R _w of Doors	Any door (including the effects of its frame and any edge gaps) in a wall between a dwelling and a stairwell or other internal common area shall be designed to achieve an $\geq R_w 28$.
Impact Isolation of Floors	Where the floor of a dwelling separates a habitable room of one dwelling and a habitable room, bathroom, toilet, laundry, kitchen, plant room, stairway, public corridor, hallway and the like of a separate tenancy, the floor shall be designed to achieve a weighted standardised impact sound pressure level, $L_{n'tw}$ not more than 55dB.

- P3 An acoustic report prepared by a certified acoustic consultant must be submitted and address the requirements to P1 where the proposal involves the construction of 4 or more new dwellings.
- P4 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.
- P5 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings over and above the requirements in P2 above.
- P6 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.
- P7 Materials with low noise penetration properties should be used where practical.
- P8 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.
- P9 Where dwellings are located on busy roads the following construction techniques are to be considered for incorporation into the design of the development to reduce traffic noise within the dwelling:
- (a) cavity brick walls;
 - (b) double glazing;
 - (c) solid core doors;
 - (d) concrete floors; and
 - (e) recessed balconies.
- P10 Where possible, avoid the use of high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.
- P11 Development on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). An acoustic report may be required to be



prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.s 2.100(3) and 2.120(3) of the [SEPP \(Transport and Infrastructure\) 2021](#).

1.4.4 Vibration

Objectives

- O1 To ensure that dwellings are not unreasonably impacted upon by vibrations caused by the operation of railways and roadways.

Provisions

- P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). In particular, consideration should be given to the vibration criteria contained within the NSW Environment Protection Authority's *Assessing Vibration: a technical guideline*. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

1.4.5 Lightwells and Ventilation

Objectives

- O1 To ensure that dwellings are provided with sufficient natural solar access and ventilation, where the provision through conventional means (i.e. windows) is adversely restricted or compromised.

Provisions

- P1 Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met:
- (a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and
 - (b) the dimensions of the lightwell comply with the building separation requirements set out in Section 1.4.5 to Part E of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and
 - (c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and
 - (d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and
 - (e) the lightwell is fully open to the sky.
- P2 Despite P1(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.
- P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.
- P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.

Section 1 - Residential Development**1.4.6 Site Coverage****Objectives**

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.
- O2 To ensure that development promotes the existing or desired future character of the neighbourhood.
- O3 To control site density.
- O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.

Provisions

- P1 Maximum site coverage must be in accordance with Table E-1.6.

TABLE E-1.6: Maximum Site Coverage Requirements			
Residential Development Type		Lot Size (m²)	Site Coverage (max)
Detached dwelling, Semi-detached dwelling, Attached dwelling (including any secondary dwelling if provided)		0 to <230	60%
		230 to <500	50%
		500 to <750	40%
		750 to <1000	35%
		1000+	30%
Dual occupancy		All	45%
Multi-dwelling housing		All	50%
Residential flat building, Shop top housing	Within zones R2, R3, R4	All	45%
	Within zones E1, E2, MU1	All	N/A
	Within zone SP2	All	As per the most restrictive adjacent zone

- P2 For the purposes of P1, the following items are considered to constitute site coverage:
- (a) buildings as defined by the [EP&A Act 1979](#);
 - (b) garages and carports;
 - (c) sheds;
 - (d) enclosed / covered balconies, verandahs, decks, pergolas and the like;
 - (e) swimming pools, spa pools and the like;
 - (f) other structures including:
 - (i) permanent BBQ structures;
 - (ii) cabanas;
 - (iii) external staircases;
 - (iv) gazebos;
 - (v) greenhouse/glasshouse;
 - (vi) plant rooms;
 - (vii) rainwater tanks;



- (viii) ramps;
- (ix) garbage storage facilities.

However, site coverage excludes:

- (g) any basement;
- (h) any part of an awning that is outside the subject site;
- (i) any eaves;
- (j) unenclosed balconies⁴, decks, pergolas and the like;
- (k) paving and patios (porous and non-porous) and front entry terrace / portico;
- (l) driveways and car stand areas (porous and non-porous);
- (m) water features; or
- (n) anything else defined as landscaped area.

- P3 For the purposes of P1, the area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area and site coverage.

1.4.7 Landscape Area

Objectives

- O1 The specific objectives of the landscaped area controls are to:
- (a) promote the character of the neighbourhood;
 - (b) provide useable private open space for the enjoyment of residents;
 - (c) provide a landscaped buffer between adjoining properties;
 - (d) maximise retention and absorption of surface drainage water on site;
 - (e) minimise obstruction to the underground flow of water;
 - (f) promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover;
 - (g) control site density;
 - (h) minimise site disturbance;
 - (i) contributes to streetscape and amenity;
 - (j) allows light to penetrate between buildings;
 - (k) encourage the provision of space for biodiversity conservation and ecological processes; and
 - (l) provide a buffer between bushland areas and development.

Provisions

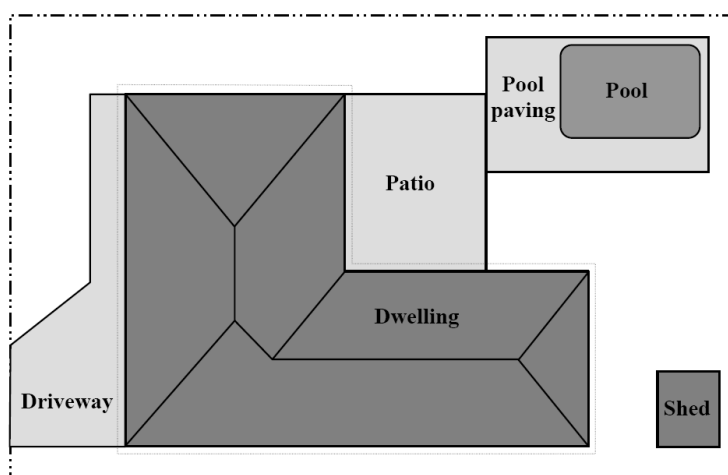
- P1 Provide minimum landscaped area and un-built upon areas in accordance with Table E-1.7.

⁴ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

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TABLE E-1.7: Minimum Landscaped Area and Un-built Upon Area Requirements

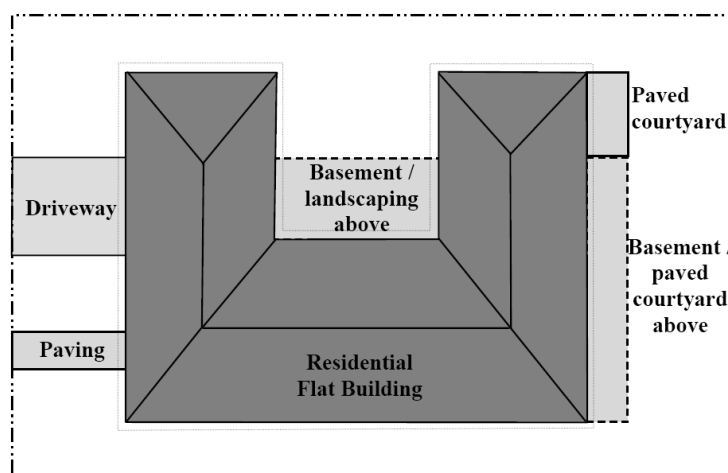
Residential Development Type		Lot Size (m ²)	Landscaped Area (min)	Un-Built Upon Area (max)
Detached dwelling, Semi-detached dwelling, Attached dwelling (including any secondary dwelling)		0 to <230	20%	20%
		230 to <500	30%	20%
		500 to <750	40%	20%
		750 to <1000	45%	20%
		1000+	50%	20%
Dual occupancy		All	40%	15%
Multi-dwelling housing		All	30%	20%
Residential flat building, Shop top housing	Within zones R2, R3, R4	All	40%	15%
	Within zones E1, E2, MU1	All	N/A	N/A
	Within zone SP2	All	As per the most restrictive adjacent zone	


Figure E-1.8:

Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

LEGEND

-  Site
-  Landscaped Area
-  Site Coverage
-  Un-built upon area


Figure E-1.9:

Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

LEGEND

-  Site
-  Landscaped Area
-  Site Coverage
-  Un-built upon area



P2 For the purposes of P1:

- (a) Landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area⁵;
- (b) The area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area, landscaped area and un-built upon area; and
- (c) the following items are considered to constitute un-built upon area:
 - (i) any part of a basement which does not comprise site coverage;
 - (ii) unenclosed balconies⁶, decks, pergolas and the like;
 - (iii) paving and patios (porous and non-porous);
 - (iv) driveways and car stand areas (porous and non-porous); or
 - (v) water features.

However, un-built upon area excludes:

- (vi) anything else defined as site coverage; or
- (vii) anything else comprising landscaped area.

1.4.8 Private and Communal Open Space

Objectives

- O1 To ensure residents are provided with a reasonable level of outdoor amenity.
- O2 To ensure private open space is of sufficient size to be useable.

Provisions

- P1 Must provide minimum private open space areas in accordance with Table E-1.8.

TABLE E-1.8: Minimum Private Open Space Requirements				
Residential Development Type	Lot Size (m ²)	Minimum area at ground level (m ² /dw)	Minimum area above ground level (m ² /dw)	
Detached dwelling, Semi-detached dwelling, Attached dwelling, Secondary dwelling	0 to <230	40m ²	NA	
	230 to <500	40m ²	NA	
	500 to <750	50m ²	NA	
	750 to <1000	50m ²	NA	
	1000+	70m ²	NA	
Dual occupancy	All	40m ²	NA	
Multi-dwelling housing	All	35m ²	8m ²	
Residential flat building, Shoptop housing	All	25m ²	Studio	4m ²
			1 – Bed	8m ²
			2 – Bed	10m ²
			3 + -Bed	12m ²

⁵ Landscaping located above a basement or on the roof of a building does not constitute "landscaped area".

⁶ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

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- P2 Usable private open space areas should be located to the rear or over the northern portion of the site to maximise privacy and solar access.
- P3 Where private open space areas are to be provided at ground level, it must have a minimum dimension of 4m, or a minimum dimension of 2m where provided above ground level, or 2.4m where it applies to a 3+ bedroom apartment.
- P4 In mixed use development where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.
- P5 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.
- P6 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal open space areas to encourage social interaction.
- Note:** *It is considered best practice to provide communal open space areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.*
- P7 In mixed use development, communal residential spaces:
- (a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);
 - (b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, whichever is the greater;
 - (c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P7(b) above), with the remainder appropriately located in the external recreation area; and
 - (d) must be provided with access to natural light and not be located in basements.

1.4.9 Outdoor swimming pools and spas

Objectives

- O1 To minimise the visual impact of swimming pools and spas.
- O2 To minimise the acoustic impacts on residents of adjoining properties.
- O3 To minimise the use of potable water supplies.

Provisions

- P1 Pools, spas and any associated structures (such as pool coping levels, surrounding decks and the like) are not to exceed 500mm above ground level (existing). Compliance with this requirement requires the applicant to illustrate the proposed RLs against spot RL's provided on the site survey plan.
- P2 The application must be accompanied by cross section plans of the proposed pool through both axis demonstrating proposed finished levels of the pool and surrounds in relation to existing ground levels, the boundaries of the site, and the ground levels (existing) on adjacent sites.
- P3 Pools and any associated structure must be set back a minimum of 1.2m from any property boundary.
- P4 Pools and any associated structures must be set back a minimum of 6m from any habitable room within a dwelling on an adjoining property.
- P5 Where illumination of the pool is proposed, use low level lighting only and direct away from adjoining properties.
- P6 Locate any associated pool equipment in close proximity to the principal dwelling.

- P7 A water tank must be installed and be of sufficient capacity to ensure that the pool can be topped up to the manufacture's recommended level without the need to rely on potable water supplies. This requirement is over and above any additional requirements associated with Section 4 - *Water* to Part B of this DCP relating to water conservation and water tanks. The tank must be fed by down pipes from a minimum of 50m² of roof area of the dwelling on the site. The size of the water tank must be provided in accordance with that specified in Table E-1.9.

TABLE E-1.9: Rainwater tank requirements for swimming pools	
Pool Size (litres)	Rainwater tank size (litres)
<20,000l	1,500l
20,000-40,000l	3,000l
>40,000l	Complies with BASIX

- P8 A pool cover must be installed where a proposed development includes a swimming pool or spa.

1.4.10 Tennis courts

Objectives

- O1 To minimise adverse effects on residents of adjoining properties.

Provisions

- P1 Must be setback a minimum of 1.5m from any property boundary.
- P2 Must be setback a minimum of 6m from any habitable room of a dwelling on an adjoining property.
- P3 A landscape screen should be provided between a tennis court and adjoining properties and the colour of any associated fencing should be black to blend with landscaping and to minimise disruption to views.
- P4 Must not be floodlit.
- P5 All stormwater run-off should be detained on-site before draining to Council's stormwater system.
- P6 The surface of the tennis court should not be located more than 500mm above or below ground level (existing).

1.4.11 Site facilities

Objectives

- O1 To ensure that site facilities are unobtrusive, integrated into developments, provide for needs of residents and reduce impact of development on the environment.

Provisions

- P1 Provide open air clothes drying facilities in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.
- P2 Provide a lockable mailbox, for each dwelling, close to the main pedestrian entry to the dwelling or building.
- P3 Provide no more than one telecommunications/TV antenna per residential building.

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- P4 Provide ancillary storage facilities within residential flat buildings and shop top housing at the rates outlined in Table E-1.10 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

TABLE E-1.10: Residential storage	
Dwelling Size	Minimum Storage Rate
Studio	4m ³
1 bedroom dwelling	6m ³
2 bedroom dwelling	8m ³
3+ bedroom dwelling	10m ³

- P5 Basement storage facilities will not be permitted for conversion to car parking spaces, either informally or by means of lodging a development application or a s.4.55 application to modify a development consent.



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