



Chapter F

Development Category Guidelines

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Part 1

Dwelling House and Dual Occupancy

Application

This Guideline applies to the following development categories:

- dwelling house
- dual occupancy.

This includes a new dwelling house such as a “knock down and rebuild” and alterations and additions to an existing dwelling houses.

This guideline applies to Heritage Items and Heritage Conservation areas only where specifically stated in this part. Primary controls for buildings which are Heritage Items or Heritage Conservation areas are in **Ashfield LEP 2013** and **Chapter E – Heritage Conservation** part of the DCP. These include guidelines for building design, height and scale, pattern of development and site layout.

Using this Guideline

In using this Guideline reference should be made to **Section 1—Preliminary** at the front of this DCP.

Under the NSW planning system, development for a dwelling house that complies in full with the relevant provisions of **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** (the Codes SEPP) can be approved under as Complying Development. In this situation, assessment and determination under this DCP is not required. However, development that does not comply in full with the Codes SEPP must make a development application to council, and this development application will be assessed and determined against the **Ashfield LEP 2013** and this **DCP**.

Unlike the Codes SEPP, this DCP is performance based. In this role, apart from certain matters such as FSR and height, this DCP has minimal numerical, prescriptive controls. This is appropriate as a key outcome for a dwelling house is to be compatible with existing streetscape and neighbourhood context. In a setting as diverse and complex as the LGA, context is often highly varied, and as such it is not possible or desirable to reduce this complexity to numerical controls

Purpose

- To ensure development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics



Performance Criteria and Design Solutions

Performance Criteria		Design Solution	
Context			
<p>PC1. Development:</p> <ul style="list-style-type: none"> is sympathetic with development prevailing in the street reinforces and enhances the cohesiveness and character of the streetscape is sympathetic to the aesthetics of development prevailing in the street implements aesthetics that have a high standard of architectural composition and create a visually attractive building takes architectural cues from its surrounding context enables flexibility in the style of development where the surrounding context is undesirable 		<p>DS1.1 Building style and form, proportion, façade composition of solid and void, materials, textures and colours are sympathetic with development prevailing in the street</p> <p>Note: <i>a sympathetic relationship may not be required if it can be demonstrated that the style of the context is inadequate or not worthwhile and that what is proposed is a better design outcome</i></p>	
		<p>DS1.2 Extensions to the upper parts of a dwelling house:</p> <ul style="list-style-type: none"> respect the scale and aesthetics of its context are visually appropriate to the scale of the existing house <p>And</p> <ul style="list-style-type: none"> are sympathetic or complementary in architectural style to the existing dwelling house <p>Note: <i>Where the existing building has no discernible style, the addition may be approved if it achieves an appropriately high level of aesthetic design quality</i></p>	
		<p>DS1.3 Development that is inconsistent with the character of development prevailing in the street by employing present day forms, materials and detail may be considered if it exhibits a high level of architectural composition and is also sympathetic or appropriately complementary to its context</p>	
Heritage			
<p>PC2. Development does not detract from the heritage values of a heritage place or heritage conservation area</p>		<p>DS2.1 Development of a heritage item or within a heritage conservation area identified in the Ashfield LEP 2013 is consistent with, Part E – Heritage of this DCP</p> <p>Note: <i>reflecting the importance of heritage to the LGA, Part E– Heritage takes precedence in the case of inconsistency with this part of the DCP</i></p>	
Scale			
<p>PC3. Development site cover, height, width and length:</p> <ul style="list-style-type: none"> is compatible with that prevailing in the street is sympathetic to neighbouring development has minimal impact on neighbouring properties in terms of overshadowing and overlooking <p>Note: <i>where neighbouring development is inconsistent with that prevailing in the street, development is not to use this as a reason to justify greater scale</i></p>		<p>DS3.1 In the R2 Low Density Residential zone, development has the appearance of a single, detached dwelling</p> <p>Note: <i>outbuildings in accordance with this DCP are permitted, and attached pavilions may be considered at the rear of the dwelling house</i></p>	
		<p>DS3.2 Site cover is compatible with that of adjoining lots, provides for a domestic scale and enables the achievement of setbacks, landscaped open space and on-site carparking in accordance with this DCP</p> <p>Note: <i>unless a prevailing pattern within the neighbourhood, site cover over 65% of the site is not supported</i></p>	

Performance Criteria	Design Solution
<p>Note: This performance criteria may be varied where it can be demonstrated that the scale prevailing in the street is not appropriate to the desired future character of the neighbourhood and what is proposed is more consistent with this desired future character</p>	<p>DS3.3 Maximum building height:</p> <ul style="list-style-type: none"> • complies with the Ashfield LEP 2013 • appears as 2 storeys
	<p>DS3.4 Maximum external wall height of 6 metres measured from the existing ground level (Refer to Figure 1)</p>
	<p>DS3.5 Minor variation to the maximum external wall height may be considered where it will result in a better outcome for the streetscape and where:</p> <ul style="list-style-type: none"> • dwellings have traditional elevated floors off the ground and high existing ceilings providing that streetscape outcomes are achieved <p>And</p> <ul style="list-style-type: none"> • site constraints that make compliance difficult and streetscape outcomes are achieved
	<p>DS3.6 Maximum roof pitch (slope) does not exceed the predominant roof pitch of existing dwelling houses in the street</p>
	<p>DS3.7 Building width has a traditional domestic scale and provides for adequate separation to boundaries</p> <p>Note: also refer to minimum side boundary setbacks in this DCP</p>
	<p>DS3.8 Building length achieve a balance between providing a useable internal floorplate while providing for adequate landscaped open space and minimizing opportunities for overshadowing or overlooking of rear yards</p> <p>Note: also refer to minimum rear boundary setbacks in this DCP</p>



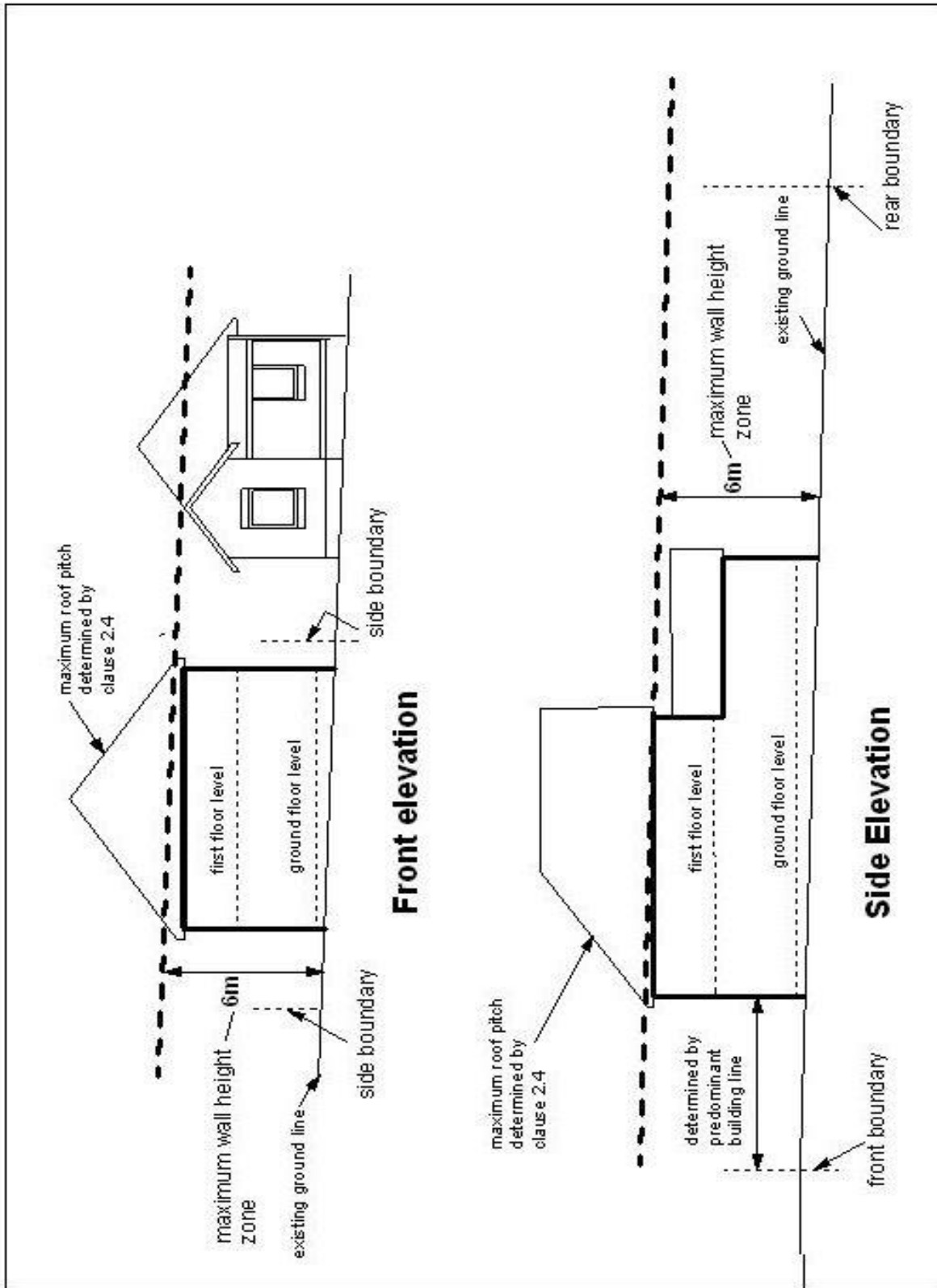


Figure 1 – Maximum wall height

Performance Criteria		Design Solution	
Building Setback			
PC4. Building setbacks: <ul style="list-style-type: none"> are consistent with that prevailing in the street reduce the appearance of building bulk and scale provide adequate open space and vegetation provide adequate visual and acoustic privacy provide adequate solar access provide adequate penetration and circulation of desirable breezes provide adequate access from the rear garden to the street for removal of garden waste, household waste and storage items 	DS4.1	Front setbacks are consistent with the predominant building line established by adjoining and nearby houses <i>Note: Minor variations may be acceptable where the variation is sympathetic to the streetscape or enhances the architecture of a building</i>	
	DS4.2	Front setbacks establish a front garden that has sufficient area and dimensions for ground cover vegetation and trees and have the location of pathways and driveways and their treatments in accordance with DS8.2	
	DS4.3	Side setbacks are determined by compliance with the Building Code of Australia . Generally, Council requires a minimum side setback of 900mm for houses, and a minimum side setback of 450mm for outbuildings including garages and sheds.	
	DS4.4	The minimum side setback is 900mm for the entire length of the building	
	DS4.5	The minimum side setback for outbuildings, including garages and sheds, where not located between the main building and side boundary is 450mm	
	DS4.6	Balconies, decks and other unenclosed, built recreation areas are setback sufficient distance from side and rear boundaries to minimise noise transmission and overlooking	
Façade treatment			
PC5. Facades: <ul style="list-style-type: none"> are of high aesthetic design quality engage with and activate the adjoining public domain are sympathetic to their context reduce the appearance of building bulk and provide visual interest 	DS5.1	Facades that face a street include a transparent window to a habitable room	
	DS5.2	The façade that faces the primary street includes a door to a habitable room	
	DS5.3	Facades that face a street include decks, balconies, entry feature, sun shading device or other similar articulation feature	
Garage, carports and driveway			
PC6. Garages and carports: <ul style="list-style-type: none"> Adequate car accommodation for residents of the site Complement the design of the primary dwelling Are sympathetic to the scale and character of the streetscape Minimise the visual impact of garages and carports 	DS6.1	A minimum of one carparking is required per dwelling	
	DS6.2	Garages and carports complement the scale, form and style of the primary dwelling and streetscape	
	DS6.3	Garages and carports are setback a minimum of 1 metre from the house's front building line	
	DS6.4	A car space may be considered between the front boundary and the front building line where: <ul style="list-style-type: none"> it has no roof is not possible to locate elsewhere on site its floor pavement surface is sympathetic to 	



	<p>the context</p> <ul style="list-style-type: none"> a sufficient amount of front landscape garden area is provided
DS6.5	Garages and carports which are accessed off a rear lane are setback a minimum of 1 metre from the rear boundary to allow sight lines that facilitate manoeuvring into and out of the garage
DS6.6	Basement garages, and driveway ramps to access those garages, which are visible from the street are not supported
DS6.7	Existing street trees are not removed to enable a driveway to a dwelling house
DS6.8	Maximum driveway crossover width at the site boundary is in accordance with council engineering standards

Boundary fences and gates

PC7.	<p>Boundary fences and gates:</p> <ul style="list-style-type: none"> achieve an appropriate balance between providing for visual privacy and enabling the dwelling to activate and engage with the street minimise the visual dominance of fencing forward of the front building line where forward of the front building line complements the building and its context 	<p>DS7.1</p> <p>The maximum height of rear and a side boundary fence which does not extend forward of the predominant building line is 1.8m</p> <p><i>Note: a maximum of 600 mm of lattice screening may be placed above 1.8m with the written agreement of all adjacent property owners</i></p>
		<p>DS7.2</p> <p>The maximum height of a front and side fence forward of the front building line is 1.2m</p>
		<p>DS7.3</p> <p>New or replacement front fences and gates must be appropriate to the architecture of both the house and the streetscape.</p>
		<p>DS7.4</p> <p>Driveway gates or pathways gates do not swing across council's footpath or driveway.</p>

Landscaped area and site coverage

PC8.	<p>Landscaped areas:</p> <ul style="list-style-type: none"> soften the visual impact of built form are sympathetic to the existing character of the streetscape reduces the bulk and scale of the 	<p>DS8.1</p> <p>A Landscape Concept Plan is to be prepared and submitted with the development application</p>
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- dwelling house
- provide adequate open space suitable for activities and recreation
- provide for adequate principal private open space and deep soil planting

DS8.2 Minimum landscaped area complies with the table below:

Site Area	Minimum Landscaped Area
601m ² and over	35 percent of site area
501-600m ²	35 percent of site area
401-500m ²	32 percent of site area
301-400m ²	28 percent of site area
201-300m ²	25 percent of site area
0-200m ²	Determined on merit subject to the principal private open space and front garden requirements of this DCP being achieved, and there being a minimum 20m ² courtyard with a minimum 3.5m width.

This clause applies to Heritage Items and sites within Heritage Conservation Areas, but does not include the Haberfield Conservation Area which has its specific controls in the Ashfield LEP 2013.

DS8.3 Maximum site coverage complies with the table below:

Site Area	Maximum Site Coverage
601m ² and over	50 percent of site area
501-600m ²	50 percent of site area
401-500m ²	55 percent of site area
301-400m ²	60 percent of site area
201-300m ²	65 percent of site area
0-200m ²	Determined on merit subject to compliance with minimum landscape area.

This clause applies to Heritage Items and sites within Heritage Conservation Areas, but does not include the Haberfield Conservation Area which has its specific controls in the Ashfield LEP 2013.

DS8.4 Variations to the minimum landscaped area requirements may be accepted in cases where it is necessary to meet heritage conservation criterion

Principal private open space

PC9. Landscaped open space provide a contiguous area of principal private open space that is useable and has a high level of amenity

DS9.1 Principal private open space is:

- directly accessible from and at the same level as ground floor living area
- has a minimum area of 20 m²



- has a minimum dimension of 3.5

And

- has an appropriate level of solar access, natural ventilation and privacy

Deep soil planting	
<p>PC10. Deep soil planting:</p> <ul style="list-style-type: none"> • accommodates deep root plants and trees • allow sufficient area of deep soil to support infiltration purposes 	<p>DS10.1 All landscaped area is required to be capable of deep soil planting.</p> <p>This clause also applies to Heritage Items and sites within Heritage Conservation Areas.</p>
Front gardens	
<p>PC11. Development provides for a front garden that:</p> <ul style="list-style-type: none"> • has a sufficient landscaped area • provides a landscaped transition between the house and the street • enables the dwelling house to activate and engage with the street • is compatible with the character of the streetscape 	<p>DS11.1 Front gardens have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees</p>
	<p>DS11.2 Hard paved areas are minimised, and driveways have a maximum width of 3 metres.</p> <p><i>Note: any increased width for the driveway only occurs behind the front building line</i></p>
	<p>DS11.3 Front gardens for sites that have a maximum gradient fall of 500mm across the site are level and do not contain any driveways which are excavated to access basement garages</p>
Rear gardens	
<p>PC12. Rear gardens are provided that have sufficient landscaped area</p>	<p>DS12.1 Rear gardens have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees</p>
Solar Access	
<p>PC13. Siting and design:</p> <ul style="list-style-type: none"> • provides an adequate amount of desirable sunlight to main living areas and adjoining private open space of the development and adjoining properties • reduces the adverse impact of direct afternoon summer sun 	<p>DS13.1 Sunlight to at least 50% (or 35 m² with minimum dimension 2.5 m, whichever is the lesser area) of private open space areas of adjoining properties is not reduced to less than three (3) hours between 9 am and 3 pm on 21 June</p> <p><i>Note: if existing solar access is already less than this standard it is not to be further reduced</i></p>
	<p>DS13.2 Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three (3) hours between 9 am and 3 pm on 21 June</p> <p><i>Note: if existing solar access is already less than this standard it is not to be further reduced</i></p>
	<p>DS13.3 Main living areas are located on the northern side of buildings where possible and subject to streetscape quality considerations</p>
	<p>DS13.4 Sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades</p>



Visual Privacy	
<p>PC14. Siting and design:</p> <ul style="list-style-type: none"> provides an adequate level of visual privacy for development and adjoining properties ensures windows located above the ground floor are positioned to minimise the likelihood of overlooking adjoining properties 	<p>DS14.1 The number of windows to side elevations located above the ground floor is minimised</p>
	<p>DS14.2 Where they are provided, windows on side elevations are:</p> <ul style="list-style-type: none"> located a sufficient distance away from windows on adjoining development are positioned to not be in a direct line with windows on adjoining development have a reduced size include privacy devices such as fixed external screens, raised sill heights or opaque glazing
	<p>DS14.3 Open space ground levels should match as closely as practicable neighbouring ground levels</p> <p><i>Note: Where this is not practicable, boundary fences may incorporate 450mm double thickness lattice above the fence or advanced growth trees can be planted</i></p>
	<p>DS14.4 For Heritage Items and Heritage Conservation Areas refer to Part E1 - Heritage</p>
Tree Preservation	
<p>PC15. Significant trees are retained</p>	<p>DS15.1 Significant trees that make a contribution to the landscape character, amenity or environmental performance of the site are retained</p>
	<p>DS15.2 Where retention of trees is impractical due to site constraints, tree removal trees or planting of new or replacement trees is to be consistent with the Tree Preservation Order within Part C4 – Tree Preservation and Management of this DCP</p>
Ecologically Sustainable Development	
<p>PC16. Sustainability measures are considered as part of the design of the proposal</p>	<p>DS16.1 Development complies with the Building Sustainability Index (BASIX)</p> <p><i>Note: a BASIX Certificate is to be submitted with a development application</i></p> <p><i>Note: Information on environmentally sustainable design is given in Part C- Sustainability of this DCP and is to be considered when designing development. Council strongly encourages applicants to go beyond BASIX requirements and to take advantage of any available grant funding to install solar hot water systems, photovoltaic installations and rainwater tanks</i></p>
Telecommunications installations	
<p>PC17. The visual impact of telecommunications installations such as satellite dishes and television antennas on the streetscape is minimised</p>	<p>DS17.1 Telecommunications installations are located to the rear roof or side (rear roof) of a dwelling or in the rear garden</p>
Solar heating and photovoltaic installations	

<p>PC18. The visual impact of solar heating and photovoltaic installation on the streetscape is minimised</p>	<p>DS18.1 Solar heating and photovoltaic installations are to be located to the rear roof or side/rear roof of a dwelling or in the rear garden of the building.</p>
<p>Stormwater disposal</p>	
<p>PC19. Stormwater systems:</p> <ul style="list-style-type: none"> • provide for the efficient and functional mitigation of stormwater impacts • do not adversely affect adjoining or other properties • do not detract from streetscape quality 	<p>DS19.1 Stormwater from roofs is discharged by gravity to street gutter system</p>
	<p>DS19.2 Where a site slopes away from the street, stormwater from roofs may be discharged to the street gutter system by charged lines subject to suitability</p>
	<p>DS19.3 Where stormwater from dwelling and associated structure is unable to use a charged line, alternatives such as easements through adjoining properties are considered</p> <p><i>Note: the written consent of the affected adjoining landowner/s is required for this type of stormwater system</i></p>
	<p>DS19.4 Pump out systems are not generally supported</p> <p><i>Note: pump out systems can often cause maintenance issues</i></p>
	<p>DS19.5 Rainwater that falls on to paved surfaces does not flow directly onto downstream properties</p> <p><i>Note: garden beds, bunding or other measures to direct and mitigate excessive runoff are to be incorporated into the proposal</i></p>
<p>Swimming pools</p>	
<p>PC20. Swimming pools:</p> <ul style="list-style-type: none"> • maintain an adequate level of visual privacy • limit impact of increased noise levels from water pumps 	<p>DS20.1 The requirements for swimming pool construction and various safety requirements are contained in the Swimming Pools Act.</p>
	<p>DS20.2 Finished ground level areas around swimming pools shall not be raised as a result of sloping sites. In exceptional circumstances some increase in natural ground level may be considered where adequate screening devices are proposed.</p> <p>This clause also applies to Heritage Items and sites within Heritage Conservation Areas.</p>
	<p>DS20.3 Pool pumps shall be either of a type that do not exceed 5dBA above average ambient noise levels, or provided within an acoustic enclosure.</p> <p>This clause also applies to heritage Items and sites within Heritage Conservation Areas.</p>
<p>Solid fuel heating</p>	
<p>PC21. Heating devices do not contribute to air pollution</p>	<p>DS21.1 New solid fuel heating devices are not supported</p> <p>DS21.2 Existing solid fuel heating devices are replaced with a cleaner heating alternative</p> <p><i>Note: Council is able make orders to control the use of solid fuel heating appliances where wood smoke pollution is a problem</i></p> <p>This clause also applies to Heritage Items and sites</p>



		within Heritage Conservation Areas
Additional provisions for a Dual Occupancy		
PC22.1	Site area is sufficient to accommodate two separate dwellings with high levels of amenity and comply with the relevant setbacks, landscaping and carparking provisions of this DCP	DS22.1 A minimum site area of 450 sqm is required.
PC22.2	Development is sited and has an appearance, bulk and scale compatible with that of a single dwelling house	DS22.2 In heritage conservation areas dual occupancies are attached
		DS22.3 Dual occupancies are not sited in a front and back configuration
		DS22.4 Each dwelling has its own individual front entrance and rear garden
		DS22.5 The site layout for a dual occupancy is in a side by side configuration where the long axis is perpendicular to the street
PC22.2	Each dwelling has its own individual area of useable, high amenity private open space	DS22.6 Each dwelling has its own rear private open garden area that is: <ul style="list-style-type: none"> • directly adjacent and accessible from the rear of the dwelling • has a minimum area of 60sqm <p>And</p> <ul style="list-style-type: none"> • has a minimum width of 5m
		DS22.7 Torrens title subdivision of dual occupancy development is not allowed in the R2 Low Density Residential zone unless, each resulting lot satisfies the minimum subdivision lot size requirements of the Ashfield LEP 2013 .
		DS22.8
Laneway development		
PC23.1	To provide controls for dwellings located off laneways, such as above garages	DS23.1 The external wall height of a laneway development building shall not exceed 3.6m and a maximum ridge roof height of 6 m.
PC23.2	To ensure bulk and scale, and form of laneway development does not have a detrimental impact on the established character of an area	DS23.2 Laneway development should incorporate pitched roofs and have a design which enhances or improves the visual character of the laneway.
PC23.3	To activate rear laneways through improved passive surveillance	DS23.3 External stairs are not supportable.
PC23.4	To maintain and improve the key function of a lane being the provision of access to and from a site	DS23.4 Privacy and amenity for neighbouring properties is to be maintained.
		DS23.5 Allowance is to be made for any carparking requirement of the DCP.
		DS23.6 Any single width garage doors are to incorporate an adjacent pass door for pedestrian use.

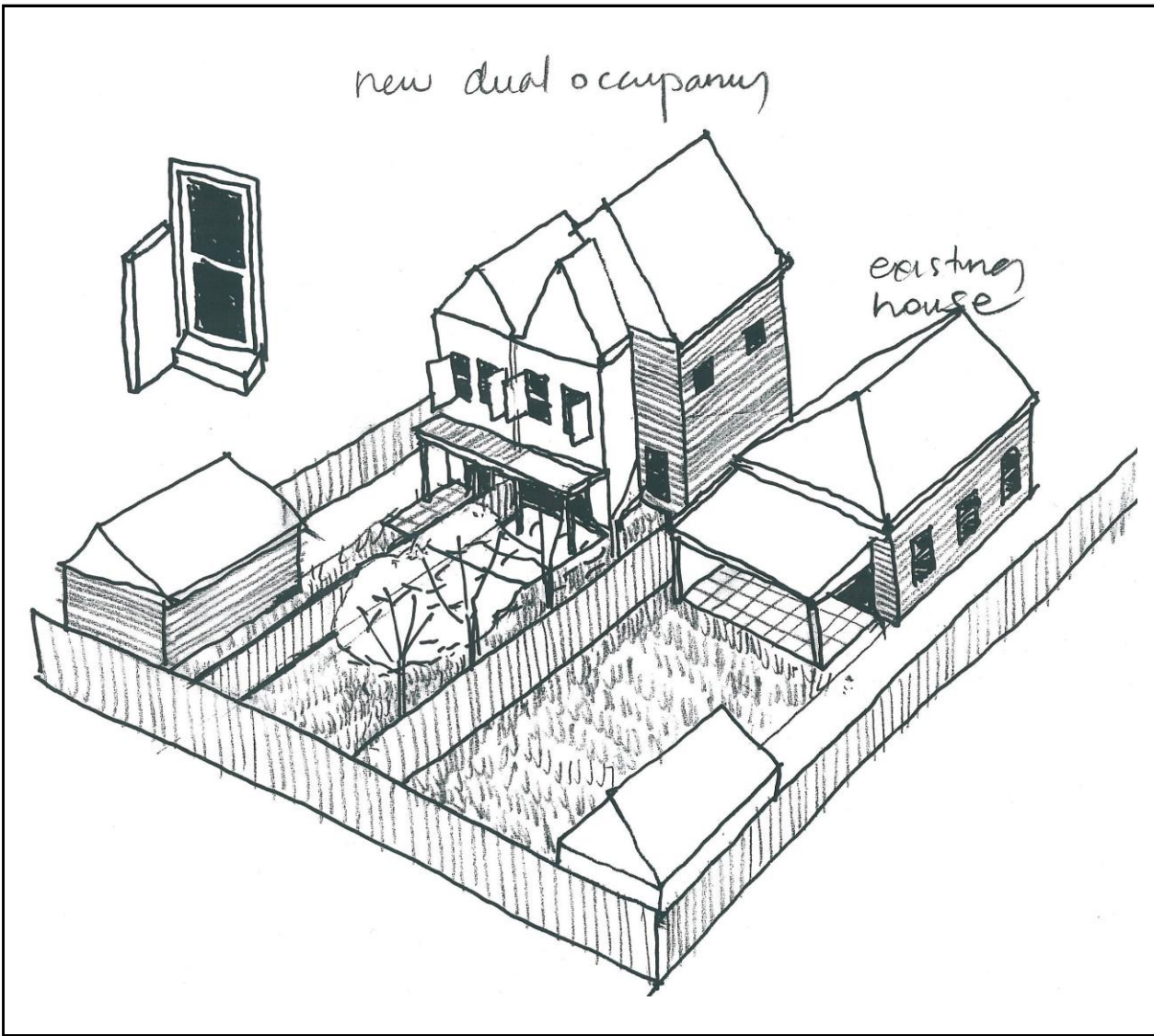


Diagram 5 – Example of Semi-Detached Dual Occupancy Site Layout



Part 2

Secondary Dwellings



Application

This Guideline applies to the following development category:

- Secondary dwellings.

Under the current NSW Government planning system, **State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)** is the principal legislation for Secondary Dwellings. The ARHSEPP provides key controls for Secondary Dwellings, a number of which (when complied with) can't be used to refuse Secondary Dwellings. Under the ARHSEPP, Secondary Dwellings can be assessed as complying development when satisfying a number of requirements of the ARHSEPP, for example including where sites must be a minimum of 450m².

The controls in this DCP are in addition to the ARHSEPP in the case a development application is required for a Secondary Dwelling development, for example, where the secondary dwelling, sometimes called a "granny flat", is permissible on a site smaller than 450m². Secondary dwellings are permissible in the R3 Medium Density Zone such as where sites have an existing house which is to be retained, and in the B4 Mixed Use Zone. If there is an inconsistency between the provisions of this DCP and the ARHSEPP, the provisions of the ARHSEPP prevail to the extent of the inconsistency.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To provide greater housing choice and promote housing affordability
- To ensure a secondary dwelling is secondary in size, scale and nature, and subservient to the principal dwelling
- To ensure secondary dwellings do not detract from the form, scale and height of development in the streetscape and locality in which it is located
- To ensure no significant adverse amenity impacts on other premises, in particular through ensuring adequate solar access, natural ventilation, privacy, noise and retention of significant views



Performance Criteria and Design Solutions

Performance Criteria		Design Solution	
Site area			
PC1.	Site area is adequate to enable development that incorporates adequate setbacks and landscaped open space in accordance with this DCP	DS1.1	On merits
Floor area			
PC2.1	To ensure that the size of the secondary dwelling is less than the dwelling house	DS2.1	Maximum floor area is 60m ² .
PC2.2	To ensure that the combined size of the dwelling house and secondary dwelling has a bulk and scale that maintains the appearance of a typical house and ancillary outbuilding	DS2.2	The total gross floor area of the principal dwelling and the secondary dwelling is no more than the maximum FSR allowed under the Ashfield LEP 2013.
Building height			
PC3.	Building height: <ul style="list-style-type: none"> is no greater than the height of the dwelling house is compatible with the existing or desired future character of the area does not detract from existing low rise streetscapes 	DS3.1	Maximum building height is single storey or as a second storey in an attic as defined in the Standard LEP instrument.
Subdivision			
PC4.	Secondary dwellings are located on the same lot as the dwelling house	DS4.1	Subdivision of the secondary dwelling from the principal dwelling is not permitted
Setbacks			
PC5.	Setbacks: <ul style="list-style-type: none"> are consistent with that prevailing in the street reduce the appearance of building bulk enable adequate solar access to main living areas and principal private open space ensure no significant adverse amenity impacts on adjoining properties achieve adequate visual privacy minimise noise transmission create deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping. 	DS5.1 A secondary dwelling is not located forward of the front building line of the principal dwelling DS5.2 Minimum side setback is 0.9 metres DS5.3 Minimum rear setbacks maintain a useable back garden DS5.4 If the secondary dwelling is built as a loft structure over a garage with rear lane access it may be built: <ul style="list-style-type: none"> in line with an existing garage or <ul style="list-style-type: none"> a minimum of 1 metre from the rear boundary contained within an attic space 	
Landscaped area			
PC6.	Development does not unreasonably reduce the area or useability of landscaped open space	DS7.1	Development does not reduce landscaped areas for the property to less than the minimum required for a dwelling house



Part 3

Neighbourhood Shops and Shop Top Housing

Application

This Guideline applies to the following development categories:

- Neighbourhood shops where in the R2 Low Density Residential zone

Shop top housing above an existing ground level shop pursuant to the Ashfield LEP 2013, where in the R2 Low Density Residential zone.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- to enable the continued use of existing small-scale, low impact retail uses that positively contribute to the convenience, vibrancy and amenity of the neighbourhood
- to encourage the retention and re-use of existing small-scale shops on corner lots while minimising adverse amenity impacts on the character of low density residential neighbourhoods, including through unacceptable traffic or noise impacts
- to enable residential floor additions to existing shops within low density residential areas



Performance Criteria and Design Solutions

Performance Criteria		Design Solution
General		
PC1.	Non-residential uses not create an unacceptable traffic impact	<p>DS1.1 Sufficient carparking is available to meet the needs of the proposal without:</p> <ul style="list-style-type: none"> causing a major on–street carparking problem creating or exacerbating an existing traffic hazard
		DS1.2 Neighbourhood shops and Shop top housing are in combination and are located on a corner lot
		DS1.3 The use is of a nature that primarily caters for local personal services, day to day retail and similar uses <i>Note: generally acceptable uses include a café, hairdresser and small newsagency</i>
		DS1.4 The size of the non-commercial part of the premises is less than 90 m ²
		DS1.5 The proposal makes a positive contribution to streetscape character, and where the existing streetscape is desirable, is consistent with prevailing elements
		DS1.6 The proposal is sited and designed to not create an unacceptable impact on existing residential amenity of adjoining or nearby land, including through:
		<ul style="list-style-type: none"> noise light pollution air pollution, dust or odour vibration
		DS1.7 Noise generating areas such as outdoor dining are located away from adjoining dwellings or are screened to reduce noise transmission to acceptable levels in highly used parts of adjoining dwellings
		DS1.8 Operating hours are limited to those that will minimise impact on adjoining premises
		DS1.9 Outdoor dining and footpath trading occurs in accordance with this DCP
		DS1.10 Shop-top housing is sited and designed to:
		<ul style="list-style-type: none"> minimise amenity impact on adjoining and nearby dwellings, in particular through locating noise generating areas such as servicing areas away from residential uses and preventing direct overlooking of dwellings and associated private open space Engages with the street and public domain Integrate with any non-residential component
		DS1.11 The number of individual Shop-top housing dwellings is compatible with the scale and intensity-of the



Performance Criteria	Design Solution
	surrounding neighbourhoods
	DS1.12 Shop top housing does not comprise the ongoing viability of non-commercial premises on the site
	DS1.13 Development is encouraged to retain or reinstate any original elements of the original building that contribute to its traditional character





Part 4

Multi Dwelling Housing

Application

This Guideline applies to the following development category:

- Multi dwelling housing, including ancillary buildings and structures, such as townhouses, within R3 Medium Density Residential Zone.

Where development is covered by the Apartment Design Guide, that document will take precedence over this part of the DCP.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To ensure a high standard of design
- To ensure development is compatible in intensity and scale with dwelling houses or other neighbouring buildings.
- To provide for generous on-site landscaped open space, in particular in the form of back gardens
- To protect the existing amenity of adjoining properties, in particular main living areas and principal private open space
- To create an attractive and safe streetscape with a high level of engagement between the private and public domains
- To ensure development contributes environmentally to the Town Centre and provides a sustainable urban environment.
- To improve amenity for users of the Town Centre by creating more areas for public open space and for tree planting.
- To provide guidelines for sites containing heritage items to show how those sites can be adapted to accommodate new development.



Performance Criteria and Design Solutions

Performance Criteria	Design Solution
Residential design process	
<p>PC1. Proposals are to demonstrate that a site's context and the proposals impacts have been adequately considered</p>	<p>The Development Application is supported by a Site Analysis prepared in accordance with Part A1 – Site and Context Analysis of this DCP.</p>
Character and design	
<p>PC2. Development:</p> <ul style="list-style-type: none"> • understands and appropriately responds to the defining characteristics of the site, its streetscape, community, and neighbourhood locality • has an architectural style that is suitable for the site • has the potential to contribute to LGA's housing heritage 	<p>No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</p>
Streetscape and landscape	
<p>PC3. Development establishes a streetscape and landscape that:</p> <ul style="list-style-type: none"> • respects existing character, in particular defining built form elements, setbacks and building spacing, heritage and vegetation • is well designed and responds to individual site characteristics • activates the street • softens the visual impact of buildings when viewed from the public domain 	<p>Each Development Application is to be supported by a Streetscape Assessment that shows:</p> <ul style="list-style-type: none"> • the street reserve and indicative locations of the carriageway, street trees, parking bays, footpaths, traffic control devices, driveways, bus stops, street lights, service pits and substations • existing vegetation to be removed or conserved • the location, species and general character of tree planting and hard and soft landscape treatment • the existing streetscape character given by building bulk and scale, roof pitch, front fences, and building materials • the indicative building form given by the proposed front setbacks, front elevations, garage locations and front gardens <p>Note: <i>This Streetscape Assessment is to be provided in the form of photographs and sketch plans able to demonstrate a satisfactory understanding of the streetscape context of the proposed development</i></p>
Lot Size	
<p>PC4. The lot has sufficient area and dimensions to ensure functional and attractive development that does not cause significant adverse amenity</p>	<p>The lot has sufficient area and dimensions to accommodate development that complies with on-site parking, open space and setback requirements</p>



impact on adjoining properties

Residential design

<p>PC5. Development:</p> <ul style="list-style-type: none"> ensures there is a creative, sensitive, and consultative design process greatly improves residential design ensures the style of new housing fits with the established streetscape character and Council's long-term vision for the LGA's residential neighbourhoods 	<p>DS5.1 Buildings at the front must be orientated to the principal street frontage</p>
	<p>DS5.2 Dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street</p>
	<p>DS5.3 The building generally conforms with the building line on adjoining land and in the immediate locality</p>
	<p>DS5.4 Building facades are to have the following characteristics</p> <ul style="list-style-type: none"> well-balanced vertical and horizontal proportions modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; architectural features which give human scale at street level, such as entry porches, pergolas and fences
	<p>DS5.5 Building design, roof form, detailing and materials visible from public areas and adjoining properties are not in strong visual contrast with the any positive and characteristic features of neighbouring properties</p> <p>Note: <i>in general, this means:</i></p> <ul style="list-style-type: none"> <i>materials and finishes of the building are to be similar to the traditional finishes predominating in the LGA, with buildings usually in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roofing forms</i>
	<p>DS5.6 The use of reflective materials that may cause glare is avoided</p>
	<p>DS5.7 Building design enables individual dwellings to be identified from public streets</p>
	<p>DS5.8 Carports and garages are compatible with the building design and do not dominate the street frontage</p>
	<p>DS5.9 The entry to underground parking must not be visible from the street front</p>

Fences and walls

<p>PC6. Fences and walls respects existing character and provides a balance between personal privacy and activation of the street</p>	<p>DS6.1 Front fences and walls are compatible with the streetscape, in particular those of the immediate neighbours, provided that those neighbouring structures are themselves in character</p>
	<p>DS6.2 Front fences and walls are:</p> <ul style="list-style-type: none"> no more than 1.2m high if solid and forward of the building line



	<p>or</p> <ul style="list-style-type: none"> no more than 1.8m if the fence has openings which make it not less than 50% transparent
DS6.3	<p>Solid front fences and walls to 1.8m high are limited to:</p> <ul style="list-style-type: none"> where the main private open space is in front of the dwelling <p>or</p> <ul style="list-style-type: none"> where traffic volumes exceed 6000 vehicles per day <p>and</p> <ul style="list-style-type: none"> where private open space fronts the street, the width is limited to a maximum of 75% of the frontage some surveillance is to be maintained from the dwelling fences are not to exceed 10m in length without some articulation or detailing to provide visual interest

Heritage conservation

PC7.	For sites which are within Heritage Conservation Areas, Development is well designed, protects existing heritage items and is compatible with the existing character of the street	DS7.1	Pursuant to the Ashfield LEP 2013 and Part E - Heritage Conservation of this DCP Maintaining the heritage significance of conservation areas/items takes precedence when designing any development
		DS7.2	All new Multi Dwelling Housing proposals must demonstrate that they have the potential to contribute to the LGA's housing heritage through their fit with existing significant housing and by the general value of the design as a creative and sensitive solution for the site
		DS7.3	Where one or several houses remain in an area which has undergone significant redevelopment, consideration must be given to the contribution of those houses to neighbourhood character

FSR

PC8.	FSR is appropriate to its context and does not result in overbearing, significant adverse amenity impacts or out of character development	DS8.	<p>Maximum FSR complies with the Ashfield LEP 2013</p> <p><i>Note: the FSR expressed in the Ashfield LEP 2013 is a maximum. Due to certain factors, not all development is appropriate at the maximum allowable FSR. In particular, an FSR less than that allowed as a maximum under the LEP may be appropriate for land in a heritage conservation area or identified as a heritage items. This should be considered as part of a site analysis undertaken at the start of the design process, and a design response formulated accordingly</i></p>
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Subdivision

PC9.	Subdivision is consistent with the prevailing pattern of lots size shape and width in the street and ensures that subsequent development can comply with relevant key building siting and design provisions such as setbacks	DS9.	<p>The minimum strata subdivision size for dwellings will be considered on its merits based on:</p> <ul style="list-style-type: none"> compliance with other provisions of this DCP retention of the heritage significance of individual heritage items or properties within
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		Conservation Areas
Maximum dwelling size		
PC10.	Development promotes social inclusion, housing choice and affordability	DS10. A mix of dwelling sizes to cater for a variety of individual housing needs addressing a spectrum of affordability is preferred
Siting		
PC11.	<p>Building design and siting:</p> <ul style="list-style-type: none"> • optimises competing considerations in the design and siting of new buildings • ensures building setbacks and building height are appropriate for a site and the streetscape • maximises solar access to living areas and private open space 	<p>DS11.1 Siting of a building appropriately responds to factors such as:</p> <ul style="list-style-type: none"> • lot size and shape • good streetscape principles (i.e. being similar to typical setbacks in the street, front and side) • solar access for varying orientations visual and acoustic privacy • the need for planting to screen and soften developments the need to provide an open and attractive outlook to new and existing dwellings, and to avoid overbearing neighbouring properties • the need to achieve minimum standards of daylight and ventilation • obstruction of views • compliance with the provisions of SEPP65 (Design Quality of Residential Flat Development) and the requirements of the accompanying Apartment Design Guide <p><i>Note: appropriate siting in a complex setting such as the Inner West LGA cannot be reduced to quantitative measures in all instances, as this fails to respond to individual differences in site and neighbourhood characteristics. On this basis, unless where specified, this DCP largely does not generally specify numeric setbacks or envelope provisions</i></p> <p>DS11.2 “Carriage style” development is not supported</p> <p><i>Note: “Carriage style” development aligned down the site with principal orientation to side boundaries rather than the street. This form of development is out of character with established development in residential zones and tends to create problems in terms of privacy and outlook, irrespective of setbacks and screen planting</i></p> <p>DS11.3 As a general rule, as many units as possible in new developments should be given a northerly orientation, subject to urban character considerations, and the desirability of avoiding “carriage style” development and excessive overshadowing</p>



Setbacks – front

<p>PC12. Front setbacks are consistent with existing streetscape character</p>	<p>DS12. The distance of any building works from the front boundary shall be consistent with the predominant setback of the buildings in the street</p>
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Setbacks – side and rear

<p>PC13. Side and rear setbacks: minimise adverse impacts on neighbouring properties achieve compatibility in terms of urban character <i>Note: Development may also be affected by the provisions of SEPP 65 (Design Quality of Residential Flat Development) the specific requirements of the accompanying Apartment Design Guide</i></p>	<p>DS13.1 New development should not significantly affect adjoining property or resident amenity by:</p> <ul style="list-style-type: none"> • increased overshadowing • reduction in the level of privacy • obstruction of views • reduction in levels of daylight and ventilation
	<p>DS13.2 Streetscape and urban character shall also be taken into account, in terms of the established pattern of spacing between buildings in the street, and their siting and orientation</p>
	<p>DS13.3 Rear setbacks include adequate provision of green space between adjoining properties</p>

Building height

<p>PC14. Building height:</p> <ul style="list-style-type: none"> • is consistent with the objectives of the relevant zone as identified in the LEP • provides for a human scale built form that minimises adverse impact on adjoining or nearby properties • promotes the creation of an attractive and comfortable public domain • Accommodates a traditional building typology which provides good streetscape impacts <p><i>Note: pitched roofs and roofs with attics contribute to traditional building typology in parts of the LGA</i></p>	<p>DS14.1 The maximum building height for R3 Medium Density Residential Zones for sites shown as Code M on the Ashfield LEP 2013 Height Maps is 12.5m measured to the uppermost point of buildings.</p> <p>The maximum building scale is :</p> <ul style="list-style-type: none"> • 3 storeys • use of a maximum 30 degree pitched roof as a 4th attic storey, in accordance with DS14.3 <p><i>Note: the number of levels has been calculated by making allowance for technical building design considerations as follows:</i></p> <ul style="list-style-type: none"> • a zone to account for varying ground level slopes, access and along the site • a zone to ensure a minimum 300mm freeboard clearance for a ground floor level above natural ground clearance to allow for waterproofing • 3 metre floor to floor heights enabling 2.7m high ceilings and a zone for the floor slab or framing) • A roof zone to allow a space for a traditional 30 degree pitched roof in order to give a defined “top” or “crown” to the building composition <p>A level does not include a roof used as an uncovered garden, terrace or deck (note that the need to address overlooking concerns still applies). A level includes a</p>
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	mezzanine
DS14.2	The height of the finished floor level of the first floor, not being a floor at ground level, is not to exceed a height of 3.4 metres measured vertically above any point at natural ground level, in order not to have overly exposed basement carparking
DS14.3	Utilisation of roof space may be permitted as a level additional to DS14.1 if: <ul style="list-style-type: none"> the space is wholly contained within a pitched roof plane which has a roof pitch does not exceed a slope of 30° (with the exception of dormer windows) no lower than 22° and whose roof ridge does not exceed the maximum building height. sunlight, privacy, views and ventilation concerns are adequately addressed; and the proposal fully complies with the height limit in the Ashfield LEP 2013 which is 12.5 m as measured from natural ground level
DS14.4	The intent of the roof space provision is to permit rooms within otherwise unused roof space. It does not permit the creation of additional de facto levels through increased external wall heights or the addition of roof protrusions larger than a typical dormer window
DS14.5	The design of any attic level to be used as a habitable room should consider the need for adequate light and ventilation and include provisions in the plans to meet these requirements

Solar access

PC15.	To ensure development has adequate solar access to main living areas and areas of principal private open space, and ensures adequate solar access to adjoining residential properties	DS15.1	New developments must seek to achieve 80% of units having at least one living room window with a northerly aspect <i>Note: This is subject to urban character considerations, and the desirability of avoiding “carriage style” development and excessive shadowing of neighbouring properties</i>
		DS15.2	Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space (see definition) of adjacent properties is not reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time
		DS15.3	Any private courtyard within a development should also achieve 3 hours of sunlight over 50% of its area, between 9am and 3pm on 21 June
		DS15.4	Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north



facing living room/dining room windows, for a period of at least three (3) hours between 9am and 3pm in mid-winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any one time

DS15.5 North facing windows within a new development should achieve the same standard of solar access

Privacy

Note: these design solutions apply both within developments as well as across boundaries

PC16. Development:

- provides adequate privacy for residents
- protects the visual and acoustic privacy of neighbours

DS16.1 At ground level, direct facing windows are:

- placed a minimum of 9 metres apart

or

- where screening devices or planting are used, 6 metres apart, and if screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45° from the plane of the wall containing the opening, measured from a height of 1.7m above floor level

or

- have minimum sill heights of 1.7m above floor level

or

- have fixed obscure glazing in any part below 1.7m above floor level

Note: Direct facing includes an arc of 45° on either side of a window

DS16.2 No screening is required where:

- windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m
- windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level

DS16.3 Bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings

DS16.4 Bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings

DS16.5 New development is to be designed to internalise the adverse effects of:

- emission of noise and vapours from exhaust fans, air conditioning units and the like
- emission of noise and vapours from other mechanical equipment, e.g., swimming pool pumps, drainage pump outs and the like



- vehicle noise from driveways and ramps

DS16.6 Any shared walls, floors and ceilings must meet acceptable standards for acoustic amenity

Views and outlook

PC17. Development:

- maintains any existing distant views wherever possible, in keeping with the principles of view sharing
- provides all new units with an open outlook, preferably to landscaping and open space
- maintains any existing open outlook from the major habitable rooms of any adjoining property

DS17.1 Where distant views are available from neighbouring properties, these should be maintained wherever possible, in keeping with principles of view sharing

DS17.2 Outlook obtained from neighbouring properties are maintained wherever possible, with in particular high walls in close proximity to neighbours' windows or open space reasonably set back, irrespective of shadowing or privacy impacts

DS17.3 All dwellings within new developments have an open outlook to an area of landscaping or open space

DS17.4 Outlook is not compromised by measures taken to improve neighbours' privacy, such as obscure glazing and privacy screens

Open space and landscaping

PC18. Open space and landscaping:

- is clearly defined and useable
- meets resident requirements for privacy, access, outdoor activities and landscaping
- are designed as an integral part of the building and the streetscape
- includes soft landscaping and deep planting
- achieve a high standard of landscaped presentation
- is provided to screen and soften developments when viewed from the street or neighbouring properties, including the rear
- ensures useable areas of outdoor space are provided for the enjoyment of all residents of a development, and to prevent a disproportionate area being alienated for the exclusive use of particular units

DS18.1 Development is supported by a high quality landscape concept plan prepared by a suitably qualified and experienced professional that clearly shows how the design solutions have been achieved. Where a design solution is not achieved, written justification addressing the performance criteria is to be provided

DS18.2 Each dwelling in a Multi-unit Dwelling is to be provided with a useable private outdoor area which:

- does not encroach upon the front setback requirement
- is directly related to the main living areas
- is private and protected from overlooking by neighbouring units or properties
- meets solar access standards
- minimises overlooking of neighbouring properties
- is able to accommodate various uses
- is accessible by someone with a disability

DS18.3 Where the private outdoor area is to be provided at ground level, the minimum area and dimensions shall



<ul style="list-style-type: none"> where possible, retains existing significant trees 	<p>be in the R3 Medium Density Residential zone 35m² with a minimum dimension of 3.0 metres at any point, to include a principal private area with a minimum dimension of 4.0 metres at any point</p>
	<p>DS18.4 Where a unit has no private outdoor area at ground level:</p> <ul style="list-style-type: none"> the private outdoor area is to be provided by way of a balcony or deck, with a minimum area of 10m², and a minimum dimension of 2 metres at any point. no balcony shall overlook private courtyards in the same development, in any circumstances an area of communal open space must be set aside the allocation of the majority of a development's open space to a minority of units is unacceptable
	<p>DS18.5 The minimum amount of landscaped area to be provided on a site shall be 35% of the site area. This landscaped area shall be at finished ground level and have a minimum width of 2 metres. Refer to definition for Landscape Area which is as defined by the Ashfield LEP 2013.</p>
	<p>DS18.6 Smaller trees not covered by the Tree Preservation Order (refer to Part C4 Tree Preservation and Management) (other than Leyland Cypress Pine trees, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees) should be retained wherever possible to assist in:</p> <ul style="list-style-type: none"> retaining and enhancing streetscapes climate control enhancing the visual amenity of the new development ameliorating privacy and building bulk impacts of the new development
	<p>DS18.7 The design of a development will need to retain sufficient curtilage around existing trees to ensure their practical retention and health by not damaging the root system or altering drainage and water-table levels. A report from a qualified arborist may be required to respond to this requirement</p>
	<p>DS18.8 An applicant shall ensure that the proposal will not require the removal or significant modification of any existing street tree along the frontage of the site, or in the vicinity of the site</p>
<p>Safety and security</p>	
<p>PC19. Development:</p> <ul style="list-style-type: none"> provides personal and property security 	<p>DS19.1 Ensure that the enclosure of private open space will not prevent surveillance</p>



<p>for residents and visitors and enhance perceptions of community safety</p> <ul style="list-style-type: none"> ensures that private and communal spaces are planned for security and able to be managed 	DS19.2	Clearly delineate public space, community space, and private space
	DS19.3	Identify territorial zones for each dwelling to assist residents identify intruders
	DS19.4	Limit the number of dwellings using a shared entry to foster acquaintance and a sense of ownership
	DS19.5	Open car parks should be small and within view of some residences
	DS19.6	Design the lighting of footpaths and driveways to provide a sense of warmth, variety and brightness, rather than overall even illumination
	DS19.7	Dwelling numbers legible, both at street level and within the development
	DS19.8	Avoid designs that might assist entry via the roof or upper-storey windows
	DS19.9	Provide sturdy doors and locks, but avoid obvious problem materials such as heavy-duty mesh, cyclone fencing or grilles
	DS19.10	Large multi-unit developments are to be referred to the NSW Police for comment

Sustainability

Note: the following are encouraged as measures to achieve sustainability outcomes in addition to BASIX

<p>PC20. Development:</p> <ul style="list-style-type: none"> facilitates energy conservation through the use of passive solar design facilitates water conservation establishes ecologically sustainable residential environments ensures site design and internal layout optimise climate control and minimise the adverse impacts of traffic noise 	DS20.1	Development complies with BASIX. See Part C1 – Building Sustainability
	DS20.2	Car park areas are to maximise natural ventilation and have minimal mechanical ventilation

Stormwater drainage

<p>PC21. Stormwater drainage:</p> <ul style="list-style-type: none"> provides safety for the public in major storm events, and protect property from damage by flooding ensures adequate stormwater detention and run-off controls are provided for site drainage improves urban amenity through maintenance of natural drainage lines protects and maintain existing infrastructure of the LGA 	DS21.1	<p>Hard paving on the site is to be minimised to:</p> <ul style="list-style-type: none"> allow greater landscaped area allow natural, on-site absorption of rainwater limit the flow of stormwater onto adjacent properties and into the local stormwater drainage system
	DS21.2	Where roof water cannot be adequately disposed of on-site it should be piped to an approved stormwater drainage system or, partially, to a rain water tank
	DS21.3	An approved stormwater drainage system will generally comprise either the street gutter or a drainage easement. Other methods will be considered by Council on their merits



	<p>DS21.4 On-site detention of stormwater will be required as part of an approved stormwater drainage system to limit discharges to pre-development conditions. A conceptual On-Site-Drainage scheme is to be submitted with the development application</p>
	<p>DS21.5 Reference is to be made to Council's Stormwater Management Code (1996) in respect to requirements for:</p> <ul style="list-style-type: none"> • detailed design and construction of stormwater disposal systems; • construction over existing stormwater systems

Site facilities

Note: Refer to the Waste Management Section of this DCP for additional guidance

<p>PC22. Site facilities:</p> <ul style="list-style-type: none"> • ensure that site facilities provide easy access to dwellings, are visually attractive, blend in with the development and the streetscape, and require minimal maintenance • ensure that waste disposal meets the needs of residents and that waste collection areas are well-designed 	<p>DS22.1 Common storage and/or collection points are to be located close to the street frontage with the area being:</p> <ul style="list-style-type: none"> • not located forward of the building line; • designed to integrate with the main building structure or site landscaping;
	<p>DS22.2 Attention is drawn to the requirements of State Environmental Planning Policy No.55. Some properties in the LGA might have had past activities which have been known to cause soil contamination. Where this is the case, Council will require appropriate remediation in consultation with the NSW Environment Protection Authority. It is the responsibility of applicants to determine whether a site contains contaminants</p>
	<p>DS22.3 Any work must not cause lead contamination or air or ground. Contamination can come from removal of lead paint or disturbance of dust in roof cavities</p>
	<p>DS22.4 A space of 8 cubic metres per dwelling is to be set aside exclusively for storage. This space may form part of a carport or garage, e.g. an overhead "storage tray"</p>
	<p>DS22.5 Individual mail boxes are to be located close to each ground-floor dwelling entry, or a mail box structure is to be located close to the major pedestrian entrance to the site. A communal mailbox with boxes large enough to store periodicals is also to be provided to avoid this material blocking stormwater drains</p>
	<p>DS22.6 Only one television reception device, e.g. aerials, dishes, etc. (Whether for free-to-air or pay systems) will be approved in a strata title development. Installations should be positioned to the rear of properties and/or screened from public view</p>
	<p>DS22.7 Council will not approve wood burning heating because residential wood burning causes up to 40 per cent of winter air pollution in the Sydney metropolitan area. Residents who currently have this form of heating are strongly encouraged to replace solid fuel heaters with a cleaner heating alternative. Note that that Council is</p>



able make orders to control the use of solid fuel heating appliances where wood smoke pollution is a problem





Part 5

Residential Flat Buildings



Application

This Guideline applies to the following development categories within R3 Medium Density Residential Zones in the Ashfield LEP 2013:

- Residential flat building, including ancillary buildings and structures
- Mixed use development with a residential component at 32-46 Edward Street Summer Hill.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

Under the NSW planning system, development for the development categories to which this guideline applies is primarily assessable against State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) and its supporting Apartment Design Guide (ADG).

This DCP also adopts the objectives and design criteria of the ADG for the design of buildings.

This DCP provides guidance on specific matters not covered by the ADG but which are required to be addressed, such as the desired character for development.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

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the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To ensure a high standard of design
- To ensure development is consistent with the desired future character of the neighbourhood
- To create an attractive and safe streetscape with a high level of engagement between the private and public domains
- To protect the existing amenity of adjoining properties, in particular main living areas and principal private open space
- To ensure large, well located sites make a contribution to delivering additional housing while being sensitive existing character



Performance Criteria and Acceptable Solutions

Performance Criteria		Design Solution	
Character			
PC1.	<p>Development:</p> <ul style="list-style-type: none"> understands and appropriately responds to the defining characteristics of the site, its streetscape, community, and neighbourhood locality has an architectural style that is suitable for the site and has a high standard of architectural composition improves the streetscape and achieves a “green” garden setting for residential flat buildings 	DS1.1	Development pursuant to SEPP 65 is to respond to the desired character stated in this DCP
Streetscape			
PC2.	<p>Development establishes a streetscape that:</p> <ul style="list-style-type: none"> respects existing character, in particular defining built form elements, setbacks and building spacing, heritage and vegetation is well designed and responds to individual site characteristics activates the street softens the visual impact of buildings when viewed from the public domain 	DS2.1	<p>Each Development Application is to be supported by a Streetscape Assessment that shows:</p> <ul style="list-style-type: none"> the existing streetscape character given by building bulk and scale, roof pitch, front fences, and building materials the indicative building form given by the proposed front setbacks, front elevations, garage locations and front gardens the street reserve and indicative locations of the carriageway, street trees, parking bays, footpaths, traffic control devices, driveways, bus stops, street lights, service pits and substations existing vegetation to be removed or conserved the location, species and general character of tree planting and hard and soft landscape treatment <p><i>Note: This Streetscape Assessment is to be provided in the form of photographs and sketch plans able to demonstrate a satisfactory understanding of the streetscape context of the proposed development</i></p>
Lot Size			
PC3.	The lot has a sufficient area and dimensions to ensure functional and attractive development that does not cause significant adverse amenity impact on adjoining properties	DS3.1	The lot has sufficient area and dimensions to accommodate development that complies with on-site parking, open space and setback requirements in accordance with this DCP
FSR			
PC4.	FSR is appropriate to its context and does not result in overbearing, significant adverse amenity impacts or out of character development	DS4.1	<p>Maximum FSR complies with the Ashfield LEP 2013</p> <p><i>Note: the FSR expressed in the Ashfield LEP 2013 is a maximum. Due to certain factors, not all development is appropriate at the maximum allowable</i></p>



Performance Criteria	Design Solution
	<p><i>FSR. In particular, an FSR less than that allowed as a maximum under the LEP may be appropriate for land in a heritage conservation area or identified as a heritage items. This should be considered as part of a site analysis undertaken at the start of the design process, and a design response formulated accordingly</i></p>
Building height	
<p>PC5. Building height:</p> <ul style="list-style-type: none"> • is consistent with the objectives of the relevant zone as identified in the LE • is of a human scale • minimises adverse impacts on the amenity of adjoining properties • promotes the creation of an attractive and comfortable public domain • Accommodates a traditional building typology which provides good streetscape impacts <p><i>Note: pitched roofs and roofs with attics contribute to traditional building typology in parts of the LGA</i></p>	<p>DS5.1 The maximum building height for R3 Medium Density Residential Zones for sites shown as Code M on the Ashfield LEP 2013 Height Maps is 12.5m measured to the uppermost point of buildings.</p> <p>The maximum building scale is :</p> <ul style="list-style-type: none"> • 3 storeys • use of a maximum 30 degree pitched roof as a 4th attic storey, in accordance with DS5.3 <p>Note: <i>the number of levels has been calculated by making allowance for technical building design considerations as follows:</i></p> <ul style="list-style-type: none"> • <i>a zone to account for varying ground level slopes, access and along the site</i> • <i>a zone to ensure a minimum 300mm freeboard clearance for a ground floor level above natural ground clearance to allow for waterproofing</i> • <i>3 metre floor to floor heights enabling 2.7m high ceilings and a zone for the floor slab or framing)</i> <p><i>A roof zone to allow a space for a traditional 30 degree pitched roof in order to give a defined "top" or "crown" to the building composition</i></p> <p><i>A level does not include a roof used as an uncovered garden, terrace or deck (note that the need to address overlooking concerns still applies). A level includes a mezzanine</i></p> <hr/> <p>DS5.2 The height of the finished floor level of the first floor, not being a floor at ground level, is not to exceed a height of 3.4 metres measured vertically above any point at natural ground level, in order not to have overly exposed basement car parking</p> <hr/> <p>DS5.3 Utilisation of roof space may be permitted as a level additional to DS5.1 if:</p> <ul style="list-style-type: none"> • it is consistent with the principles and controls of any conservation area listing of the property • the space is wholly contained within a pitched roof plane which has a roof pitch does not exceed a slope of 30° (with the exception of dormer windows) no lower

Performance Criteria	Design Solution
	<p>than 22° and whose roof ridge does not exceed the maximum building height.</p> <ul style="list-style-type: none"> • sunlight, privacy, views and ventilation concerns are adequately addressed; and • the proposal fully complies with the height limit in the Ashfield Local Environmental Plan 2013 which is 12.5 m as measured from natural ground level <p><i>Note: the intent of the roof space provision is to permit rooms within otherwise unused roof space. It does not permit the creation of additional de facto levels through increased external wall heights or the addition of roof protrusions larger than a typical dormer window</i></p> <hr/> <p>DS5.4 The design of any attic level to be used as a habitable room should consider the need for adequate light and ventilation and include provisions in the plans to meet these requirements</p>
Siting	
<p>PC6. Building design and siting:</p> <ul style="list-style-type: none"> • ensures building setbacks and building height are appropriate for a site and the streetscape • provides a garden setting for buildings 	<p>DS6.1 Siting of a building appropriately responds to factors including :</p> <ul style="list-style-type: none"> • the requirements of the Apartment Design Guide • lot size and shape • good streetscape principles • provision of deep soil planting areas to provide a garden setting as viewed from the street • the need for planting to screen and soften developments • the need to provide an open and attractive outlook to new and existing dwellings, and to avoid an overbearing scale for neighbouring properties <hr/> <p>DS6.2 “Carriage style” development is not supported</p> <p><i>Note: “Carriage style” development aligned down the site with principal orientation to side boundaries rather than the street. This form of development is out of character with established development in residential zones and tends to create problems in terms of privacy and outlook, irrespective of setbacks and screen planting</i></p>
Setbacks – front	
<p>PC7. Front setbacks are consistent with that prevailing in the street:</p> <p><i>Note: consideration is to be given primarily to adjoining properties. However, in situations where one or both of these properties is inconsistent with the majority of that part of the street in which the</i></p>	<p>DS7.1 The main front face of the building is setback within 20% of that of the average of immediately adjoining properties</p>



Performance Criteria		Design Solution	
<p>site is located, consideration will also be given to the broader street setback pattern</p>			
Setbacks – side and rear			
<p>PC8. Side and rear setbacks:</p> <ul style="list-style-type: none"> • minimise adverse impacts on neighbouring properties • achieve compatibility in terms of urban character <p>Note: Development may also be affected by the provisions of SEPP 65 (Design Quality of Residential Flat Development) the specific requirements of the accompanying Apartment Design Guide</p>	<p>DS8.1</p>	<p>Development does not cause a significant adverse amenity impact on adjoining properties by:</p> <ul style="list-style-type: none"> • increased overshadowing • reduction in the level of privacy • obstruction of views • reduction in levels of daylight and ventilation 	
	<p>DS8.2</p>	<p>Development enables the provision of a 2m side setback containing deep soil planting in accordance with the landscape requirements of this DCP</p>	
	<p>DS8.3</p>	<p>Streetscape and urban character shall also be taken into account, in terms of the established pattern of spacing between buildings in the street, and their siting and orientation</p>	
	<p>DS8.4</p>	<p>Rear setbacks include adequate provision of green space between adjoining properties</p>	
Car parking			
<p>PC9. Car parking provides a balance between providing for the convenience of residents and visitors and promoting more sustainable travel modes such as walking, cycling and public transport, in particular for commuting</p>	<p>DS9.1</p>	<p>On site carparking is provided as follows, whichever is the lesser:</p> <ul style="list-style-type: none"> • at a minimum of 1 space per dwelling <p>or</p> <ul style="list-style-type: none"> • in accordance with the Apartment Design Guide <p>Note: where provided as part of shop-top housing or other form of mixed use development, parking for commercial, retail and other uses on the same site is required at the applicable rate specified elsewhere in this DCP</p>	
	<p>DS9.2</p>	<p>Parking for visitors is provided at the rate of 1 space for every 4 dwellings including serviced apartments plus 1 car wash bay</p>	
	<p>DS9.3</p>	<p>1 accessible car parking space to be provided for each accessible and adaptable residential unit</p>	
	<p>DS9.4</p>	<p>Carparking layout and design is provided in accordance with Part A8 – Parking of this DCP</p>	
Open space and landscaping			
<p>PC10. Open space and landscaping:</p> <ul style="list-style-type: none"> • provides a garden setting for development • includes soft landscaping and deep planting • achieve a high standard of landscaped 	<p>DS10.1</p>	<p>Development is supported by a high quality landscape concept plan prepared by a suitably qualified and experienced professional that clearly shows how the design solutions have been achieved</p>	
	<p>DS10.2</p>	<p>Compliance with the Apartment Design Guide and relevant parts of the Inner West DCP 2016 is achieved.</p>	

Performance Criteria	Design Solution
<p>presentation</p> <ul style="list-style-type: none"> is provided to screen and soften developments when viewed from the street or neighbouring properties, including the rear maintains a large useable area of communal open space, where units have no private ground level open space where possible, retains existing significant trees 	<p>DS10.3 Communal open space complies with the Apartment Design Guide requirements and:</p> <ul style="list-style-type: none"> includes a single open area with minimum dimensions of 10 metres by 12 metres is adapted for active and passive recreation and may include children's play areas, barbeque areas and the like <p>And</p> <ul style="list-style-type: none"> is provided exclusive of any drying or service areas <hr/> <p>DS10.4 The minimum dimension of a landscaped area is 2 metres,</p> <hr/> <p>DS10.5 A landscaped strip having a minimum dimension of 2m is provided along the perimeter of the site.</p> <hr/> <p>DS10.6 Landscaped areas are finished ground level</p> <hr/> <p>DS10.7 Development complies with the C4 Tree Preservation and Management part of this DCP</p> <hr/> <p>DS10.8 Smaller trees not covered by the Tree Preservation Order (other than Leyland Cypress Pine trees, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees) are retained wherever possible to assist in:</p> <ul style="list-style-type: none"> retaining and enhancing streetscapes climate control enhancing the visual amenity of the new development <p>And</p> <ul style="list-style-type: none"> ameliorating privacy and building bulk impacts of the new development <hr/> <p>DS10.9 Development retains sufficient curtilage around existing trees to ensure their practical retention and health by not damaging the root system or altering drainage and water-table levels</p> <p><i>Note: a report from a qualified arborist may be required to respond to this requirement</i></p> <hr/> <p>DS10.10 Development does not involve the removal or significant modification of any existing street tree along the frontage of the site or in the vicinity of the site</p>
Building design	
<p>PC11. Development is to have a high standard of architectural composition.</p>	<p>DS11.1 Development is to consider Part 4 Designing the Building of the ADG</p> <hr/> <p>DS11.2 Buildings at the front must be oriented to the principal street frontage</p> <hr/> <p>DS11.3 Dwellings adjacent to a public street must address the street by having a front door or living room or kitchen</p>



Performance Criteria	Design Solution
	<p>windows facing the street</p> <hr/> <p>DS11.4 The building generally conforms with the building line on adjoining land and in the immediate locality</p> <hr/> <p>DS11.5 Building facades are to have the following characteristics</p> <ul style="list-style-type: none"> • a clearly defined base-middle-top • well-balanced vertical and horizontal proportions; • modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; <p>And</p> <ul style="list-style-type: none"> • architectural features which give human scale at street level, such as entry porches, pergolas and fences <hr/> <p>DS11.6 Building design, roof form, detailing and materials visible from public areas and adjoining properties are not in strong visual contrast with the any positive and characteristic features of neighbouring properties</p> <p><i>Note: in general, this means materials and finishes of the building are to be similar to the traditional finishes predominating in the LGA, with buildings usually in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roofing forms</i></p> <hr/> <p>DS11.7 The use of reflective materials that my cause glare is avoided</p> <hr/> <p>DS11.8 Carports and garages are compatible with the building design and do not dominate the street frontage</p>
Subdivision	
<p>PC12. Subdivision is consistent with the prevailing pattern of lots size shape and width in the street and ensures that subsequent development can comply with relevant key building siting and design provisions such as setbacks</p>	<p>DS12.1 The minimum strata subdivision size for dwellings will be considered on its merits based on:</p> <ul style="list-style-type: none"> • compliance with other provisions of this DCP • retention of the heritage significance of individual heritage items or properties within Conservation Areas
Maximum dwelling size	
<p>PC13. Development promotes social inclusion, housing choice and affordability</p>	<p>DS13.1 Development provides a mix of dwelling sizes to cater for a variety of individual housing needs addressing a spectrum of affordability</p> <p><i>Note: As a guide the maximum gross floor area of an apartment dwelling should not exceed 125 sqm, and smaller apartments, provided that they achieve reasonable internal amenity, are encouraged</i></p> <p><i>Note: dwelling diversity is particularly important in</i></p>



Performance Criteria	Design Solution
	<i>larger developments comprising 20 or more dwellings</i>
	DS13.2 Outlook obtained from neighbouring properties are maintained wherever possible, with in particular high walls in close proximity to neighbours' windows or open space reasonably set back irrespective of shadowing or privacy impacts
	DS13.3 Outlook is not compromised by measures taken to improve neighbours' privacy, such as obscure glazing and privacy screens

Safety and security																													
PC14. Development: <ul style="list-style-type: none"> • provides personal and property security for residents and visitors and enhance perceptions of community safety • ensures that private and communal spaces are planned for security and able to be managed 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 15%;">DS14.1</td> <td>Buildings adjacent to public or communal streets or open space are to have at least one habitable room window with an outlook to that area</td> </tr> <tr> <td>DS14.2</td> <td>Building design is to allow visitors who approach the front door to be seen without the need to open the door</td> </tr> <tr> <td>DS14.3</td> <td>Shared entries are to serve a maximum of eight dwellings and be lockable</td> </tr> <tr> <td>DS14.4</td> <td>Windows or activity rooms and I entries to maximise natural surveillance of the site</td> </tr> <tr> <td>DS14.5</td> <td>Enclosure of private open space does not prevent surveillance</td> </tr> <tr> <td>DS14.6</td> <td>clearly delineate public space, community space, and private space</td> </tr> <tr> <td>DS14.7</td> <td>Identify territorial zones for each dwelling to assist residents identify intruders</td> </tr> <tr> <td>DS14.8</td> <td>Limit the number of dwellings using a shared entry to foster acquaintance and a sense of ownership</td> </tr> <tr> <td>DS14.9</td> <td>Open car parks are small and within view of some residences</td> </tr> <tr> <td>DS14.10</td> <td>Lighting of footpaths and driveways is designed to provide a sense of warmth, variety and brightness, rather than overall even illumination</td> </tr> <tr> <td>DS14.11</td> <td>Dwelling numbers are legible, both at street level and within the development</td> </tr> <tr> <td>DS14.12</td> <td>Designs that might assist entry via the roof or upper-storey windows are avoided</td> </tr> <tr> <td>DS14.13</td> <td>Sturdy doors and locks and provided but problem materials such as heavy-duty mesh, cyclone fencing or grilles that are visually unattractive or provide a sense of overt defense are avoided</td> </tr> <tr> <td>DS14.14</td> <td>Large multi-unit developments are to be referred to the NSW Police for comment</td> </tr> </tbody> </table>	DS14.1	Buildings adjacent to public or communal streets or open space are to have at least one habitable room window with an outlook to that area	DS14.2	Building design is to allow visitors who approach the front door to be seen without the need to open the door	DS14.3	Shared entries are to serve a maximum of eight dwellings and be lockable	DS14.4	Windows or activity rooms and I entries to maximise natural surveillance of the site	DS14.5	Enclosure of private open space does not prevent surveillance	DS14.6	clearly delineate public space, community space, and private space	DS14.7	Identify territorial zones for each dwelling to assist residents identify intruders	DS14.8	Limit the number of dwellings using a shared entry to foster acquaintance and a sense of ownership	DS14.9	Open car parks are small and within view of some residences	DS14.10	Lighting of footpaths and driveways is designed to provide a sense of warmth, variety and brightness, rather than overall even illumination	DS14.11	Dwelling numbers are legible, both at street level and within the development	DS14.12	Designs that might assist entry via the roof or upper-storey windows are avoided	DS14.13	Sturdy doors and locks and provided but problem materials such as heavy-duty mesh, cyclone fencing or grilles that are visually unattractive or provide a sense of overt defense are avoided	DS14.14	Large multi-unit developments are to be referred to the NSW Police for comment
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Performance Criteria		Design Solution	
Sustainability			
<i>Note: the following are encouraged as measures to achieve sustainability outcomes in addition to BASIX SEPP</i>			
PC15. Development: <ul style="list-style-type: none"> • facilitates energy conservation through the use of passive solar design • facilitates water conservation • establishes ecologically sustainable residential environments • ensures site design and internal layout optimise climate control 	DS15.1 Compliance is required for BASIX Refer to C1 – Building Sustainability of the DCP		
	DS15.2 Car park areas are to maximise natural ventilation and have minimal mechanical ventilation		
Stormwater drainage			
PC16. Stormwater drainage: <ul style="list-style-type: none"> • Provides safety for the public in major storm events, and protect property from damage by flooding • ensures adequate stormwater detention and run-off controls are provided for site drainage • improves urban amenity through maintenance of natural drainage lines • protects and maintain existing infrastructure of the LGA 	DS16.1 Hard paving on the site is to be minimised to: <ul style="list-style-type: none"> • allow greater landscaped area • allow natural, on-site absorption of rainwater And <ul style="list-style-type: none"> • limit the flow of stormwater onto adjacent properties and into the local stormwater drainage system 		
	DS16.2 Where roof water cannot be adequately disposed of on-site it should be piped to an approved stormwater drainage system or, partially, to a rain water tank		
	DS16.3 An approved stormwater drainage system will generally comprise either the street gutter or a drainage easement. Other methods will be considered by Council on their merits		
	DS16.4 On-site detention of stormwater will be required as part of an approved stormwater drainage system to limit discharges to pre-development conditions. A conceptual On-Site-Drainage scheme is to be submitted with the development application		
	DS16.5 Reference is to be made to Council's Stormwater Management Code (1996) in respect to requirements for: <ul style="list-style-type: none"> • detailed design and construction of stormwater disposal systems; And <ul style="list-style-type: none"> • construction over existing stormwater systems 		
Site facilities			
PC17. Site facilities: <ul style="list-style-type: none"> • ensure that site facilities provide easy access to dwellings, are visually attractive, blend in with the 	DS17.1 Insinkerator waste disposal devices are not provided		
	Provision is made for composting of vegetable waste and other green matter Note: Manufactured composting bins can be obtained		

Performance Criteria	Design Solution
<p>development and the streetscape, and require minimal maintenance</p> <ul style="list-style-type: none"> ensure that waste disposal meets the needs of residents and that waste collection areas are well-designed 	<p>from Council or other suppliers</p> <p>DS17.2 Development complies with the requirements of State Environmental Planning Policy No 55— Remediation of Land</p> <p><i>Note: Many properties in the LGA have had past activities which have been known to cause soil contamination. Where this is the case, Council will require appropriate remediation in consultation with the NSW Environment Protection Authority. It is the responsibility of applicants to determine whether a site contains contaminants</i></p> <p>DS17.3 Any work must not cause lead contamination or air or ground</p> <p><i>Note: Contamination can come from removal of lead paint or disturbance of dust in roof cavities</i></p> <p>DS17.4 Individual mail boxes are to be located close to each ground-floor dwelling entry, or a mail box structure is to be located close to the major pedestrian entrance to the site. A communal mailbox with boxes large enough to store periodicals is also to be provided to avoid this material blocking stormwater drains</p> <p>DS17.5 Open air, communal clothes drying facilities are to be easily accessible to all residents and be visually screened from public streets and from communal streets and recreational areas</p> <p>DS17.6 An external clothes-drying area shall be provided at the rate of 1.5 square metres per unit</p> <p>DS17.7 Only one television reception device, e.g. aerials, dishes, etc. (whether for free-to-air or pay systems) will be approved in a strata title development and is positioned to the rear of properties and/or screened from public view</p> <p>DS17.8 Development does not include wood burning heaters</p> <p><i>Note: Council will not approve this form of heating because residential wood burning causes up to 40 per cent of winter air pollution in the Sydney metropolitan area. Residents who currently have this form of heating are strongly encouraged to replace solid fuel heaters with a cleaner heating alternative. Note that Council is able make orders to control the use of solid fuel heating appliances where wood smoke pollution is a problem</i></p>
Fence and walls	
<p>PC18. Fences and walls respect existing character and provides a balance between personal privacy and activation of the street</p>	<p>DS18.1 Front fences and walls are compatible with the streetscape, in particular those of adjoining properties, provided that those neighbouring structures are themselves in character</p> <p>DS18.2 Front fences and walls are:</p>



Performance Criteria	Design Solution
	<ul style="list-style-type: none"> • no more than 1.2m high if solid and forward of the building line <p>Or</p> <ul style="list-style-type: none"> • no more than 1.8m if the fence has openings which make it not less than 50% transparent <hr/> <p>DS18.3 Solid front fences and walls to 1.8m high are limited to:</p> <ul style="list-style-type: none"> • where the main private open space is in front of the dwelling <p>Or</p> <ul style="list-style-type: none"> • where traffic volumes exceed 6000 vehicles per day <p>And</p> <ul style="list-style-type: none"> • where private open space fronts the street, the width is limited to a maximum of 75% of the frontage • some surveillance is to be maintained from the dwelling • fences are not to exceed 10m in length without some articulation or detailing to provide visual interest

Where for development on land located at 55-75 Smith Street, Summer Hill

Note: these provisions are in addition to the remainder of the part .

<p>PC19.1 Development is sited and designed to:</p> <ul style="list-style-type: none"> • retain and protect existing on-site heritage items • have a built form that is consistent with the established streetscape character, including through the clear expression of individual dwellings at the Smith Street frontage • create an efficient, comfortable public domain, in particular for pedestrian movement • have a density and height that is compatible with that of the surrounding neighbourhood and does not place additional unreasonable demand on existing road infrastructure • be climatically responsive, creating high amenity internal living areas that are not reliant on mechanical ventilation, heating or cooling devices • have a sufficient amount of useable on-site communal and private open space • maintain existing levels of amenity for adjoining residential properties, in particular through avoiding overlooking 	<p>DS19.1 A Conservation Management Plan is submitted for the heritage item at 67 Smith Street that advises on the extent of retention of the house, and surrounding gardens, and the extent of open space curtilage, that would retain the cultural significance of the heritage item.</p> <p><i>Note: Prior to its finalization it is advisable to consult with Council's heritage adviser, as this matter will have a significant bearing on the site layout</i></p> <hr/> <p>DS19.2 Dwellings along Smith Street are designed to appear as if they are terrace houses, and take architectural cues, or mimic, the forms of adjacent and nearby historic dwellings, in order to complement the character of the street</p> <hr/> <p>DS19.3 The footpath/verge area along the northern part of Smith Street, Item 3 on Diagram 1, is widened to 3.5 metres in order to provide tree planting along the street, and complement existing tree planting along the south side of Smith Street and the vista toward the Summer Hill shopping centre, and to allow adequate room for pedestrian paths</p> <p><i>Note: Enquiries should be made with Councils engineers to ascertain the location of any existing services in the street, and whether they will impact on the future footpath design and location of trees</i></p>
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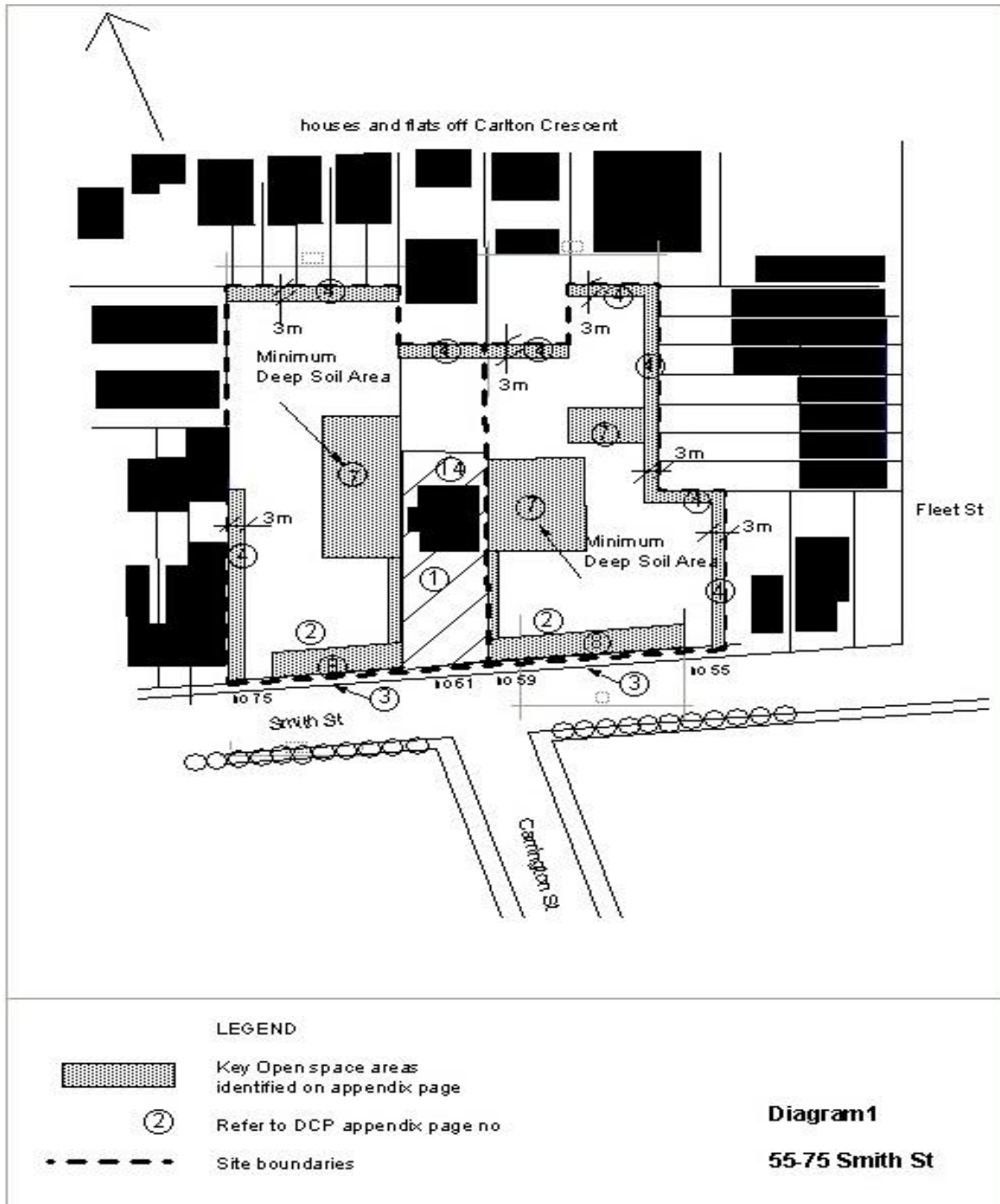


Performance Criteria	Design Solution
<p>of sensitive areas such as windows and garden areas</p> <ul style="list-style-type: none"> • reduce the visual and amenity impact of vehicle access • be well designed, respecting site opportunities,, constraints and context, and have a high level of architecture, including through breaking up the façade of building to provide strong visual interest within an overall visually cohesive whole 	<p>DS19.4 Deep soil areas shall be provided around the perimeter of the site, generally in the positions shown in Items 4 and 8 in Diagram 1 in order to provide a tree buffer for adjoining dwelling allotments, and to protect root zones for adjoining trees.</p> <hr/> <p>DS19.5 A floor space ratio as specified in Ashfield LEP 2013 applies to the site</p> <hr/> <p>DS19.6 A building height of 12.5 metres as specified in Ashfield LEP 2013 applies to the site</p> <hr/> <p>DS19.7 The majority of dwellings, in the range of 90% of all dwellings on the site, have a northerly orientation and cross ventilation</p> <hr/> <p>DS19.8 The landscape area requirements of Chapter apply. In addition, communal open space areas shall be provided generally in the locations, and to the sizes shown on Items 7 on Diagram 1. This is in order to provide a central focal area for the establishment of large trees, and to maximize the usability of the common area.</p> <hr/> <p>DS19.9 Deep soil areas shall be provided along the Smith Street frontage shown in Item 2 of Diagram 1 including for the establishment of trees and for reasons of amenity and streetscape.</p> <hr/> <p>DS19.10 Street trees of an advanced height of 1.8m shall be provided along Smith Street at the site owner's expense to meet Council's requirement. To allow this to occur, the Smith Street property boundary shall be repositioned to provide a 3.5 m wide footpath area.</p> <hr/> <p>DS19.11 Dwellings along Smith Street shall have a front garden area, with deep soil planting area of approx. 5m in width, with a minimum of hard paved areas, and also provide a fence to demarcate the garden areas.</p> <hr/> <p>DS19.12 Areas around the perimeter of the communal spaces, which abut the facades and windows of ground level dwellings, shall be designed in a manner that provides a visual landscape vegetation buffer for privacy for occupants of the adjacent dwelling.</p> <hr/> <p>DS19.13 Development on the site has windows or balconies that:</p> <ul style="list-style-type: none"> • do not face the eastern boundary of 77 Smith Street - this is in order to avoid overlooking of windows and middle garden areas; • do not face the western boundary with 53 Smith Street - this is in order to avoid overlooking of the house; • do not face the eastern boundary of houses at 7-19 Fleet Street - this is in order not to overlook the private gardens of adjacent

Performance Criteria	Design Solution
	<p>houses;</p> <p>And</p> <ul style="list-style-type: none"> where any windows or balconies near the above boundaries have the ability to overlook adjacent properties sideways, they shall have screens constructed to obstruct such views so as only to have views onto the site.
	<p>DS19.14 Floor levels of dwellings along Smith Street are minimum of 600mm above footpath level in order to maintain privacy for occupants.</p>
	<p>DS19.15 A private rear garden area is provided for the heritage-listed house at 67 Smith Street, covering the width of the house and being a minimum of 8m in depth</p>
	<p>DS19.16 Vehicular driveways off Smith Street shall be generally in the location shown in attached Diagram 1 and as follows:</p> <ul style="list-style-type: none"> be generally flat for a distance of 20 metres from the Smith Street boundary, having a gradient no steeper than 1:20; have their pavements with a coloured finish; have a minimum width of 5m in order to allow two cars to pass each other; have an adjacent deep soil zone for tree planting, which is 2.5m wide, in order to provide a buffer to adjacent dwellings; <p>And</p> <ul style="list-style-type: none"> have the area forward and adjacent any new dwellings designed in a way which has its landscape design providing a buffer for adjacent dwellings, with regard to ameliorating the visibility of vehicles entering and exiting the site, and impacts of the positioning of garbage bins, and recycling bins along the Smith Street footpaths.
	<p>DS19.17 Dwellings located adjacent the vehicular driveways off Smith Street are designed to minimise the impacts of the adjoining driveways by having a landscape design and building design which adequately responds to that relationship, and also meets the other aesthetic and streetscape requirements</p>
	<p>DS19.18 All ground level dwellings are accessible for people with a disability from Smith Street as required by the Building Code of Australia and also have "Universal Design Principles" applied to their interior design, in order to allow those dwellings to be accessible and easily adaptable</p> <p><i>Note: Prior consultation should occur with Council's planning department to ascertain the general spatial requirements for "Universal Design</i></p>



Performance Criteria	Design Solution
	<p>DS19.19 A minimum of 10% of dwellings shall be no larger than 60sqm in order to provide lower cost affordable housing</p> <hr/> <p>DS19.20 A contemporary/abstract building design style is appropriate only when a very high standard of architectural composition is achieved. This is in order to avoid bland or minimalist forms intended to facilitate simple building construction methods or simply to express the building structure.</p> <hr/> <p>DS19.21 If a high contemporary architectural standard in accordance with DS19.20 cannot be achieved, a traditional architectural language shall be required which takes more mimetic architectural cues from nearby conservation areas</p>
<p>PC19.2 To overcome misinterpretation, or discretionary design decisions being made, at construction certificate approval stage, or construction stage, which may significantly compromise the architectural intent of the DA approval.</p>	<p>DS19.22 The level of architectural documentation:</p> <ul style="list-style-type: none"> • ensures that the constructional aspects of the proposal have been taken into account in the architectural portrayal of the proposal, so as to make it a realistic and constructible one • ensures the Development Application concept is carried through to construction stage





Part 6

Boarding Houses and Student Accommodation

Application

This Guideline applies to the following development categories:

- Boarding Houses
- Student Accommodation

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) is the principal legislation that permits boarding houses. The ARHSEPP provides key controls for boarding houses, a number of which (when complied with) can't be used to refuse a boarding house developments.

The controls in in this DCP are in addition to the ARHSEPP and indicate how a boarding house should be compatible with its surrounding context. If there is an inconsistency between the provisions of this DCP and the ARHSEPP, the provisions of the ARHSEPP prevail to the extent of the inconsistency.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To enable the provision of high quality Boarding Houses within the LGA in appropriate locations
- To ensure an acceptable level of amenity and accommodation in Boarding House premises such that they meet the needs of both residents and have no adverse impacts on adjoining properties
- To provide a comprehensive set of appropriate guidelines and requirements that contain the necessary information for persons wishing to establish or modify a Boarding House
- To ensure the appropriate level of fire safety within all Boarding Houses



Performance Criteria and Acceptable Solutions

Performance Criteria		Design Solution	
Context			
PC1.	Development is well designed, deriving from and respecting site and desirable neighbourhood characteristics, and reinforcing the character of the LGA	DS1.1	Development is supported by a Site and Context Analysis prepared in accordance with Part A1 – Site and Context Analysis of this DCP
Good design			
PC2.	Development: <ul style="list-style-type: none"> • responds and contributes to its context • contribute to the quality and identity of the neighbourhood • in areas of relatively stability, reinforces desirable element of established street and neighbourhood character • in areas undergoing substantial change, contributes to the creation of the identified desired future character 	DS2.1	Development addresses Part A2 – Good Design of this DCP
Room Sizes, Indoor Recreation Areas & Facilities			
PC3.	Development meets the expected standards for boarding rooms, indoor recreation areas & facilities.	DS3.1	Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP 2009 , 'BASIX' SEPP and/or the Building Code of Australia as applicable.
Universal access			
PC4.	Development provides universal access	DS4.1	Access for people with disabilities is to be provided as required under the Building Code of Australia .
Car parking			
PC5.	Development provides an amount of carparking that caters for the forecast needs of residents and minimises the cost of housing provision	DS5.1	Car parking complies with car parking provisions for Boarding Houses contained within the ARHSEPP
Plan of Management			
PC6.	Development: <ul style="list-style-type: none"> • operates in a manner that maintains a high level of amenity for lodgers and surrounding residents • comprises an appropriate form of on-site management with responsibility for the operation, administration, cleanliness and fire safety of the premises 	DS6.1	An Operational Plan of Management is to be submitted with each development application for a boarding house (including new and existing boarding houses) and shall address the following as a minimum: <ul style="list-style-type: none"> • proposed management and supervision through a live-in on-site manager • maintenance and fire safety in the building • a schedule providing proof of compliance with the accommodation standards of this part including the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities • measures to ensure that guest numbers do not exceed those proposed should



Performance Criteria	Design Solution
	<p>development consent be granted</p> <ul style="list-style-type: none"> • measures to minimise unreasonable impact to the habitable areas of adjoining premises • proposed staffing arrangements, including location and contact details of the site manager or resident caretaker • prominent display of appropriate house rules e.g. access to rooms, keeping shared facilities clean and tidy, visitors, pets, quiet enjoyment guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs. these displayed rules must be adhered to by residents and are the minimum standard required of all occupants. alcohol and drug policies for the boarding house must be clearly displayed • waste minimisation and recycling • professional cleaning details and vermin control (as a minimum, shared facilities such as kitchens and bathrooms shall be cleaned/disinfected to a professional standard at least once a week) • provision of safety and security measures for all residents - this must include but not be limited to such things as: internal signage indicating the boarding house manager and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and secure gates, all residents to have own room keys, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency and suitable provision be provided for residents to ring emergency services in the event of an emergency, i.e. provide access to a landline telephone. safety and security measures must be clearly stated in detail in the operational plan of management • guidelines for use of external communal open space or common areas for class 3 boarding houses to minimise noise impacts to residential uses if adjacent • records of rent receipts issued to boarders • complaints register available for inspection by council • fees for residency

Registration

Performance Criteria		Design Solution	
PC7.	Boarding houses provide a suitable place of residents for tenants	DS7.1	All boarding houses are registered annually with Council.
On-site Management			
PC8.	An on-site manager is provided to be responsible for the efficient operation and administration of the Boarding House	DS8.1	All new boarding houses have a live-in, on-site manager <i>Note: details of the manager must be provided to Council and the nominated person must be contactable 24 hours per day, 7 days a week. Any changes are to be notified to Council immediately</i>
		DS8.2	The on-site live-in manager may be one of the occupants or tenants who reside on the premises
		DS8.3	A clearly visible sign with the name and telephone number of the on-site, live - in manager is displayed externally at the front entrance of the boarding house and internally in the common area
		DS8.4	Properties located adjacent to the boarding house premise are to be provided with a 24 hour telephone number for the live-in on-site manager. a bedroom needs to be provided specifically for the live-in on-site manager;
		DS8.5	On-site, live-in managers are over 18 years of age
		DS8.6	The on-site, live-in manager must be responsible for the efficient operation, administration, cleanliness and fire safety of the premises, including compliance with all aspects of the Operational Plan of Management annual registration annual Fire Safety Certification as well as the Emergency Management and Evacuation Plan.
Waste			
PC9.	Appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements	DS9.1	Garbage and recycling facilities on the premises shall be provided in accordance with the requirements of Part C3- Waste Management of Inner West DCP 2016, and the specific requirements of any other Part of this DCP applicable to the development <i>Note: Class 3 Boarding Houses may make private contracting arrangements for garbage disposal or alternatively Council can collect waste. Class 1b Boarding Houses are subject to Council's collection service, details of which can be obtained from Council's Customer Service Centre</i>
Fire Safety			
PC10.	The safety of boarding house occupants is ensured in the event of fire.	DS10.1	A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the boarding house entry/reception area.
		DS10.2	A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available



Performance Criteria	Design Solution
	<p>emergency egress routes from the respective sleeping room</p> <p>DS10.3 Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority</p> <p>DS10.4 Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan</p> <p>DS10.5 Premises providing shared accommodation must provide annual certification for the following:</p> <ul style="list-style-type: none"> • essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000; • compliance with the Operational Plan of Management approved for the premises; • maintenance registers required by this plan; Compliance with Emergency Management and Evacuation Plans required by the Building Code of Australia; and • a floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room. <p>DS10.6 Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a development application proposes alterations and additions or upgrade to an existing premise it is expected that the whole of the building will be upgraded in respect of Fire Safety as required under applicable legislation</p>
Additional safety measures:	
<p>PC11. Additional safety and security measures have been considered as part of the proposal</p>	<p>DS11.1 Additional safety and security measures for all residents may include, but are not limited to such things as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing, secure gates and all residents to have own keys to rooms and personal storage areas.</p>



Part 7

Residential Care Facilities



Application

This Guideline applies to development for:

- Seniors Housing.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

(HSPDSEPP) is the principal legislation that permits Residential Care Facilities. The HSPDSEPP provides standards for Seniors Housing, a number of which (when complied with) can't be used to refuse a Seniors Housing development.

The controls in this DCP are in addition to the HSPDSEPP and indicate how Seniors Housing should be compatible with its surrounding context. If there is an inconsistency between the provisions of this DCP and the HSPDSEPP, the provisions of the HSPDSEPP prevail to the extent of the inconsistency.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- To ensure an acceptable level of amenity and accommodation in Seniors Housing developments so that they meet the needs of residents and do not have significant adverse amenity impacts on adjoining properties



Performance Criteria and Acceptable Solutions

Performance Criteria	Design Solution
Accessibility	
<p>PC1. Development is located on sites that are accessible to public transport, shops and community facilities</p>	<p>DS1.1</p> <ul style="list-style-type: none"> Development is located within 400m of a public transport facility that provides regular scheduled services to shops and community facilities <p>Or</p> <ul style="list-style-type: none"> The development has a dedicated transport service for residents that provides a frequent scheduled or on-demand service to shops and community facilities and residents <p>Or</p> <ul style="list-style-type: none"> The development includes on-site facilities or a service for the sale of everyday items and provision of personal services such as a hairdresser and includes at least one indoor multi-purpose space for the use of residents The development has a dedicated transport service for residents that provides a frequent scheduled or on-demand service to shops and community facilities and residents <p>Or</p> <ul style="list-style-type: none"> The development includes on-site facilities or a service for the sale of everyday items and provision of personal services such as a hairdresser and includes at least one indoor multi-purpose space for the use of residents
Character	
<p>PC2.1 Development is well designed, deriving from and respecting site and desirable neighbourhood characteristics, and reinforcing the character of the LGA</p>	<p>DS2.1 Development is supported by a Site and Context Analysis prepared in accordance with Part A1 – Site and Context Analysis of this DCP, and addresses Part A2 – Good Design of this DCP</p>
<p>PC2.2 Development:</p> <ul style="list-style-type: none"> responds and contributes to its context contribute to the quality and identity of the neighbourhood in areas of relative stability, reinforces desirable element of established street and neighbourhood character in areas undergoing substantial change, contributes to the creation of the identified desired future character 	
<p>PC2.3 Development is to have a green garden setting, including having front gardens and transparent fencing and front tall tree planting</p>	<p>DS2.2 The perimeter of the site is to have a minimum 3 metre building setback with deep soil planting for the establishment of trees</p>
<p>PC2.4 Development within or within close vicinity of a Conservation Area, or Heritage Item, it is to have</p>	<p>DS2.3 No design solution is provided. Compliance is also required with the Ashfield LEP 2013 heritage</p>



Performance Criteria	Design Solution
a sympathetic building design and landscaped open space design	conservation objectives. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits.
PC2.5 Development adjacent to properties containing a house is to have a building type which reduces in scale along the perimeter of the site so as to be compatible in scale with adjoining properties	DS2.4 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits
Streetscape	
PC3. Development is sited and designed to be compatible with prevailing elements of the streetscape, including the location and scale of buildings on the site and their relationship with open space and buildings on other sites	DS3.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits
Amenity	
PC4. Development does not have a significant adverse amenity impact of the existing residential amenity of adjoining and nearby residential areas through traffic, noise, overshadowing or overlooking	DS4.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits
Personal and property safety	
PC5. Development provides a high level of personal and property safety for residents and visitors	DS5.1 Development is designed in accordance with Part A6 – Safety by Design of this DCP
Universal access	
PC6. The development is designed to enable easy universal access between the adjoining public realm and the every dwelling entry and throughout the site, in particular to frequently used communal facilities	DS6.1 Requirements are provided in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 .



Part 8

Child Care Centres

Application

This Guideline applies to the following development categories:

- Child Care Centre.

Using this Guideline

In using this Guideline reference should also be made to **Section 1 – Preliminary** at the front of this DCP.

The National Quality Framework (NQF) operates under an applied law system, comprising the Education and Care Services National Law and the Education and Care Services National Regulation. The NQF applies to most long day care, family day care, outside school hours care and preschools/kindergartens in Australia.

The framework provides guidelines and performance standards for the quality of education and care in child care centres, and the standards of space and design that need to be complied with as part of the Education and Care Services National Law 2011 and Regulation 2011.

The Inner West DCP 2016 controls are in addition to the NQF and indicate how a child care centre should enhance amenity and fit in with the context and surrounding land uses.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where

relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To be compatible with character of the street and neighbourhood, in particular terms of intensity, scale, built form, setbacks and landscaped areas
- To ensure development does not have a significant adverse amenity impact on adjoining and nearby properties
- To establish child care centres that are well designed and meet the needs of children in terms of design, amenity, health, access and safety



Performance Criteria and Acceptable Solutions

Performance Criteria		Design Solution	
Location			
PC1. Child care centres are located on sites that: <ul style="list-style-type: none"> are accessible to public transport will not cause a significant adverse impact on the amenity of the street or neighbourhood due to traffic does not create unsafe traffic conditions does not pose an unacceptable environmental health hazard or risk for children 	DS1.1	Child Care Centres are located within 400m distance of a train station or bus stop	
	DS1.2	Child Care Centres are not located on a cul de sac or other no-through road	
	DS1.3	Child Care Centres proposed to be established on a cul-de-sac or other no-through road must clearly demonstrate that there will be no significant impact to existing residential amenity or traffic efficiency and safety	
	DS1.4	Child Care Centres are not located on heavily trafficked roads unless they are sited and designed to be protected from air pollution, noise and other impacts from the road	
	DS1.5	The location of a Child Care Centre does not pose an unacceptable environmental health hazard or risk for children due to: <ul style="list-style-type: none"> existing and potential on and off-site electromagnetic fields (50Hz and radio frequency fields 3KHz – 300GHz) potential for flooding potentially contaminated land lead in painted surfaces, carpets, furnishings and roof void in existing buildings; and asbestos in existing buildings proximity to noise sources, odour (and other air pollutants) generating uses and sources; and any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site proximity to sex industry premises 	
Building siting and design			
	DS2.1	The proposal is to comply with the Education and Care Services National Law and the Education and Care Services National Regulation <p>Note: <i>The Education and Care Services Regulations 2011 covers areas such as the staff who work in services and their level of qualification, the size of a service and the ratio of staff to children, physical requirements of building spaces and equipment, health and safety and administrative requirements.</i></p> <p><i>An application for a license cannot be made until development consent has been granted.</i></p>	
Building form and appearance			
Development:	DS3.1	No design solution is provided. Each Development	



Performance Criteria		Design Solution
	<ul style="list-style-type: none"> is compatible with the existing streetscape makes a positive contribution to the visual quality of the streetscape is compatible with the desired character of the neighbourhood ensures there are no significant adverse amenity impacts on other properties 	Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits.
Traffic		
PC4.	<p>Development:</p> <ul style="list-style-type: none"> ensures a safe environment for pedestrians (especially children), motorists and cyclists ensures adequate drop-off and pick-up and parking which does not detrimentally affect the availability of on street parking to surrounding properties ensures that vehicular access to and from the site does not detrimentally affect the traffic safety of surrounding properties provides easy access by mothers with children in prams and for people with disabilities is accessible for all people within the community 	<p>DS4.1 The Child Care Centre has one entry sign</p> <hr/> <p>DS4.2 Child Care Centres proposed on sites adjoining a classified road do not have vehicular access from that road unless it can be adequately demonstrated that alternative vehicular access to that development is neither practicable or cannot be provided by another road</p> <hr/> <p>DS4.3 The number and design of on-site car spaces and access ways is in accordance with Part A8 - Parking of this DCP.</p> <hr/> <p>DS4.4 A temporary pick-up and drop-off area incorporating a passing bay is provided on site so that vehicles can enter or leave the site moving in a forward direction without conflicting with other traffic/parking movements</p> <hr/> <p>DS4.5 The centre, pedestrian access and children's play areas are to be separated by safety fencing and minimum 2 self-locking gates/barriers from the road and from parking and vehicle access areas</p> <hr/> <p>DS4.6 Short and long stay staff parking is provided in a convenient location, allowing safe movement of children to and from the centre</p> <hr/> <p>DS4.7 Long stay staff parking is separated from short stay, visitor parking</p> <hr/> <p>DS4.8 Separate pedestrian paths having a minimum width of 1.2 metres separated from vehicle aisle movement areas or car parking spaces are provided, identified and located to allow safe movement of children with parent/carers to and from vehicles within the short stay visitor parking areas. These pedestrian paths should not form part of any vehicle aisle movement areas or car parking spaces.</p> <hr/> <p>DS4.9 Ramps and lifts are provided where necessary along pedestrian paths and in any basement car parks where required to allow access to the centre by mothers with prams and for people with disabilities</p> <hr/> <p>DS4.10 Parking spaces for people with disabilities are provided near the entrance to the Centre</p> <hr/> <p>DS4.11 Development applications are supported by a Traffic</p>

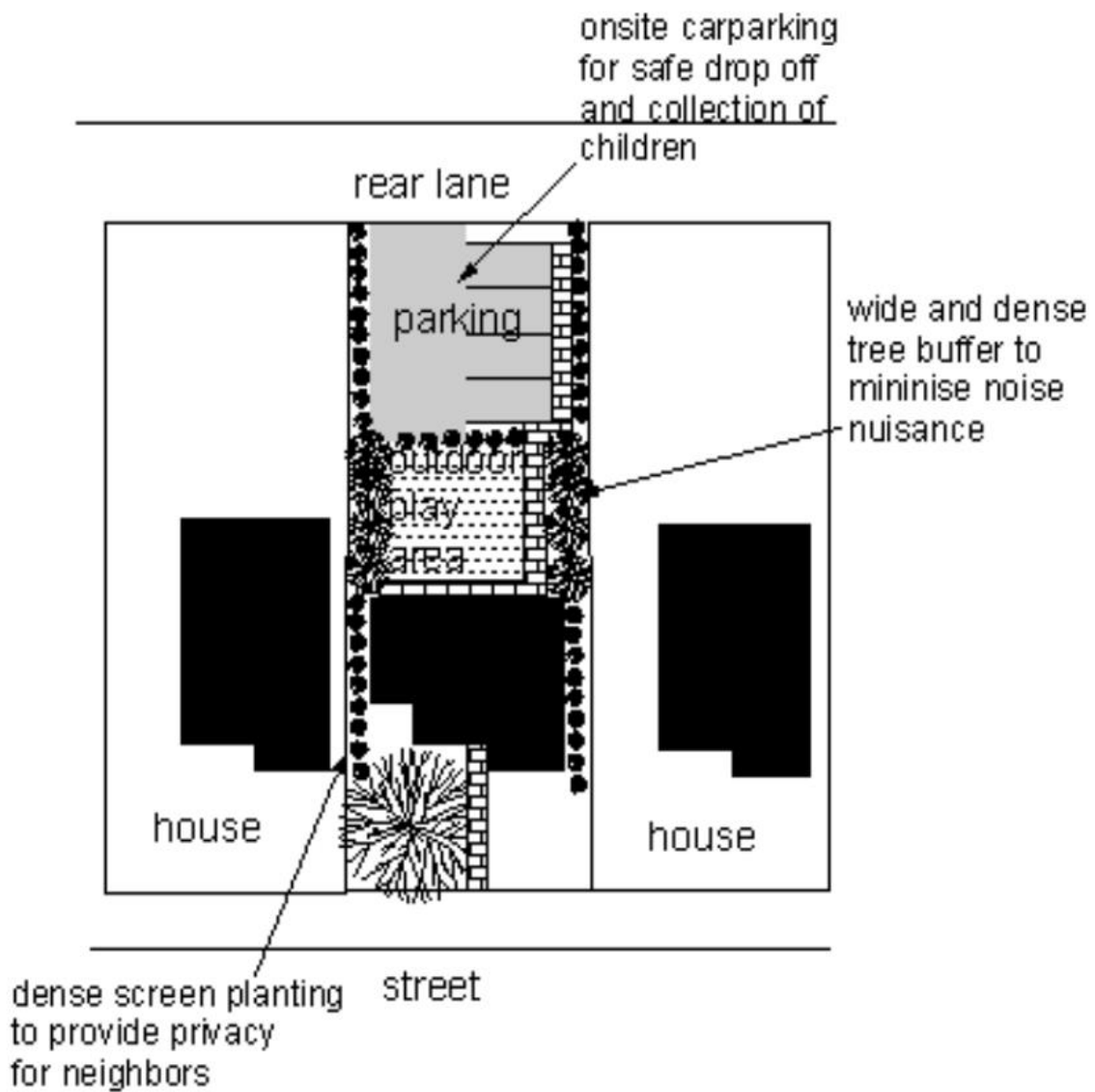


Performance Criteria	Design Solution
	and Parking Assessment Report prepared by a suitably qualified and experienced person that addresses the requirements of this DCP, as well as any other relevant traffic safety issues
Noise	
<p>PC5. Development is sited and designed to minimise noise intrusion and loss of privacy to adjoining properties, in particular residential properties</p>	<p>DS5.1 Development incorporates design measures to minimise noise and loss of privacy such as:</p> <ul style="list-style-type: none"> • locating windows offset or in different positions relative to the location of windows in neighbouring properties • positioning outdoor play areas away from main living area or bedroom windows of any adjoining dwelling • using solid screen fencing and dense landscaping as a privacy control measure • erecting acoustic barriers as a noise buffer to external noise sources from surrounding land uses and incorporating passive design considerations within the building to minimise noise intrusion <p>And</p> <ul style="list-style-type: none"> • installing double glazing or use of glass blocks/obscure fixed glazing/highlight windows (for light penetration and to maintain privacy) <p><i>Note: this design solution is not suitable where natural ventilation is also required</i></p> <hr/> <p>DS5.2 Development applications are supported by an acoustic report prepared by a suitably qualified and experienced person that describes and assesses likely noise emissions from the proposal and surrounding area and demonstrates that noise from any source will not adversely impact on the occupants of the child care centre and that noise generated by the child care centre will not impact on occupiers of nearby premises or land and includes:</p> <ul style="list-style-type: none"> • identification of sensitive noise receivers potentially impacted by the proposal • quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW EPA requirements) • formulation of suitable assessment criteria • details of any acoustic control measures that will be incorporated into the proposal • identification of noise that is likely to emanate from the Child Care Centre and the subsequent prediction of resultant noise at the

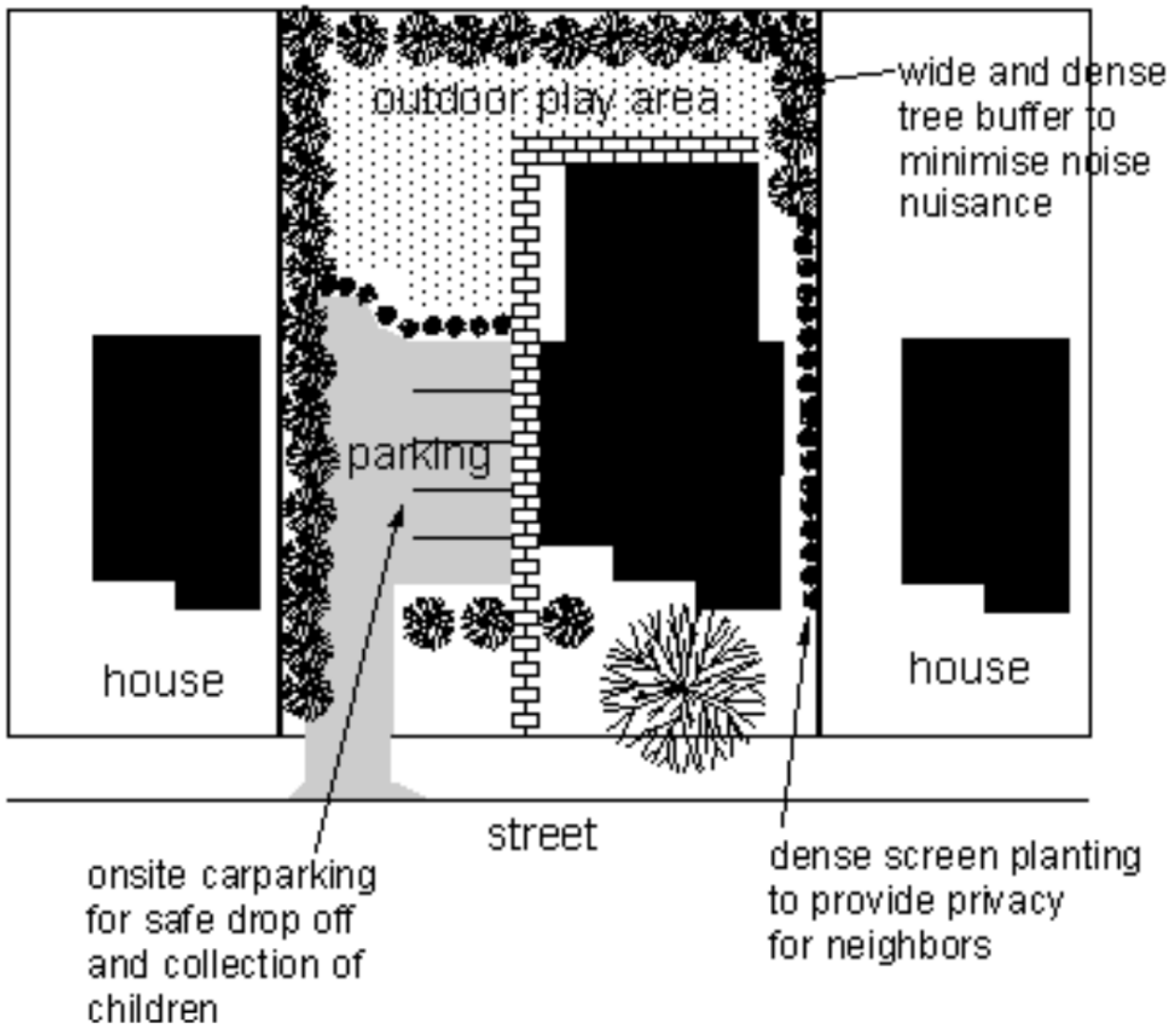
Performance Criteria		Design Solution	
			<p>identified sensitive receiver locations from the operation of the premises</p> <ul style="list-style-type: none"> a statement certifying that the development is capable of operating without causing a nuisance <p>And</p> <ul style="list-style-type: none"> a statement that noise arising from within the premises will not result in an 'offensive noise' (as defined in the Protection of the Environment Operations Act 1997) at any adjoining residential premises
Landscaping			
PC6.	<p>Landscaping:</p> <ul style="list-style-type: none"> is high quality softens built form provides outdoor shade and privacy is compatible with the prevailing landscape character of the street and neighbourhood provide amenity for neighbouring properties and reduce the perception of noise 	DS6.1	Landscaping at the front and rear of the site is compatible with the prevailing landscape character of the street and neighbourhood in terms of location, size and planting
		DS6.2	Densely landscaped areas are to be provided along boundaries with adjoining residential properties and to screen parking areas, a minimum of 2 metres wide. Examples are shown in Diagrams 1 and 2.
		DS6.3	Adequate amount of spreading canopy trees are provided to shade open space areas
		DS6.4	Landscaping minimises the visual impact of buildings on the streetscape and maximise privacy for adjoining properties
		DS6.5	Landscaping is not positioned or includes plant species that may place the health, safety and welfare of the centres users at risk
		DS6.6	Significant existing landscaping features, such as canopy trees, are to be retained
Sustainability			
PC7.	<p>The design of Child Care Centres:</p> <ul style="list-style-type: none"> aims to use best design practice for sustainable buildings maximises natural airflow and minimises reliance on mechanical heating and cooling includes recycling and composting facilities reflects the site analysis drawings having regard to optimal orientation for both indoor and outdoor play areas 	DS7.1	Development complies with Part J of the Building Code of Australia- Energy Efficiency applicable to sustainable design of Class 9B buildings and Part C1– Building Sustainability in the DCP
		DS7.2	A copy of the annual fire safety statement and current fire safety schedule for the premises is prominently displayed in the Child Care Centre entry/reception area
		DS7.3	A floor plan is permanently fixed to the inside of the door of each room to indicate the available emergency egress routes from the respective rooms
		DS7.4	Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan is prepared for the building and approved by the Principal Certifying Authority and staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan



Performance Criteria	Design Solution
	<p>DS7.5 Premises provide annual certification for the following:</p> <ul style="list-style-type: none"> essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000 compliance with the Centre Plan of Management approved for the premises <p>And</p> <ul style="list-style-type: none"> compliance with fire safety measures and Emergency Management and Evacuation Plans mandated in the Building Code of Australia
Operational measures	
<p>PC8. Suitable management practices are in place to minimise impacts on adjoining owners and ensure that a suitable amenity is maintained for residents living within the Child Care Centre</p>	<p>DS8.1 A Centre Plan of Management is to be submitted with each development application for a Child Care Centre (including new and existing Child Care Centres) to ensure that the proposed premises will operate in a manner that maintains a high level of amenity. An appropriate form of centre management with responsibility for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Centre Plan of Management and an Emergency Management and Evacuation Plan must be provided for the premises. The Centre Plan of Management addresses the following as a minimum:</p> <ul style="list-style-type: none"> a schedule indicating compliance with the accommodation standards and outdoor play area requirements of the Education And Care Services National Regulations measures to minimise unreasonable impact to the habitable areas of adjoining properties proposed staffing arrangements, including location and contact details of the centre manager; waste minimisation and recycling; professional cleaning details (as a minimum, facilities such as kitchens and toilet areas must be cleaned to a professional standard at daily) provision of safety and security measures - this may include but not be limited to such things as: internal signage indicating the centre manager and contact number emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and security gates, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency



1. Possible development of single block with the benefit of rear lane access. Note landscape buffer areas.



2. Possible development of double block with side access to screened parking area.



Part 9

Drive-In Take-Away Premises

Application

This Guideline applies to the following development categories:

- Take away food and drink premises that have a drive in component.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP. Under the Ashfield LEP 2013 Take away food and drink premises are only permitted in certain locations along Parramatta Road, but are permissible in other locations as a form of Retail premises such as in B4 Mixed Use Zones.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- Guide development of drive in take-away food outlets based on best practice urban design criteria.
- Ensure drive in take-away food outlets do not adversely impact on the amenity of nearby residential properties or detract from the significance of adjacent heritage conservation areas
- Discourage “clustering” of drive in take-away food outlets in the same general location in order to minimise their environmental impacts given that they are an intensive land use activity generating significant traffic movements on busy roads, noise impacts and need for multiple advertising.
- Ensure that drive in take-away food outlets are well managed with an emphasis on safety, quiet operation and effective odour and litter control.
- Set clear guidelines to expedite the development approval process and avoid litigation



Performance Criteria and Acceptable Solutions

Performance Criteria		Design Solution	
Location			
PC1.	<p>Development is located to:</p> <ul style="list-style-type: none"> avoid clustering of drive in take-away food outlets not compromise the encouragement of different types of employment uses within business zones not cause significant adverse amenity impacts on properties within a residential zone not cause traffic issues protect the significance and setting of heritage conservation areas 	DS1.1	<p>Development is not located:</p> <ul style="list-style-type: none"> within 200m of another drive in take-away food outlet on corner sites or on sites that are visible from adjacent street frontages that are within a residential zone or within a heritage conservation area; near busy road junctions where they may exacerbate traffic congestion/disrupt traffic flow where they may generate additional through traffic in residential areas <p>Or</p> <ul style="list-style-type: none"> on classified roads where poor visibility and/or higher traffic speeds may make it more difficult for vehicles to enter and exit the property safely such as crests of hills or dips
Site area			
PC2.	<p>Site area is sufficient to:</p> <ul style="list-style-type: none"> not represent overdevelopment creation functional and attractive development accommodate all aspects of the development, including buildings, vehicle access, parking and manoeuvring and landscaped open space, in accordance with this DCP 	DS2.1	<p>Site have a minimum frontage of 100 metres to a public road and a minimum depth of 40 metres.</p>
Siting and design			
PC3.	<p>Development is sited and designed to:</p> <ul style="list-style-type: none"> be compatible with the desired character of the street and neighbourhood not detract from the significance of heritage conservation areas or heritage items not cause a significant adverse impact an adjoining residential properties 	DS3.1	<p>Overall bulk, form and setting visually integrates with adjoining properties and the surrounding streetscape</p>
		DS3.2	<p>Building architecture is compatible with LGA's built form and does not represent a generic design that is applied throughout other locations "Generic" building designs should be avoided.</p>
		DS3.3	<p>Development is setback from property boundaries and is separated from other buildings to ensure acceptable levels of solar access, natural ventilation and visual and acoustic privacy</p>
		DS3.4	<p>Development does not cause unreasonable pollution, vibration or odour impact on adjoining or nearby properties</p>
		DS3.5	<p>Development does not cause a significant adverse impact on the efficiency or safety of the surrounding road network or cause significant adverse amenity</p>



Performance Criteria		Design Solution	
			impact on adjoining residential properties, in particular through the volume, operating hours and location of traffic movements
		DS3.6	Development follows the design principle in Diagram 1 of this part.
Internal design			
PC4.	Internal design: <ul style="list-style-type: none"> provides for the convenient and functional movement of people includes adequate facilities ensures worker and patron safety provides for universal access reduces adverse environmental impact 	DS4.1	Complete camera surveillance coverage is provided to car park and internal customer areas and a security system is to be installed with access to secure areas only allowed to authorised persons
		DS4.2	Seating areas are to be suitable for people with a disability
		DS4.3	Convenient access points are available from indoor to outdoor spaces
		DS4.4	Accessible toilets are provided and conveniently located
		DS4.5	Energy efficient appliances and hot water systems are used
		DS4.6	Separate staff work areas are provided including storage space for personal items
Acoustic and visual privacy			
PC5.	Development minimises noise intrusion and loss of privacy to adjoining properties	DS5.1	Development <ul style="list-style-type: none"> positions outdoor play areas as far away as is possible from adjoining residential properties uses solid screen fencing in combination with landscaping as noise/privacy control/visual enhancement measures fully encloses and acoustically treats internally and externally any drive through facility to prevent omni-directional noise transmission beyond the site; erects solid acoustic barriers as a noise buffer to shield internal noise sources (cars arriving/leaving, noise from car doors/entertainment systems/drive in announcements/play spaces) from adjoining residential properties and incorporate passive design considerations within the building to minimise noise intrusion to adjoining properties and the neighbourhood installs double glazing or glass blocks/obscure fixed glazing/highlight windows is supported by an Acoustic Report prepared by a suitably qualified independent acoustic consultant that addresses the following issues: <ul style="list-style-type: none"> identification of sensitive noise receivers



Performance Criteria	Design Solution
	<p>potentially impacted by the proposal</p> <ul style="list-style-type: none"> • quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified in accordance with relevant Australian Standards and NSW EPA requirements) • formulation of suitable assessment criteria • details of any acoustic control measures that will be incorporated into the proposal • identification of noise that is likely to emanate from the drive-in take-away food restaurant and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises • statement certifying that the development is capable of operating without causing a nuisance • statement that noise arising from within the premises shall not result in an 'offensive noise' (as defined in the Protection of the Environment Operations Act, 1997) at any adjoining residential premises



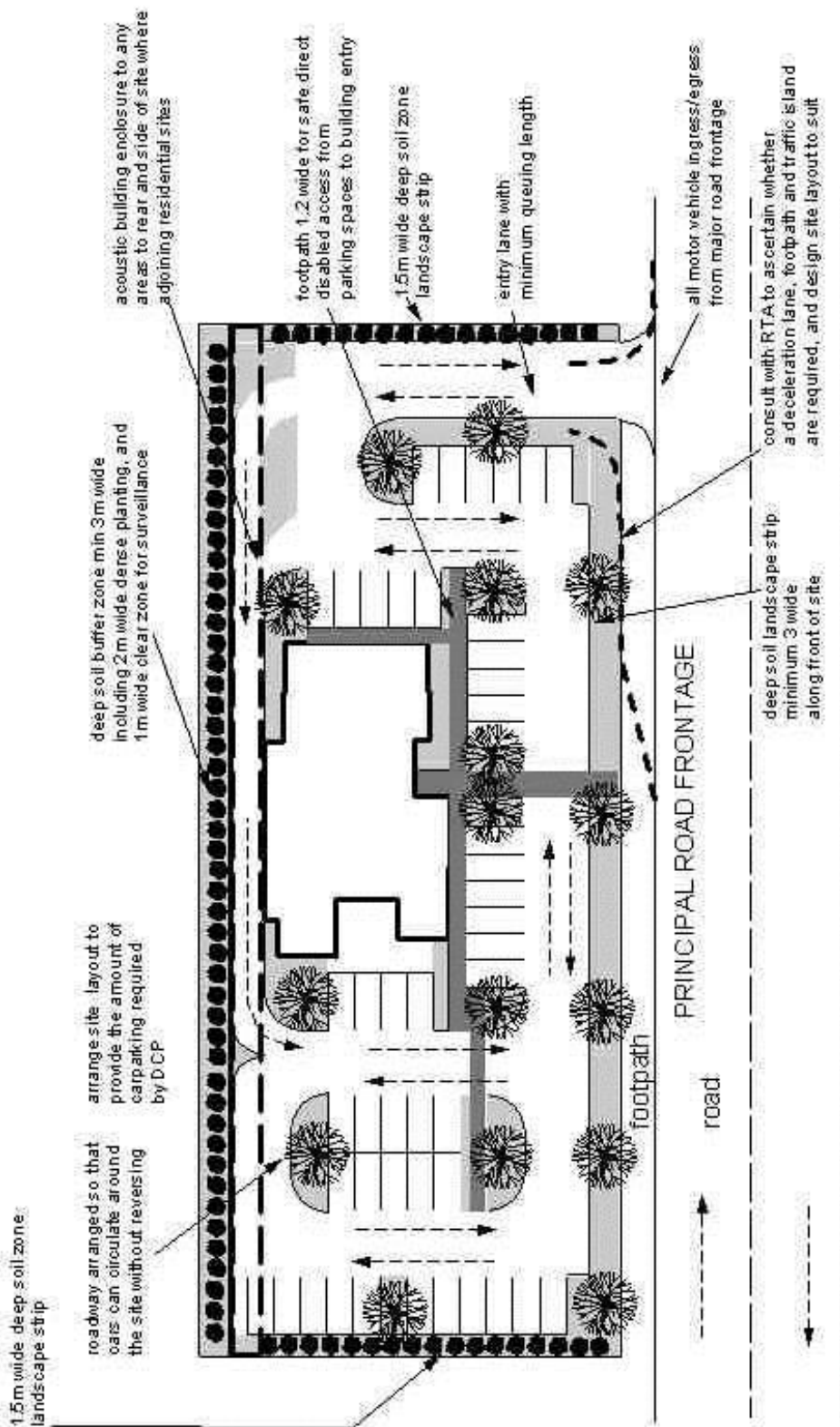


Diagram 1 - Site layout principles for drive-in take away food (not to scale)

Appendix 1

Pre-development application checklist

The following checklist is specific to the requirements of drive in take-away food outlets and complements/clarifies Council's standard requirements for lodgement of development applications. The requirements for reports are of course dependent on the location/ & operational characteristics of the proposed outlet.

- Design and Accessibility Statement
- Waste disposal facilities shown on plans and collection details provided
- Hours of operation + justification if outside standard hours nominated in this plan
- Acoustic assessment (necessary for all sites close to residential properties)
- Air quality handling and monitoring including an *Odour Impact Assessment Report*
- Plan of management & Emergency Management & Evacuation Plan
- Litter control strategy
- Lighting plans to maximise security but avoid minimise light spill to nearby properties
- Heritage impact statement (if site is within or near heritage conservation areas or development affecting the significance of a heritage item) and respond to meet heritage issues if relevant
- Details of extraction and mechanical ventilation systems
- Grease trap location and details
- Security system proposals
- Sign analysis including visual assessment / 3DS files (see Part C02 of this plan)
- Landscape plan/details and objectives including footpath reconstruction details and undergrounding of utilities
- Comprehensive traffic / parking assessment report including analysis of current traffic situation, anticipated additional vehicle movements as a result of the proposed operation and detailing likely traffic/parking impacts on streets in the vicinity. Proposed traffic mitigation measures must also be detailed.
- Contaminated land report

Note: The above list is not exhaustive and indicates the usual range of information required to process your application. Individual sites and proposed operations may require further supporting detail.



When considering individual proposals for fast food outlets Council will take, among other things, the following issues into account:

- Local traffic and parking conditions for deliveries and the impact of the proposal on traffic safety and amenity.
- Proximity to other similar outlets and likely impacts on nearby occupiers, especially residential properties.
- Proximity to heritage items and/or heritage Conservation Areas, and any impacts on heritage significance, this for both long-term and short-term.
- Possible noise and disturbance arising from the activities of customers and others attracted to the premises and strategies to address this issue.
- Proposed hours of operation (important for sites sensitive to late disturbance and noise such as residential areas).
- How cooking odours & fumes will be effectively controlled and equipment to achieve this monitored and regularly maintained.
- Placement, design and acoustic performance of extraction units and ventilation systems.
- Litter on and off the site related to the use and proposed measures for ensuring it does not become a problem in the area.
- Positioning/screening of trade refuse facilities and frequency of collection.
- Access arrangements for people with a disability and parents with prams.
- The impact of the proposal and any proposed signs on the visual amenity and heritage significance of the area.
- Likely impact on the economic vitality and employment potential of the area.
- Representations from nearby residents/business owners - (it is strongly recommended you consult with neighbouring landowners prior to designing/submitting an application).
- Urban design quality including landscaping details



Conditions of Approval

- A scheme for noise attenuation (a detailed acoustic assessment is required with the development application).
- Waste management plan - adequate waste/recycling facilities to be provided and be easily accessible for collection.
- Suitable extraction system provided to mitigate any potential odour to neighbouring properties (technical details of the design and performance of equipment required as part of submission).
- Restrictions on hours of operation.
- Temporary permission/ trial period where appropriate, to assess the impact of the proposal.
- Note: if a trial period fails, the use may need to cease and reinstatement of site to its former "pre-trial" condition necessary unless a further approval from Council is granted.
- Litter collection strategy.
- Lighting spill assessment.
- Security system details.
- Signage details.
- Vehicle/pedestrian access including servicing arrangements.
- Accessibility requirements for people with disabilities/parents with prams.
- Design changes.
- Footpath reconstruction requirements.
- Undergrounding of utility services provision.
- Plan of Management + regular review of same.
- Food preparation and storage to comply with Inner West Council's "Guidelines for the construction and fit out of food premises".





Part 10

Sex Industry Premises

Application

This Guideline applies to the following development categories:

- Sex services premises
- Restricted premises.

The locations for these uses are in the Ashfield LEP 2013. They are not permitted in Residential zones, and are permitted in B4 Mixed Use zone in certain locations required to be at least 200 metres from any church or school or residence.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and

design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To ensure a level of discreetness of and ensure that development is not inconsistent with the character of a neighbourhood, in particular those that contain residential uses
- To minimise adverse impacts on neighbourhoods
- To ensure a high level of worker, patron and public safety



Performance Criteria and Design Solutions

Performance Criteria		Design Solution	
Location			
PC1.	<p>Development is located to:</p> <ul style="list-style-type: none"> minimise amenity impacts upon adjoining land uses, particularly residential and other sensitive land uses; allow for sufficient separation of sex industry premises to limit concentration 	DS1.1	<p>Development is located in accordance with clause 6.6 Location of restricted premises and sex services premises of the Ashfield LEP 2013, which restricts locations to specific places, such as being not permitted in Residential zones, and permitted in B4 Mixed Use zone and required to be at least 200 metres from any church or school or residence.</p>
Character and amenity			
PC2.	<p>Development does not have a significant adverse impact on the character or amenity of the neighbourhood, in particular residential uses</p>	DS2.1	<p>Development does not cause a disturbance to the neighbourhood due to its size, operating hours, number of employees or traffic impacts</p> <p><i>Note: Where council considers that the amenity of the neighbourhood may be adversely affected due to cumulative impact of multiple restricted premises and sex services premise, size, operating hours, number of employees or traffic impacts, a Plan of Management (POM) may be required that demonstrate compliance with the objectives of this part and how the impacts of the development will be actively managed and mitigated</i></p>
		DS2.2	<p>The cumulative impact of the development and other sex services premises or restricted premises does not alter the existing character of the neighbourhood</p>
		DS2.3	<p>Suitable vehicle and pedestrian access is provided that provides a balance between privacy for patrons and workers and ensuring adequate levels of safety</p>
		DS2.4	<p>The interior of the premises is not visible from the public domain</p>
		DS2.5	<p>The interior of the building is screened from direct view from neighbouring buildings through the use of fixed external screening, dense screen planting or similar devices</p>
		DS2.6	<p>There is no display of restricted material, sex-related products, sex workers, performers, or nude or semi-dressed staff in windows or doors, or outside the premises</p>
Design			
PC3.	<p>Development is designed to:</p> <ul style="list-style-type: none"> be discreet and minimise its presence in the neighbourhood maximise the privacy and safety of workers and patrons have a bulk, scale and appearance that is consistent with that prevailing in the 	DS3.1	<p>Where in the Ashfield Town Centre, development is designed in accordance with any adopted council DCP or masterplan.</p>
		DS3.2	<p>Development is not located on the ground floor</p>
		DS3.3	<p>A maximum of one pedestrian entrance to the premises from the front (or exposed) side of the building (if on a corner site) is visible</p>



Performance Criteria	Design Solution
<p>street</p> <ul style="list-style-type: none"> ensure adequate and appropriate access is provided for a person with a disability 	<p>DS3.4 Where there is no front access and/or front access is impractical, a side or rear pedestrian access may be considered where adequate attention has been given to safety and security matters.</p> <hr/> <p>DS3.5 A suitable waiting area is provided to prevent queuing or loitering outside the premises</p> <hr/> <p>DS3.6 All entrances and exits are designed to:</p> <ul style="list-style-type: none"> facilitate the privacy of staff and visitors without compromising personal safety be visible from public areas and not obstructed by landscaping be provided with adequate lighting <p>And</p> <ul style="list-style-type: none"> have appropriate levels of surveillance and safety
Carparking	
<p>PC4. On-site carparking is provided:</p> <ul style="list-style-type: none"> at an adequate amount to cater for the forecast needs of workers and patrons that is safe that does not adversely affect adjoining properties and the neighbourhood, in particular residential properties 	<p>DS4.1 Carparking is provided in accordance with Part A8 – Parking of this DCP</p> <hr/> <p>DS4.2 Carparking is directly accessible to the main building entrance and is well lit</p>
Signage	
<p>PC5. Signage</p> <ul style="list-style-type: none"> clearly identifies the premises does not have a high visual impact and ensures the discreteness of the premises respects the character and amenity of the neighbourhood 	<p>DS5.1 Signage for the premises:</p> <ul style="list-style-type: none"> is limited to one sign and is limited in size refers only to the trade name of the business and the address of the premises does not refer to the nature of the business or advertise specific services <p>And</p> <ul style="list-style-type: none"> is not illuminated





Part 11

Car Showrooms



Application

This Guideline applies to the following development category:

- Vehicle sales and hire premises.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To achieve a high standard of aesthetics for buildings and landscape and the streetscapes that they define
- To ensure the design of car showrooms positively contributes to the streetscape with high quality architecture, materials and finishes
- To maximise the amenity of car showroom premises
- To minimise impacts on nearby residential areas



Performance Criteria and Design Solutions

Performance Criteria		Design Solution	
Context			
PC1.	Development is sited and designed to positively contribute to the quality of the public domain in terms of architecture, materials and finishes	DS1.1	Vehicles are displayed within buildings
		DS1.2	Buildings have flexible, open plan vehicle display areas
		DS1.3	Building elevations that face a street comprise large, transparent display windows
		DS1.4	The building is configured to that vehicle display areas and areas with high levels of activity such as reception areas are readily visible from the adjoining public realm
		DS1.5	Building facades have a high quality of architectural design and comprise high quality, durable materials
		DS1.6	Roofs are designed as an architectural feature and provide articulation and visual interest
Setbacks			
PC2.	Setbacks: <ul style="list-style-type: none"> are consistent with the those prevailing in the street ensure the building positively contributes to the streetscape 	DS2.1	In town centre settings, buildings: <ul style="list-style-type: none"> are built to the front property boundary or otherwise maintain the continuity of adjoining street setbacks <p>And</p> <ul style="list-style-type: none"> outside of town centre settings, buildings have a front setback of between 3 – 6m or buildings are otherwise maintain the continuity of adjoining street setbacks
		DS2.2	Where adjoining land where residential accommodation is a permitted use, setbacks will be determined on merit having regard to maintaining existing levels of residential amenity, including solar access, visual and acoustic privacy
		DS2.3	Where not adjoining land where residential accommodation is a permitted use, buildings may be built to side and rear boundaries
Site Cover and Layout			
PC3.1	Buildings occupy a sufficient proportion of the site to ensure that large, prominent expanses of unenclosed hard-paving and parked cars are not created	DS3.1	The minimum site cover of a car showroom is 40% of the site area. Development applications shall show on their site layout: <ul style="list-style-type: none"> all structures and open space entry and exit driveway locations vehicular paths for all delivery vehicles, delivery vehicles parked positions, and show that such vehicles are able to exit the site in a forward motion. locations of vehicles for sale which are free of any internal driveway areas required for manoeuvring on site
PC3.2	Ensure sites are large enough to accommodate delivery of vehicles and vehicle manoeuvring within the site.		
PC3.3	Prevent use of local streets for any delivery of vehicles.		



Performance Criteria	Design Solution
Signage	
PC4. Signage is visually integrated with buildings and respects the existing character and amenity of the street and neighbourhood	DS4.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits
Landscaping	
PC5. No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits	DS5.1 Planting areas having a minimum dimension of 3m are provided along the entire length of boundaries with land in a residential zone and this planting area is planted with screening vegetation of sufficient density and height to soften the visual impact of buildings and use of the site.
	DS5.2 Where buildings are setback from the street, a landscape area is provided having a minimum width of 1.5m along the entire street boundary (except where required for site vehicle and pedestrian access) and is planted with vegetation that achieves a balance between softening the visual impact of buildings and paved surfaces and enabling unobstructed views into the building from the adjoining public domain
Lighting	
PC6. Ensure that any night time lighting is contained within the site and does not affect any adjoining residences.	DS6.1 Development Applications shall submit a schematic lighting plan showing likely locations of night time lighting and demonstrating that there will not be any lighting overspill into adjacent residential properties and measures that will be implemented to ensure this is controlled.
Acoustic and visual privacy	
PC7. Development minimises noise intrusion and loss of privacy to adjoining properties	DS7.1 Development <ul style="list-style-type: none"> • uses solid screen fencing in combination with landscaping as noise/privacy control/visual enhancement measures • erects solid acoustic barriers as a noise buffer to shield internal noise sources (cars arriving/leaving, noise from car doors/) from adjoining residential properties • is supported by an Acoustic Report prepared by a suitably qualified independent acoustic consultant that addresses the following issues: <ul style="list-style-type: none"> • identification of sensitive noise receivers potentially impacted by the proposal • details of any acoustic control measures that will be incorporated into the proposal • statement that noise arising from within the premises shall not result in an 'offensive noise' (as defined in the Protection of the Environment Operations Act, 1997) at any adjoining residential premises





Inner West Council

Ashfield Customer Service Centre
260 Liverpool Road ASHFIELD NSW 2131
PO Box 1145 ASHFIELD NSW 1800
T (02) 9716 1800 F (02) 9716 1911
Email: info@ashfield.nsw.gov.au
Website: www.ashfield.nsw.gov.au