

PART C: PLACE

CONTENTS

SECTION 3 – RESIDENTIAL PROVISIONS	341
C3.1 RESIDENTIAL GENERAL PROVISIONS	341
C3.2 SITE LAYOUT AND BUILDING DESIGN	343
C3.3 ELEVATION AND MATERIALS	352
C3.4 DORMER WINDOWS.....	354
C3.5 FRONT GARDENS AND DWELLING ENTRIES	355
C3.6 FENCES.....	356
C3.7 ENVIRONMENTAL PERFORMANCE	358
C3.8 PRIVATE OPEN SPACE	360
C3.9 SOLAR ACCESS	362
C3.10 VIEWS	366
C3.11 VISUAL PRIVACY.....	368
C3.12 ACOUSTIC PRIVACY.....	370
C3.13 CONVERSION OF EXISTING NON-RESIDENTIAL BUILDINGS.....	371
C3.14 ADAPTABLE HOUSING	372

LIST OF FIGURES

Figure C128: Building Location Zone.....	344
Figure C129: Side boundary setbacks graph.....	346
Figure C130: Street orientation	347
Figure C131: Building envelope – 2.4m wall height – Single storey, similar to the scale of a workers’ cottage.....	349
Figure C132: Building envelope – 3.6m wall height – Single storey, or low two storey dwelling utilising the roof space.	349
Figure C133: Building envelope – 6.0m wall height – two storeys, similar to the scale of a two storey Victorian terrace.	350
Figure C134: Building envelope – 7.2m wall height – three storeys, to a scale compatible with grander terraces or mansions, or when the wall height is used as a parapet.	350
Figure C135: Site orientation	364

PLACE

LIST OF TABLES

Table C12: Adaptable Housing Numbers 372

SECTION 3 – RESIDENTIAL PROVISIONS

C3.1 RESIDENTIAL GENERAL PROVISIONS

Background

Residential buildings and related spaces and landscapes play a significant role in contributing to the character of a place and its setting, and the extent to which people feel connected to place and to each other. Planning and design of residential buildings and associated landscapes and spaces is important as it:

- a. enhance the lives of residents, visitors and people who occupy and view them;
- b. enhance walkable mixed use neighbourhoods;
- c. contribute to improved environmental performance and outcomes;
- d. assist in developing the capacity and resilience of the community, its buildings and infrastructure to adapt to climate change by reducing dependence on energy consumption to heat and cool buildings and to access places and spaces; and
- e. contribute to the character and heritage significance of an area.

Objectives

- O1 To provide more details in relation to the residential development provisions contained in the *Inner West LEP 2022*.
- O2 To promote the enhancement of walkable neighbourhoods by requiring planning and design to be based on site and context analysis.
- O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.
- O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.
- O5 To ensure that all residential development is consistent with the density of the local area as established by the *Inner West LEP 2022*.
- O6 To promote optimal environmental performance of all residential buildings.
- O7 To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted.

Controls

- C1 Residential development is not to have an adverse effect on:
 - a. the amenity, setting or cultural significance of the place, including the portion of the existing building to be retained; and
 - b. the relationship of any Heritage Item or Heritage Conservation Area to its place, setting and cultural significance.

PLACE

- C2 Additions to an existing building are generally:
- a. located to the rear or the side of the existing building when viewed from the principal street frontage; and
 - b. subservient to the form of the existing building; and
 - c. maintain the form, fenestration, roof forms and chimneys of the existing building when viewed from the principal street frontage; and
 - d. of a design which is compatible with but does not compete with the architectural character of the existing building or the Building Typologies; and
 - e. of a scale, proportion (including proportion of doors and openings) and material which is compatible with the existing building.

C3.2 SITE LAYOUT AND BUILDING DESIGN

Background

This element outlines objectives and controls for building siting, scale and form.

Objectives

- O1 To ensure adequate separation between buildings for visual and acoustic privacy, solar access and air circulation.
- O2 To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained.
- O3 To ensure that buildings are constructed within an appropriate Building Location Zone (BLZ) from the front and rear boundary to protect neighbourhood features such as streetscape, private open space, solar access and views.
- O4 To ensure that development:
 - a. reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and land where this DCP applies;
 - b. emphasises the street and public domain as a vibrant, safe and attractive place for activity and community interaction;
 - c. complements the siting, scale and form of adjoining development; and
 - d. creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views.

Controls

Site capacity

- C1 The site shall have sufficient capacity to accommodate development, including buildings and structures, setbacks and separation distances, access, manoeuvring and parking (where required by this Development Control Plan) and landscaped open space, having regard to site characteristics such as:
 - a. existing extent of development;
 - b. desired future character;
 - c. site area, road frontage, width and depth;
 - d. heritage streetscape;
 - e. significant natural landscape features including vegetation;
 - f. slope; and
 - g. flooding and drainage.

Note: Some historical types of development on land where this DCP applies such as inter-war period residential flat buildings were often designed and constructed to achieve or exceed currently allowable development limits. In such situations, the scope for further alterations and additions may

PLACE

not be possible, unless a significant improvement in residential amenity or streetscape character can be demonstrated.

Local character

- C2 Development siting and design shall respect and enhance the natural landscape attributes that contribute to the character and distinct sense of place of the streetscape, neighbourhood and land where this DCP applies, including:
- prominence of ridgelines;
 - landmarks;
 - topography;
 - views, vistas and outlooks;
 - waterways; and
 - vegetation.

Building Location Zone

- C3 Building Location Zone (BLZ) is the part of the subject site where it can be reasonably expected that a building can be located. The BLZ is determined by having regard to only the main building on the adjacent properties. The location of front fences or intervening walls, ancillary sheds, garages, external laundries, toilets or other structures on the site is not relevant in determining the BLZ. In order to respect the pattern of development and amenity of neighbouring properties, the BLZ is determined on a floor by floor basis (refer to Figure C128: Building Location Zone).

Where an adjoining development has a front or rear setback that is clearly uncharacteristic of the general pattern of development within the street, consideration will be given to that general pattern in determining whether to permit a variation to the BLZ that would otherwise be determined based on the adjoining buildings alone.

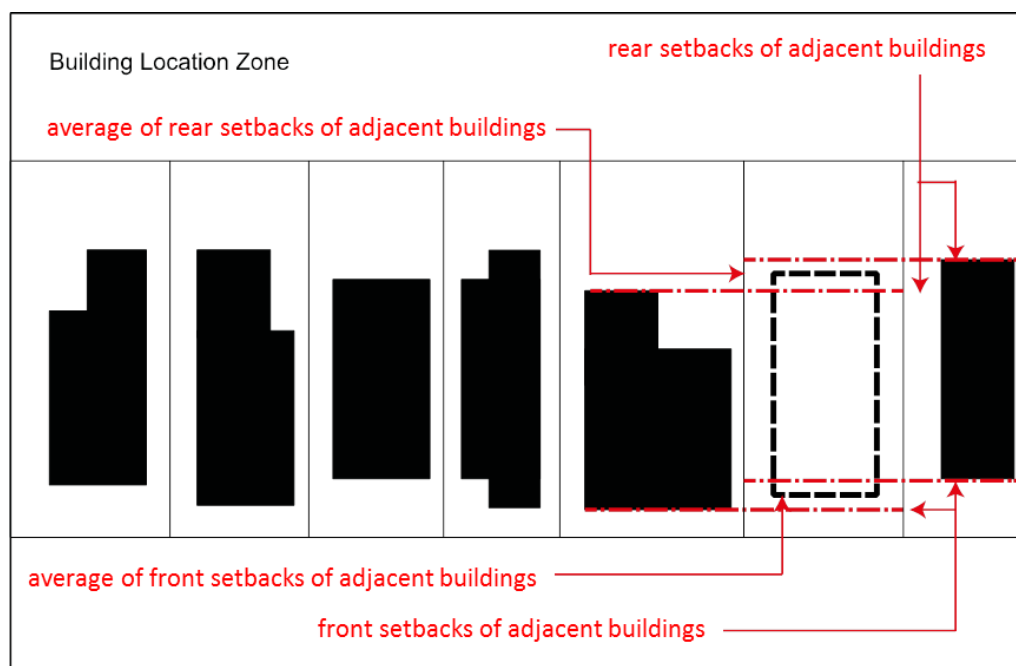


Figure C128: Building Location Zone

PLACE

C4 Development shall be located within the BLZ area of the subject site. BLZ for the main building, shall be determined having regard to that part of the building that is fully enclosed by walls, however open-sided structures such as balconies and verandas may extend beyond the BLZ so determined, where they are consistent with similar structures on adjoining properties.

C5 The BLZ of:

- a. a corner site; and
- b. end lots on adjoining streets

is to be determined by the location of the building on the adjacent property that most resembles the orientation, frontage width and site layout of the subject site. Council may exercise some flexibility in relation to the side setback to the secondary street frontage, depending upon the relative importance of this frontage and the characteristic pattern of development.

C6 In the event of any proposed variation to the BLZ the onus is on the applicant to demonstrate that the proposed building is consistent with the pattern of development in the immediate locality (usually taken as the same street) and that:

- a. amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;
- b. the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;
- c. the proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping;
- d. retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and
- e. the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.

Side boundary setbacks

C7 Building setbacks shall comply with the numerical requirements set out in the side boundary setback graph (refer to Figure C129: Side Boundary Setbacks Graph).

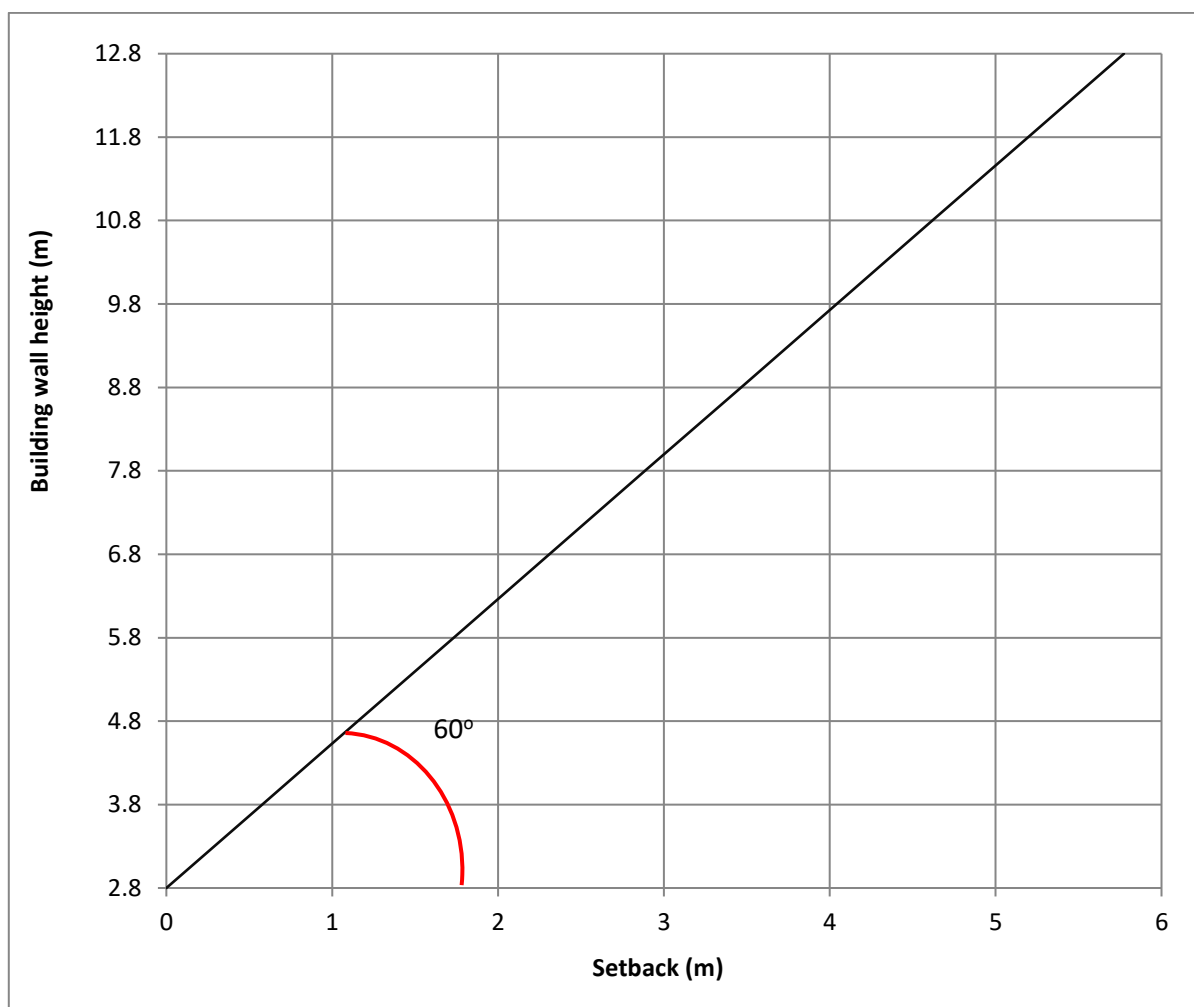


Figure C129: Side boundary setbacks graph

Note: The above setbacks must be applied to the different walls of the building depending on their individual height. Higher sections of walls should be further setback from boundaries than lower portions of the same wall. For example the first floor of a dwelling should be setback further than the ground floor below.

C8 Council may allow walls higher than that required by the side boundary setback controls above, to be constructed to side boundaries where:

- a. the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;
- b. the pattern of development within the streetscape is not compromised;
- c. the bulk and scale of development is minimised by reduced floor to ceiling heights;
- d. the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and
- e. reasonable access is retained for necessary maintenance of adjoining properties.

Landscaped open space

C9 Development shall:

- a. include soft landscape area in both the front and rear of the site where consistent with the BLZ controls;
- b. ensure that the area of soft landscaping is consolidated to support significant landscaping and tree planting; and
- c. include landscaped open space as part of private open space at the rear of the site. Landscaped areas are to be designed to incorporate privacy, solar access, protection from the wind and so that the amenity of adjoining properties as well as the streetscape is retained.

Street orientation

C10 Buildings shall be aligned and oriented to the street (Refer to Figure C130: Street orientation)



Figure C130: Street orientation

Building Height and the Building Envelope

- C11 The building envelope of a building is determined by the wall height, width, depth and roof form and pitch of a building. Importantly, wall height is the key control over the building envelope, and roof form is one of the most important features that determine the overall appearance of residential buildings.
- C12 The roof pitch or plane is generally between 30° and 45°, depending on the characteristic style of the local area.

How to determine a building envelope

- C13 The Distinctive Neighbourhood controls provide the applicable building envelope for each area and also give an indication of the general height, form and roof form of buildings in the area. This building envelope should be applied with regard to the prevailing circumstances of the surrounding development.
- C14 In addition to the information given in the Suburb Profiles, it is important to consider the following aspects of surrounding development in relation to the proposal:
- a. ridge heights;
 - b. eaves heights;
 - c. roof form and pitch;
 - d. side setbacks;
 - e. proportion of the street frontage covered by the building elevation; and
 - f. any articulation of the front elevations.
- C15 The building envelope defines the maximum potential volume of a development above ground level. It applies to the following part of the building:
- a. the whole area defined by external walls; and
 - b. includes covered areas such as verandahs and balconies (but does not include open decks and paved areas).
- C16 The envelope has two height components:
- a. a wall height; and
 - b. a roof control comprising of an inclined plane at 45 degrees from the top of the wall height.

Notes:

- i. *The building envelope is to be applied in conjunction with laneway envelopes. The building envelope is to be applied to street frontages whereas laneway envelopes are to be applied to laneway frontages.*
- ii. *For the purposes of determining a building envelope, wall height does not always relate to the actual height of the front building wall, as shown in the diagrams on the next page. Combined with the roof control, the wall height is simply a means of setting an appropriate height at the front elevation and hence controlling the overall bulk of a building. On a sloping site, wall height shall be measured from several points along the building to provide an average height and split-level solutions must be applied.*
- iii. *The roof control applies 45 degree inclined planes to significant (e.g. street) elevations of the building to permit compatible roof forms. The inclined plane also encourages the use of traditional building elements such as verandahs and balconies, which would assist in minimising the bulk of front elevations, presenting a smaller roof line at street level. Normally the height of a development including wall height and roof form should not exceed the ridge heights of adjoining development. Minor architectural details such as chimneys, dormer windows, gables and sub-gables can penetrate the envelope.*

- iv. On corner sites, the inclined roof plane must be applied to both street elevations to encourage a building in scale with adjoining development.
- v. Council may allow for greater bulk with regard to terrace houses on a corner site.

The front wall of the building should be located in accordance with the Building Location Zone. The building envelope is to be measured from the front of the building or attached building elements such as verandahs and balconies. Four basic building envelopes apply in to housing on land where this DCP applies, as follows:

- 2.4m; 3.6m; 6.0m and 7.2m (refer to Figures C131-C134 below).

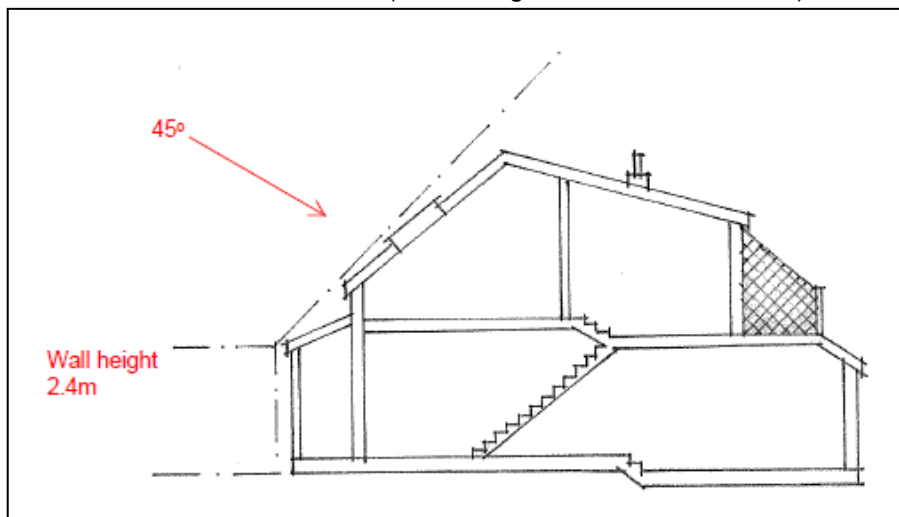


Figure C131: Building envelope – 2.4m wall height – Single storey, similar to the scale of a workers’ cottage.

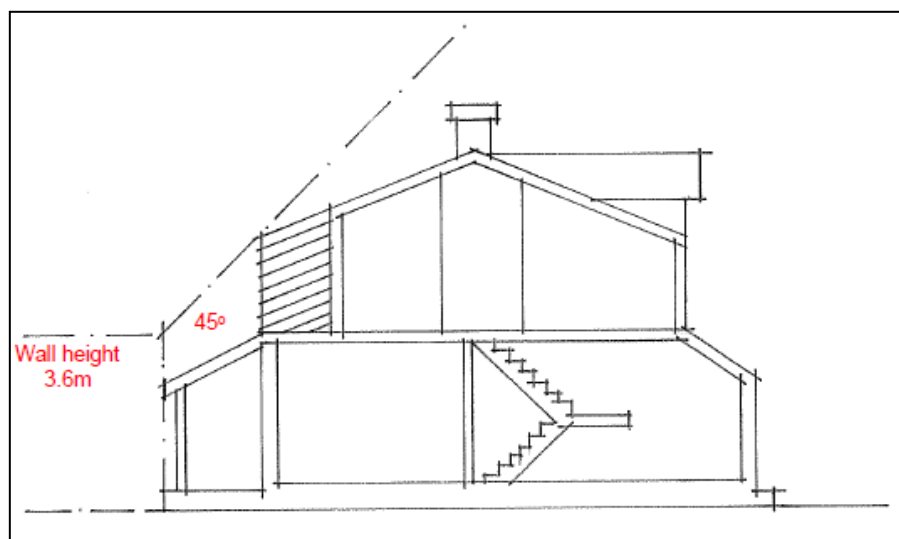


Figure C132: Building envelope – 3.6m wall height – Single storey, or low two storey dwelling utilising the roof space.

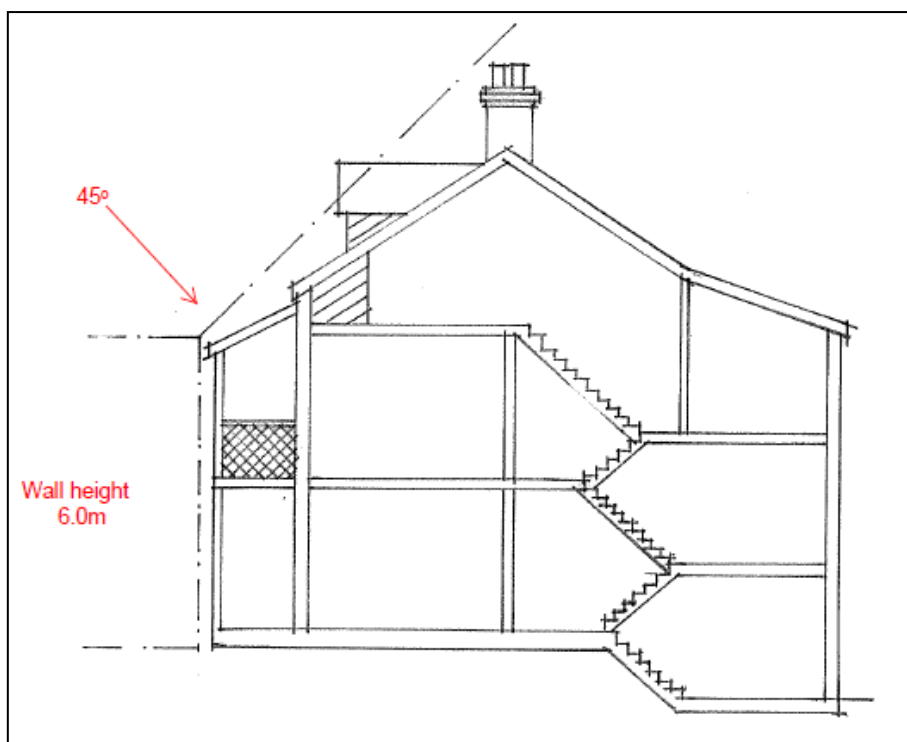


Figure C133: Building envelope – 6.0m wall height – two storeys, similar to the scale of a two storey Victorian terrace.

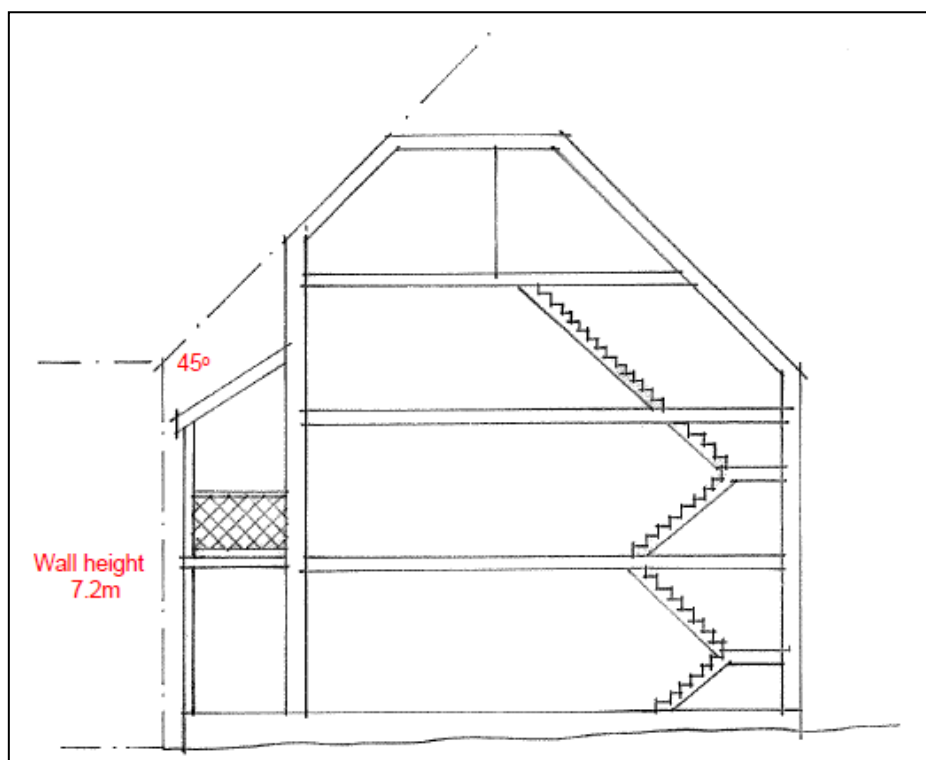


Figure C134: Building envelope – 7.2m wall height – three storeys, to a scale compatible with grander terraces or mansions, or when the wall height is used as a parapet.

PLACE

- C17 The overall maximum height in storeys shall generally not exceed the height in storeys of the main building on adjoining sites, except where those buildings are uncharacteristic of the general pattern of development in the same street or as set out in the Suburb Profile, in which case, consideration will be given to that general pattern.
- C18 New development shall generally correspond with both the wall height and the roof height of the average of two adjoining developments, making allowance for topographical variation in the elevation of those buildings.
- C19 Roof pitch and form shall make reference to the prevailing roof form in the street.
- C20 The building envelope applies to all frontages of the site with a street plus those that adjoin public land or spaces (e.g. including parks and waterways).

Roof pitch

- C21 Roof pitch shall be between 30° and 45°.

C3.3 ELEVATION AND MATERIALS

Background

The elevation design of a building is as important as the building bulk and scale. The arrangement of openings in walls is visually important to the streetscape, particularly the placement of windows, doors, balconies and verandahs. The design of housing should respond to the vertical and horizontal rhythms established by the general and desired future character of the area.

The architectural diversity of housing on land where this DCP applies often permits the use of a considerable range of building materials and design. The careful selection of materials can result in innovative design solutions without compromising the objectives within this Development Control Plan. However, some contemporary building materials, external finishes and colours are unsympathetic to neighbouring buildings, and in some cases may detract from the character of the streetscape. In areas of homogeneous character and Heritage Items and Heritage Conservation Areas, selection of building materials and finishes requires greater sensitivity.

Objectives

- O1 Building elevation and materials visible from the public domain:
- a. complement the prevailing or desired future character of the neighbourhood, in particular responding to the vertical and horizontal rhythm of the streetscape;
 - b. are human scale in proportion;
 - c. provide a high level of architectural quality, visual interest and articulation; and
 - d. provide a high level of engagement between the public and private realm, in particular activating the street level public realm.

Controls

- C1 Building façades are:
- a. divided into vertical bays consistent with the dimensions established by elements on adjoining development such as party walls and windows; and
 - b. divided into horizontal bandings that clearly delineate each storey and align with elements on adjoining development such as eaves, balconies, verandahs and roofs.
- C2 New upper level balustrades that run across and in front of party walls, disrupting the strong vertical rhythm and pattern of individual house elevations in terrace rows are not permitted.
- C3 Where alterations or additions are proposed, existing façade elements that are incompatible with the character of the building are to be removed.
- C4 Residential development in a Heritage Conservation Area is compatible with the Building Typologies contained in Appendix B – Building Typologies of this Development Control Plan, and includes defining elements such as:
- a. roof pitch and form;
 - b. roof ridgeline;
 - c. gutter lines;
 - d. verandah balustrades and floor under-beams;

PLACE

- e. window patterns, proportions and details; and
 - f. balconies.
- C5 The enclosure of verandahs and balconies detracts from the visual quality of buildings and the streetscape and is not permitted.
- C6 Elevations incorporate elements such as recesses, balconies and awnings.
- C7 New buildings shall be designed to provide a high level of architectural and visual presentation to all elevations, avoiding blank, unarticulated side and rear elevations.
- C8 Front windows shall not serve non-habitable rooms.
- C9 Colour schemes are compatible with those prevailing in the street.
- C10 Unpainted brickwork in Heritage Conservation Areas is to remain unpainted.
- C11 Materials and finishes are compatible with those prevailing in the streetscape and the period of construction of the dwelling.

C3.4 DORMER WINDOWS

Objectives

- O1 Development for new or existing dormer windows to roofs:
- a. are consistent with the construction period and architectural style of the building;
 - b. maintain the unity of rows, semi-pairs and groups of dwellings; and
 - c. make a positive contribution to the streetscape.

Controls

- C1 Dormer windows will not be supported where the height of the roof measured from the gutter to the ridge is less than 2.5m. Outside of Heritage Conservation Areas, consideration may be given to a flush skylight where it does not adversely impact the streetscape character of the existing dwelling or intactness of a group of dwellings.
- C2 Where a dwelling is part of a row, semi pair or within a group of similar dwellings, any changes to the roof form should respect and retain the unity of the group as visible from the public domain. Where dormer windows would not impact the unity of the group and dormers are already provided to the majority (greater than 50%) of the group, new dormer windows should be consistent with those that exist within the group.
- C3 The existing ridgeline shall be retained.
- C4 The minimum distance between the main roof ridge and the dormer window is 300mm.
- C5 The dormer window pattern shall reflect the existing windows within the front elevation of the building.
- C6 Where a dwelling is not part of a row, semi-pair or group, any dormers must be compatible with the construction period and architectural style of the existing dwelling.
- C7 For dwellings built in the 1800s, dormer windows shall have:
- a. no eaves or gutter;
 - b. use a single window; and
 - c. have a height of 1.5m x the width of the dormer.
- C8 Dormer windows must not have a total width of more than 25% of the width of the roof.
- C9 A maximum of one dormer shall be permitted for single fronted dwellings or a maximum of two dormers shall be permitted for double fronted dwellings. Where one dormer is proposed it shall be centrally located on the roof, where two dormers, they should be symmetrically positioned.

C3.5 FRONT GARDENS AND DWELLING ENTRIES

Objectives

- O1 Front gardens and dwelling entries:
- a. provide a sensitive transition between the public and private domain and enables dwellings to achieve a high level of functional and visual engagement with the public realm;
 - b. make a positive contribution to streetscape quality and softens the visual impact of the built form;
 - c. enable casual surveillance of the street and provide a high level of safety and security;
 - d. enable comfortable passive recreation use; and
 - e. are legible and easily identified.
 - f. Can form an integral part of the architectural composition of historic dwellings and should be preserved and enhanced.

Controls

Visual engagement with the public realm

- C1 Dwelling entries and windows are oriented to overlook the street.

Streetscape quality and passive recreation use

- C2 The front garden includes areas of sufficient dimensions to accommodate landscaped open space where consistent with the site layout of adjoining properties.

Safety and security

- C3 Visitors approaching the dwelling are to be seen from the inside of the dwelling without having to open the door. Dwelling design is to be consistent with the provisions within Part C1.9 – Safety by Design of this Development Control Plan.

Legibility

- C4 Each dwelling that fronts a street should have pedestrian access from the street either by a separate or shared front door.
- C5 Dwelling entries are clearly visible and easily identifiable from the street.
- C6 Dwelling entries include shelter where consistent with the prevailing streetscape character, architectural style of the building or where multi-unit residential development is proposed.
- C7 Front fences have direct access to a safe, separate pedestrian footpath or to a shared zone.
- C8 Original front entries to the dwellings are preserved.

C3.6 FENCES

Objectives

- O1 Fences:
- a. are compatible with the character of the building and streetscape;
 - b. enable a high level of visual engagement between the public and private realms and enable a clear view of the dwelling from the street; and
 - c. do not result in the front gardens of residential development being disconnected from the public realm.

Controls

Character and streetscape

- C1 The architectural style, height and materials of front fencing are consistent with the style of the building and streetscape.
- C2 Mail boxes, name plates and street numbering is integrated with front fencing.
- C3 Fences are not painted in dominant, bright colours.

Visual engagement with the public realm

- C4 Maximum front fence height is 1.2m.
- C5 Fences enable adequate sight-lines between vehicles and pedestrians.
- C6 Where retaining walls that address a change in gradient between the street and front garden are proposed the maximum front fence above such retaining wall shall be 1.2m. In such circumstances the front fence must be constructed of materials at spacing that allows a 50% transparency rate.
- C7 Where the site is a corner allotment, consideration will be given to fences above 1.2m, to a maximum of 1.8m, to ensure privacy to the private open space area where such fencing will not have an adverse impact on the streetscape.
- C8 Where existing residential development is only benefitted by open space at the front of the dwelling, consideration will be given to a front fence with a maximum height of 1.8m where it is demonstrated that such fence will not detract from the character of the area.

Note: In such circumstances it may be appropriate to provide vegetation forward of the fence to minimise the impacts on the streetscape.

Note: Residential developments should provide private open space in locations where it can be privatised without adversely impacting the streetscape and generally should be at the rear of the property.

- C9 For sloping sites front fences should be stepped or sloped. The maximum height of the fence, when measured from the finished footpath level at any point, should not exceed 1.2m.
- C10 Front fences in Heritage Conservation Areas and part of Heritage Items must be consistent with the construction period and architectural style of the dwelling in form, style and materials. Reconstruction of fences should be informed by historical research and may entail a fence

PLACE

height greater than 1.2m where it is demonstrated that this would be consistent with the original fencing, and not adversely impact the area, item, amenity or character.

C3.7 ENVIRONMENTAL PERFORMANCE

Objectives

- O1 Development provides a high level of energy efficiency and occupant comfort by:
- a. maximising thermal mass;
 - b. maximising winter sun access and mitigating direct summer sun access to main living rooms whilst maintaining a high level of daylight access;
 - c. incorporating insulation;
 - d. maximising natural ventilation;
 - e. being constructed from ecologically sustainable materials that do not contribute to the degradation or loss of sensitive or endangered vegetation; and
 - f. minimises mechanical air conditioning and heating where possible.

Controls

Thermal mass

- C1 Building materials with a higher thermal mass such as brick, concrete and stone are located inside the dwelling and in north facing rooms.

Sunlight

- C2 Provide shading to glazed areas, where appropriate by:
- a. incorporating horizontal shading devices such as awnings or eaves having an overhang of 0.45 x the height of the glazed area, it is shading, to north façades;
 - b. incorporating external vertical shading devices such as adjustable external shutters, blinds or landscaping to east and west façades that block or mitigate low afternoon summer sun;
 - c. incorporating landscaping such as deciduous trees adjoining the northern building façade.

Insulation

- C3 Development must comply with *Building Sustainability Index (BASIX)* requirements. If *BASIX* does not apply to the development, bulk and reflective insulation to walls, ceilings and roofs shall achieve a minimum Total (not added insulation) R-value for roofs and ceilings of **R4.1** for roof materials with solar absorbance less than/equal to 0.4, and a minimum Total (not added insulation) R-value for walls of **R2.8**. The minimum Total R-value increases for roof materials with solar absorbance greater than 0.4 (up to a minimum Total R-value of R5.1).
- C4 Utilise double glazing to improve heat retention in winter (especially on south facing windows).

Natural ventilation

- C5 The maximum internal distance between external openings should be no greater than 14m.
- C6 The minimum aggregate opening or open-able size of permanent openings such as windows, doors and other devices is 5% of the floor area of the room.

PLACE

- C7 Openings should:
- a. be located on opposite sides of rooms;
 - b. be aligned with each other;
 - c. be aligned with prevailing breezes; and
 - d. have a low level inlet and high level outlet.
- C8 Where mechanical ventilation is required, devices that circulate air rather than artificially cool air, such as ceiling fans, are provided.

Ecologically sustainable materials

- C9 Where timber is used, it is:
- a. plantation or regrowth timber;
 - b. timber grown on Australian farms or state forest plantations; and
 - c. recycled timber.
- C10 Timber is not rainforest timbers cut from old growth forests.

Solar collectors

- C11 Development complies with the provisions within Part D1.0 – Energy Management of this Development Control Plan.

C3.8 PRIVATE OPEN SPACE

Objectives

- O1 Private open space:
- a. is provided for each dwelling;
 - b. is of a size and dimensions that are useable and capable of accommodating a range of private recreation needs of residents;
 - c. integrates with and is capable of serving as an outdoor extension of the dwelling's main living area;
 - d. has access to desirable breezes, air circulation and sunlight;
 - e. balances visual privacy with engagement and casual surveillance of the public domain; and
 - f. minimises visual and acoustic privacy impacts for surrounding residential properties.

Controls

For Dwelling houses, semi attached and attached dwellings, dual occupancies

- C1 Private open space should be:
- a. located at ground level consistent with the location of private open space on the surrounding properties and the siting controls within this Development Control Plan;
 - b. has a minimum area of 16sqm and minimum dimension of 3m;
- Note: the front setback will not be accepted as private open space.*
- c. is connected directly to the principal indoor living areas; and
 - d. where ground level is not accessible due to the existing constraints of the site and/or existing development, above ground private open space will be considered.

For Secondary dwellings and multi dwelling housing

- C2 Private open space comprises a minimum area of 3m x 3m located at ground level directly accessed from the living area and separated from the other dwellings within the development.

For Shop top housing, Residential flat buildings and Mixed use development (residential component only)

- C3 Private open space comprises a minimum 8sqm deck or balcony with a minimum dimension of 2m directly accessible from the principal living areas.
- C4 Private open space is designed to ensure the privacy of the occupants of the subject dwelling, surrounding residential properties and other dwellings within the development.
- C5 Private open space that is located overlooking the public domain must be designed to ensure appropriate levels of visual privacy to the space and ensure it will be suitable for passive recreation by the residents.

Notes:

- i. Where private open space can be provided at the rear of the property and increased privacy obtained, this option is favoured over space overlooking the public domain which may compromise the privacy of the space.*
- ii. The use of glass balustrades or moveable screens to enclose the space is discouraged in these circumstances.*
- iii. Part C3.9 – Solar access of this Development Control Plan requires private open space to receive a minimum three (3) hours of direct sunlight over 50% of the required private open space between 9am and 3pm at the winter solstice.*

C3.9 SOLAR ACCESS

Background

Residential development shall be designed, oriented and sited to maximise sunlight and daylight received to the main living room and private open space in order to improve/maximise amenity and energy efficiency. Developments must minimise the degree of overshadowing of neighbours.

Maximising sunlight and thermal comfort during mid-winter may be achieved in a number of ways, some suggestions include:

- a. orientate main living areas (and their windows) towards the northern side of the dwelling (with consideration of C9 within Part C3.9 – Solar Access and Part C3.2 – Site Layout and Building Design within this Development Control Plan);
- b. incorporate skylights / clerestory windows where appropriate; and
- c. use double glazing to improve heat retention in winter (especially on southern facing windows).

Objectives

- O1 Development shall:
- a. provide adequate sunlight to main living room and private open space;
 - b. provide daylight to all habitable rooms;
 - c. provide a high level of amenity;
 - d. protect residential amenity for adjoining development;
 - e. increase energy efficiency; and
 - f. minimise the degree of overshadowing to neighbouring properties.

Controls

Documentation

- C1 All development applications that entail external additions or new building works are to include shadow diagrams and solar access analysis consistent with the Council's Specifications for Development Application Documentation.

All development

- C2 Where site orientation permits, new dwellings must be designed to maximise direct sunlight to the main living room and private open space.
- C3 Windows and openings shall be appropriately located, sized and shaded to reduce summer heat load and to maximise entry of sun in winter.
- C4 Private open space is to receive a minimum three hours of direct sunlight over 50% of the required private open space between 9am and 3pm at the winter solstice.
- C5 All habitable rooms shall have access to natural daylight regardless of provision of skylights or similar. Daylight shall be provided via:
- a. an outdoor facing window; or

b. a window facing a light-well or courtyard that is open to the sky.

C6 Light wells and/or courtyards may be used as a source of daylight, ventilation and/or outlook for dwellings, provided that another source of direct daylight is provided for main living rooms.

Note: Light-wells and courtyards, particularly those facing north onto a common side boundary, are vulnerable to impacts from development on adjacent northern property. Whilst Council will attempt to ensure reasonable access to daylight and ventilation for light-wells and/or courtyards, protection of direct sunlight is not stipulated, as it may often impose an unreasonable constraint on the development rights of a neighbouring property.

C7 The use, location and placement of solar collectors is to take into account the potential permissible building form on adjacent properties.

C8 Proposals for new development are to maintain solar access to existing solar collectors having regard to performance, efficiency, economic viability and reasonableness of their location. A development proposal may be required to be modified to protect solar access to existing solar collectors, where the development doesn't comply with the suite of controls in this Development Control Plan.

New dwellings

Single Dwellings

C9 New residential dwellings are to obtain a minimum of three (3) hours of direct sunlight to the main living room between 9am and 3pm during the winter solstice.

New Residential Flat Buildings or Multi Dwelling Housing

C10 A minimum of 70% of dwellings within residential flat buildings in a development should receive a minimum of three (3) hours of direct sunlight to the main living room between 9am and 3pm during the winter solstice.

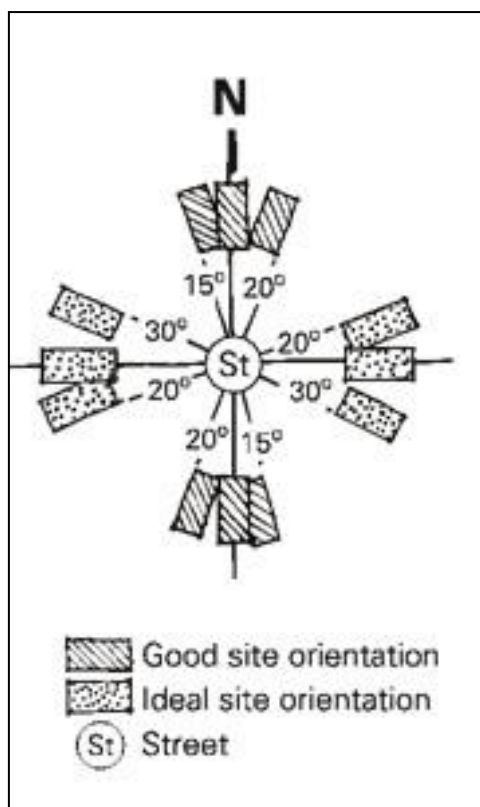
Alterations and additions

C11 Alterations and additions to residential property shall be designed to minimise overshadowing to the subject site and maximise direct sunlight, natural daylight and ventilation to the subject site. This should be achieved through:

- a. appropriate location of alterations and additions; and
- b. the provision of skilfully positioned, windows, openings, skylights, clerestory windows, glass roofs/ walls, light wells and internal courtyards in the design.

Minimising overshadowing to neighbours

Note: Solar access requirements are linked to the orientation of a site. The orientation is defined as the relationship of the property's side boundaries to true north (i.e. whether the side boundary is closer to being orientated north -south than east - west). Refer to Figure C135: Site orientation below.



Source: <http://www.yourhome.gov.au/technical/fs43.h>

Figure C135: Site orientation

Retaining solar access to neighbouring dwellings main living room glazing

- C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.
- C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.
- C14 Where the surrounding allotments side boundary is 45 degrees from true north and therefore the allotment is not orientated north/south or east/west, glazing serving main living room shall retain a minimum of two hours of solar access between 9am and 3pm at the winter solstice.
- C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Retaining solar access to neighbouring dwellings private open space

- C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice.
- C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.

PLACE

- C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Assessing the impact of development on the solar access of neighbours:

In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;
- b. site orientation;
- c. the relative levels at which the dwellings are constructed;
- d. the degree of skill employed in the design to minimise impact; and
- e. whether reasonably available alternative design solutions would produce a superior result.

Minimising impacts to adjoining non-residential uses

- C20 Where adjoining sites include non-residential uses where solar access contributes to the functionality of that use (e.g. restaurants and public/community buildings), Council will consider the reasonableness of the development, having regard to the use of the adjoining non-residential buildings that are impacted by any additional overshadowing.

C3.10 VIEWS

Background

Due to its topographic position and proximity to the City and water, many areas of land where this DCP applies have views to Sydney Harbour, the Parramatta River and the City skyline. Many of the views and vistas are iconic. The views and vistas are special elements of the areas character.

Inner West Council supports the notion of 'view sharing'. Development should be designed to minimise view loss to the public and to adjoining and adjacent properties while still providing opportunities for views from the development itself. By its nature, view sharing involves sharing on the part of the affected parties. Buildings which are designed sensitively can usually ensure reasonable sharing of views.

Council will consider the following steps in the assessment of reasonable view sharing:

- a. What views will be affected? In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Sydney Tower). Such views are more highly valued than district views or views without significant landmarks.
- b. How are the views obtained and assessed? Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).
- c. Where is the view enjoyed from? Views enjoyed from the main living room and entertainment areas are highly valued. Generally it is difficult to protect views from across side boundaries. It is also generally difficult to protect views from other areas within a residential building particularly if views are also available from the main living room and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate point in a public place.
- d. Is the proposal reasonable? A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch etc.) is more reasonable than one that breaches them.

During the assessment of the development application, Council officers may require the erection of height poles and string lines at the subject site to assist in assessing the impacts on any nearby sites. In most cases, Council may require a registered surveyor to certify the height of height poles erected to quantify the extent of view loss).

Objectives

- O1 Protect vistas and views from the public domain.
- O2 Recognition of the value of existing views from private dwellings and allow for the reasonable sharing of views between private properties.

Controls

- C1 New development should be designed to promote view sharing (i.e. minimise view loss to adjoining and adjacent properties and/or the public domain while still providing opportunities for views from the development itself).

PLACE

- C2 Design solutions must respond graphically to the site analysis outcomes through the use of plans, elevations, photographs and photomontages to demonstrate how view sharing is to be achieved and illustrate the effect of development on views. In some cases, reasonable development may result in the loss of views, but new development must not significantly obstruct views.
- C3 Development shall be designed to promote view sharing via:
- a. appropriately addressing building height, bulk and massing;
 - b. including building setbacks and gaps between buildings;
 - c. minimise lengthy solid forms;
 - d. minimise floor to ceiling heights and use raked ceilings in hipped / gabled roof forms where appropriate, especially in upper floors;
 - e. splay corners; and
 - f. use open materials for balustrades, balconies, decks, fences, car ports and the like.

C3.11 VISUAL PRIVACY

Objective

- O1 Ensure spaces are designed with a high level of consideration to protecting visual privacy within the dwelling, in particular the main living room, and private open space of both the subject site and nearby residential uses.

Controls

- C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway. Measures for screening or obscuring will include one or more of the following:
- a. offsetting of opposing windows so that they do not directly face one another;
 - b. offset windows from directly facing adjoining balconies and private open space of adjoining dwellings;
 - c. screening of opposing windows, balconies and private open space with fixed louvered screens, window hoods, shutters;
 - d. reduced window areas, subject to compliance with the Building Code of Australia;
 - e. window sills at or above 1.6m above the finished floor level;
 - f. use of fixed, obscure glass, subject to adequate ventilation complying with the Building Code of Australia;
 - g. consistent orientation of buildings;
 - h. using floor level in design to minimise direct views; and
 - i. erection of screens and fencing to limit sightlines including dividing fences, privacy screens, projecting blade screens.
- C2 Sill heights and screening devices should be provided to a minimum of 1.6m above finished floor level. Screening devices should have reasonable density (i.e. 75%) and have no individual opening more than 30mm wide, and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials.
- C3 Where fixed louvered screens are used, the screen structure must be securely fixed. The louvers may tilt open from a closed position to an angle of 45 degrees in either a downward or upward position, depending on the sightlines that are to be restricted.
- C4 Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the:
- a. design of the terrace;
 - b. the existing privacy of the surrounding residential properties;
 - c. pre-existing pattern of development in the vicinity; and
 - d. the overlooking opportunities from the roof terrace.

PLACE

- C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure.
- C6 Screening is not required to ground floor windows where any sight lines are obscured by a 1.8m dividing fence. Such sightlines shall be measured from a height of 1.6m above the finished floor level.
- C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).
- C8 Glazing to proposed bathrooms must be designed to ensure that they provide privacy to the subject bathroom, through the provision of obscure glazing or screening.

Note: The privacy of bathrooms is not protected under the controls relating to development on surrounding properties.

For Dwelling houses, attached dwellings and semi-attached dwellings

- C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.
- C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.

C3.12 ACOUSTIC PRIVACY

Objectives

- O1 Development creates a high level of residential comfort by containing noise within each dwelling and minimising the transmission of external noise.

Controls

- C1 Dividing walls and floors between dwellings are constructed to comply with the relevant provisions of the Building Code of Australia.
- C2 Buildings that are exposed to high levels of external noise are designed and constructed in accordance with *AS3671 – Acoustics – Road Traffic Noise Intrusion*, *AS2107 – Recommended Design Sound Levels and Reverberation Times for Building Interiors*, and *AS 2021-2000 – Acoustics- Aircraft noise intrusion – Building siting and construction*.
- C3 Noise generating areas that are not contained within buildings, such as private outdoor open space, parking and service equipment, are located and oriented away from bedroom windows on adjoining sites.

Note: Key parts of the development such as private open space should also be located on site in a manner that is compatible with the prevailing pattern of surrounding development. Council will assess each proposal on its individual merit considering this matter.

- C4 Where for a new dwelling in locations that are exposed to high levels of external noise, including aircraft noise from Sydney Airport and road noise from main roads such as Parramatta Road, City West Link and Victoria Road, an acoustic report that demonstrates compliance with these objectives and controls prepared by a suitably qualified and experienced professional and is to be submitted as part of a development application.

Note: Clause 6.9 of Inner West LEP 2022 addresses development in areas subject to aircraft noise.

- C5 For residential developments adjacent to classified roads, developers are to address the requirements of the Office of Environment and Heritage's Environmental Criteria for Road Traffic Noise in relation to noise attenuation measures.

Note: refer to <http://www.epa.nsw.gov.au/noise/traffic.htm>

- C6 Electrical, mechanical or hydraulic plant achieves a maximum noise level of 5dBa above background sound levels at the boundary of the site.
- C7 Where in a Residential Flat Building and Multi Dwelling Housing, plumbing for each dwelling is provided separately and buffered by acoustic measures such as noise resistant walls, ceiling and floor treatments.
- C8 Private open space is encouraged to be located away from bedrooms on adjoining properties to ensure minimal acoustic impacts.
- C9 New residential development, within proximity to Sydney Port lands, is to take noise attenuation for building interiors into consideration.

C3.13 CONVERSION OF EXISTING NON-RESIDENTIAL BUILDINGS

Objectives

- O1 Development encourages the adaptive re-use of non-residential buildings for residential uses that:
- a. retain heritage value of the building;
 - b. maximise the environmental benefits of recycling buildings and minimises waste;
 - c. provide a high level of resident amenity;
 - d. is compatible with the character of the neighbourhood and streetscape;
 - e. represent high quality urban and architectural design; and
 - f. does not have a significant adverse amenity impact on surrounding land.

Controls

- C1 The existing character of the building is retained and/or enhanced.
- C2 Increases in floor space are contained within the existing building envelope.
- C3 The amount of demolition is minimised and the amount of recycling of site and building materials is maximised.
- C4 The conversion provides an adequate level of residential amenity in terms of acoustic privacy, private open space, solar access and visual privacy.

Note: Due to the larger scale and form of some non-residential buildings, innovative design measures that retain the heritage value of the building such as removing internal parts of the building to create courtyards or open to the sky atria may be appropriate to achieve residential amenity and areas for open space with appropriate drainage.

- C5 The appearance of the building integrates with and enhances the streetscape.
- C6 Landscaped open space to incorporate a planting area is provided to cater for the recreation needs of residents and enhance the environmental sustainability of the development.

C3.14 ADAPTABLE HOUSING

Objectives

- O1 Development provides a mix of dwelling types and adaptable housing units to maintain and enhance Inner West's diverse and vibrant resident population.

Controls

- C1 Development that has 10 or more dwellings, development provides adaptable housing units that have a flexible design that complies with *AS4299 Adaptable Housing* in accordance with Table C1: Adaptable Housing Numbers, to the nearest whole number of dwellings.

Table C12: Adaptable Housing Numbers

Number of dwellings	Number of adaptable housing units
10-15	1
16-24	2
25-34	3
35 or more	10% of the total number of dwellings