

PART D: Development controls by land use

Section D3 Residential development

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1.0 Introduction

The form of the built environment and its relationship to the natural environment are crucial factors in determining the future character and attractiveness of the area. Planning controls aim to influence residential development form to be in harmony with its natural and constructed surroundings. This aims to enhance the physical context valued by the local community and by an increasing number of visitors.

There is a growing diversity in residential needs, reflecting changing household types and incomes, lifestyles, and recreational pursuits. A higher quality of design within a more cost-efficient development framework is promoted.

Building forms need to relate to each other and be compatible with their surroundings by respecting established positive themes in design, orientation, forms, scale, materials and landscaping.

2.0 Application

This section applies to all residential development consisting of:

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

This section does not apply to single dwellings or secondary dwellings.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks
- C13 Liveable housing

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C10 Street awnings and balconies

- C11 Development adjoining laneways
- C12 Open space and landscaping
- E1 Built and landscape heritage
- E2 Heritage conservation areas
- E3 Tighes Hill character area
- E4 Kotara local character
- E6 Fort Wallace
- E7 Wickham
- E8 Renewal Corridors
- E10 Minmi extension
- E11 Minmi East

4.0 Additional information

Design excellence: Urban Design Review Panel

The Urban Design Review Panel (UDRP) provides independent, expert advice about the quality of the urban design and amenity of referred developments.

Some types of development must be referred. These include:

- Residential flat buildings
- Shop top housing
- Mixed-use development with a residential accommodation component.

Other types of development that may be referred due to their nature, location or scale, and likely impact upon the surrounding locality include:

- Boarding houses
- Co-living
- Education establishments
- Multi dwelling and attached dwelling developments comprising ten or more dwellings,
- Seniors housings
- Serviced apartment
- Tourist and visitor accommodation
- Modification applications where the development consent to be modified was subject to UDRP advice and the modifications are not minor
- Any other development referred at the discretion of the relevant manager at City of Newcastle (CN).

This section does not apply to development captured by *NSW Department of Planning and Environment's Apartment Design Guide (Apartment Design Guide)*. All other development is to demonstrate compliance with this Section.

5.0 Objectives

1. Ensure development is compatible with the scale and desired residential character of the area.
2. Encourage innovation and diversification in the type and size of residential development.
3. Ensure residential development has a high level of privacy, comfort, security, amenity and liveability.
4. Provide an active and attractive public domain.
5. Ensure development is designed to complement the individual site conditions including slope, aspect, trees and existing buildings.
6. Recognise the importance of live music and entertainment and adequately protect encroaching noise to sensitive residential uses through the agent of change principle.
7. Reduce the risk of potential for land use conflict.
8. Ensure sensitive land uses are adequately buffered.

6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Agent of change** – is a legal principle which outlines that the entity responsible for introducing a change into the built environment carries the onus of mitigating the impacts of that change.
- **Deep soil zone** – is an area of soil within a development unimpeded by buildings or structures above and below ground. Deep soil zones enable planting of vegetation and a permeable ground surface to allow for the infiltration of surface water. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.
- **Direct sunlight** – is achieved when 1m² of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.
- **Lightwell** – is an enclosed void or space open to the sky and allows natural light and air to flow to the interior of a building. It is usually located in the centre of a building or towards the rear of a building.
- **Habitable room** – means a room used for normal domestic activities other than a bathroom, toilet, pantry, walk-in wardrobe, corridor lobby, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods of time.
- **Studio apartment** – is an apartment consisting of one habitable room that combines kitchen, living and sleeping space.

7.0 Application requirements

Development category	Application requirements	Explanatory notes
All applications that include the erection of a structure or the extension of an existing structure may require a 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	<p>The 3D Model should be used to illustrate the following information:</p> <ul style="list-style-type: none"> • context 'before' and 'after' streetscape drawings/images and/or photomontages; • shadow diagrams; and • assessment of impact on view corridors.
Attached dwellings, dual occupancies and semi-detached dwellings.	A design statement describing how the built form of the development contributes to the character of the local area is submitted with the development application (DA).	All residential flat buildings and shop top housing over three storeys in height will be assessed against the design quality principles outlined in <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment</i> (SEPP 65) and design guidance outlined in the <i>Apartment Design Guide</i> .
All forms of residential development except attached dwellings, dual occupancies and semi-detached dwellings.	<p>A detailed site analysis is undertaken to understand all issues and considerations including:</p> <ol style="list-style-type: none"> a. relationship to the public domain and surrounding development b. existing vegetation and trees c. boundary treatments d. retaining walls, fences, overshadowing impacts and privacy considerations e. orientation f. slope g. geology h. contamination i. infrastructure j. access arrangements k. stormwater management l. views. 	

<p>All forms of residential development, including a change of use and application for a home business, if there is a built form element.</p>	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 16.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm.</p> <p>The shadow diagrams must:</p> <ul style="list-style-type: none"> • be drawn to an appropriate scale (generally 1:100 or 1:200) • use different colours or style to clearly differentiate between existing and proposed shadows • indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems • specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing • indicate and use true north point (not magnetic north) • include elevation views where windows of living areas are impacted. 	
<p>Any development that may require an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> • consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-DA meetings for a development • clearly describe assessment methodologies and include calculation data • adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources, and operating conditions at the time of measurements • ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented. 	<p>A noise-producing development or noisy area may have a range of activities contributing to noise and is not limited to that produced from busy roads, railways, industries, live music venues, entertainment, gymnasiums, public parks and plazas in which people may congregate or host live music or events.</p> <p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>

Any development within 25m of a rail corridor.	A vibration assessment is warranted for any development within 25m of a rail corridor. A vibration assessment is to be carried out by a qualified structural engineer.	More guidance can be found in the NSW Department of Planning and Environment <i>Development near Rail Corridors and Busy Roads – Interim Guidelines</i> and <i>Assessing Vibration – A technical Guideline</i> for the assessment of vibration sources in relation to human comfort.
An application for development, including a change of use involving building work.	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	The Disability (Access to Premises – Buildings) Standards 2010 applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design, in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the Disability Standards for Education 2005.
An application for a change of use not involving building work.	<p>An access report to consider access issues related to a proposal, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.
All forms of residential development.	A statement of compliance is required to confirm that the development only uses electricity for all internal household energy needs.	BASIX certificates are to confirm that no gas is proposed to achieve compliance.
Subdivision within Summerhill Waste Management Centre Buffer areas.	Development within Summerhill Waste Management Centre Buffer areas may require additional assessments to support the application including noise, odour and/or visual impact assessment.	Discretion will be used regarding the extent of information required.

8.0 Frontage widths

Objectives			
1. Ensure sites are wide enough to accommodate development that respects the desired character of the surrounding area, the amenity of adjoining development and provides good internal site amenity.			
2. Ensure development in the R3, R4, E1 or MU1 zones do not result in isolated sites with less than the minimum developable site frontage.			
Controls (C)		Explanatory notes	
C-1. For the development types listed in Table D3.01 , frontage widths must be equal to or greater than the minimums specified in Table D3.01 .			
Residential development type	Site frontage width		
Zone	R2		R3, R4, E1 or MU1
Dual occupancy/attached dwelling/ semi-detached dwelling	12m		15m
Multi-dwelling with basement car park	15m		18m
Multi-dwelling with above ground car parking	18m		18m
Residential flat buildings			
Shop top housing			
Boarding houses			
Co-living			
Hostels			
Table D3.01: Minimum site frontage widths			
C-2. The minimum site frontage for group homes and seniors housing is consistent with the minimum frontage in control C-1 based on the type of building proposed.		Example: A seniors housing development in the form of a multi-dwelling with basement car parking would require 15m in the R2 zone and 18m in the R3, R4, E1 and MU1 zones.	

<p>C-3. Development for the purposes of a residential flat building, multi-dwelling housing, seniors housing, boarding houses, co-living or shop top housing does not result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence is required to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.</p>	<p>Reasonable offers to purchase a site that is to be isolated are to be made at an early stage prior to DA lodgement. However, where an applicant has failed to negotiate before a DA was lodged, it is not necessarily too late to do so after lodgement.</p> <p>Documentation is required to demonstrate in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A licensed valuer must base the offer on at least one recent independent valuation.</p>
<p>C-4. The development of existing isolated sites does not detract from the character of the streetscape and achieves a satisfactory level of amenity including solar access, visual and acoustic privacy.</p>	<p>Development of existing isolated sites may not achieve the maximum development potential, particularly height and floor space ratio, and will be assessed on merit.</p>
<p>C-5. Development that would result in the creation of an isolated lot must provide for a future extension incorporating the isolated lot or demonstrate that the isolated lot can be developed independently.</p>	<p>Development that would result in the creation of an isolated lot must comply with the planning principles established by the Land and Environment Court in <i>Melissa Grech v Auburn Council [2004] NSWLEC 40</i>, <i>Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189</i>; <i>Karavellas v Sutherland Shire Council [2004] NSWLEC 251</i>; provide for a future extension incorporating the isolated lot, or demonstrate that the isolated lot can be developed independently.</p>
<p>C-6. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.</p>	

9.0 Front setback

Objectives	
<ol style="list-style-type: none"> 1. Ensure front setbacks are consistent with the existing or intended local streetscape. 2. Integrate garages and carports into a development so they do not dominate the streetscape. 3. Provide appropriate articulation of facades and horizontal elements to reduce the appearance of bulk and to provide visual interest to the streetscape. 4. Ensure there is suitable space for site landscaping and deep soil areas. 5. Protect privacy and amenity for the building occupants. 6. Ensure buildings on corner sites provide an appropriate secondary street setback and maintain sight lines for the safety of pedestrians and vehicles. 	
Controls (C)	Explanatory notes
C-1. In an established area, the minimum front setback is the average distance of buildings within 40m either side of the lot on the same primary road. See Figure D3.01 .	For dwellings within any development on a street corner, the primary street frontage is the street to which the dwelling presents its front door, front elevation, main pedestrian entry and mailbox, as relevant. The primary street frontage may vary from one dwelling within a development to another within the same development, based upon the above criteria. On corners between public roads and laneways, the primary street is always the public road.
C-2. If there is no established building line, the maximum front setback is 4.5m.	
C-3. The secondary street minimum setback is 2m. A greater secondary setback may be required if the proposed development does not: <ol style="list-style-type: none"> a. positively address the secondary street b. demonstrate a good level of amenity c. maintain sight lines for the safety of pedestrians and vehicles. 	In cases where each of the dwellings comprising a detached dual occupancy on a corner lot that address different streets, the primary street frontage and secondary street frontage may be different for each of the dwellings. As a result, the front setback for each of these dwellings will be determined by the street to which the dwelling presents.
C-4. On corner lots, if development contains two or more dwellings, at least one dwelling is to present to each street frontage.	
C-5. The setback from a classified road is as specified by any applicable environmental planning instrument, or at least 9m if none exists.	Development adjoining a classified road or on land reserved for such purposes of a classified road may require concurrence with Transport for NSW.
C-6. The setback from a public reserve is a minimum of 3m to ensure the retention of any affected canopy trees that have a medium to long-term life expectancy.	

C-7. Entries to a basement car park, garage or carport are setback a minimum 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least 5.5m from the boundary with the road.

C-8. An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line. See **Figure D3.02**.

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

- (a) the required front setback (building line), or
- (b) a gable or roof parapet having a surface area of more than 10m².

The following building elements are permitted in an articulation zone: (a) an entry feature or portico

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

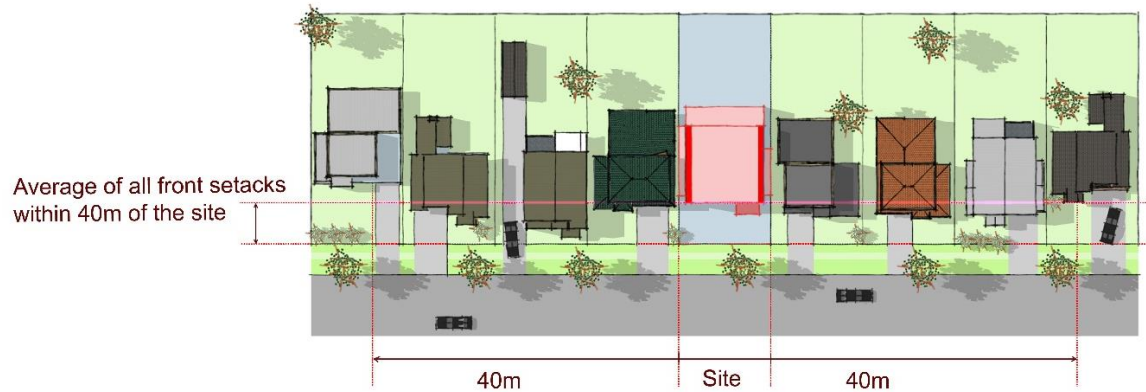


Figure D3.01: Front setbacks consistent with neighbouring buildings 40m either side

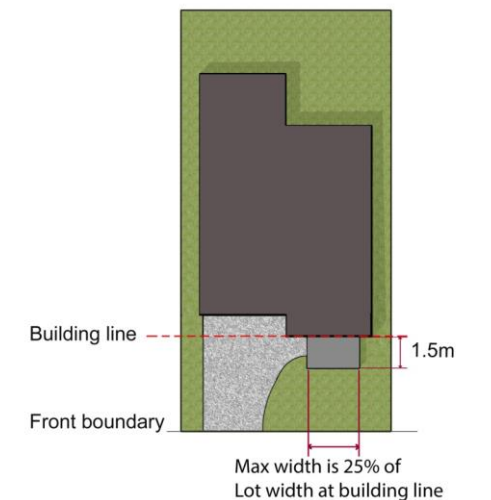


Figure D3.02: Building articulation zone

10.0 Side and rear setbacks – R2 Low Density Residential Zone

Objectives

1. Ensure development is consistent with and complements the desired built form prevailing in the street and local area.
2. Minimise the impacts of development on neighbouring properties with regards to view, privacy, overshadowing and sense of openness.
3. Ensure rear setbacks provide suitable space for landscaping and deep soil areas.
4. Maintain significant views from adjoining properties.

Controls (C)

Explanatory notes

C-1. Where there are no locality specific controls See **Figure D3.03**

- a. side setbacks are a minimum of 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1
- b. rear setbacks are a minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m in height.

Dwellings should be oriented to the front and rear of the site. Orientation to a side boundary may be considered where it is necessary to achieve good solar access to living rooms and private open space. In these cases, greater side boundary setbacks will be required.
Building setbacks need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.

C-2. On corner lots, the boundary opposite the primary road frontage, is taken to be rear boundary for purposes of applying setbacks See **Figure D3.03**.

In many cases the primary road and secondary road may be different for each of the dwellings comprising a dual occupancy (detached) on a corner lot, as is shown in **Figure D3.03**. This is because for each dwelling the primary road is the road that the dwelling faces. Accordingly, the setbacks for each of these dwellings will not necessarily align.

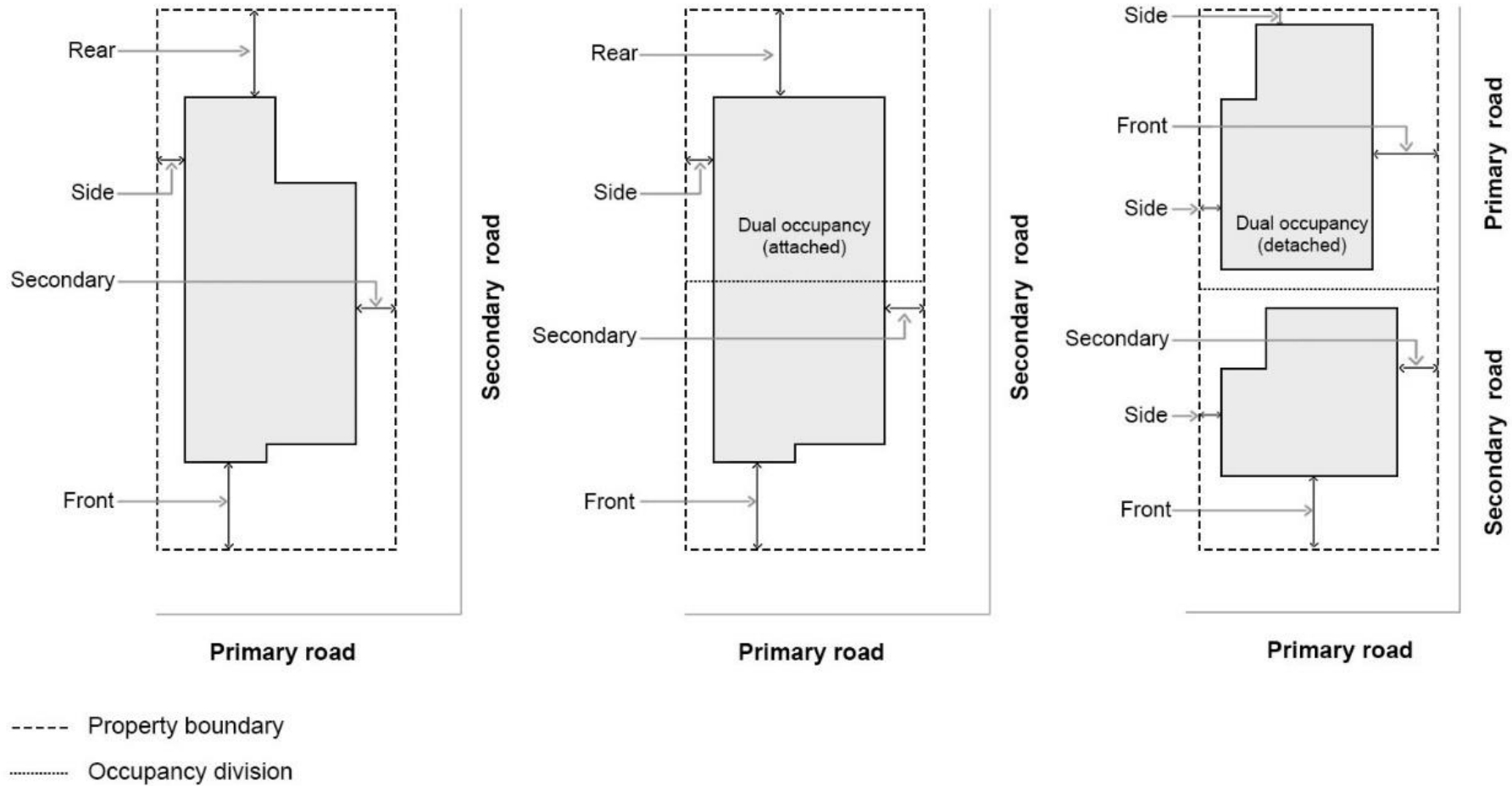


Figure D3.03: Setbacks on corner lots

C-3. Where adjoining a dwelling house in the R2 Low Density Residential zone, the depth of projection of a building is no greater than 45 degrees for 18m as measured from the middle of the window of the closest ground floor habitable room on the rear wall building line of the main neighbouring property on both sides. See **Figure D3.04**.

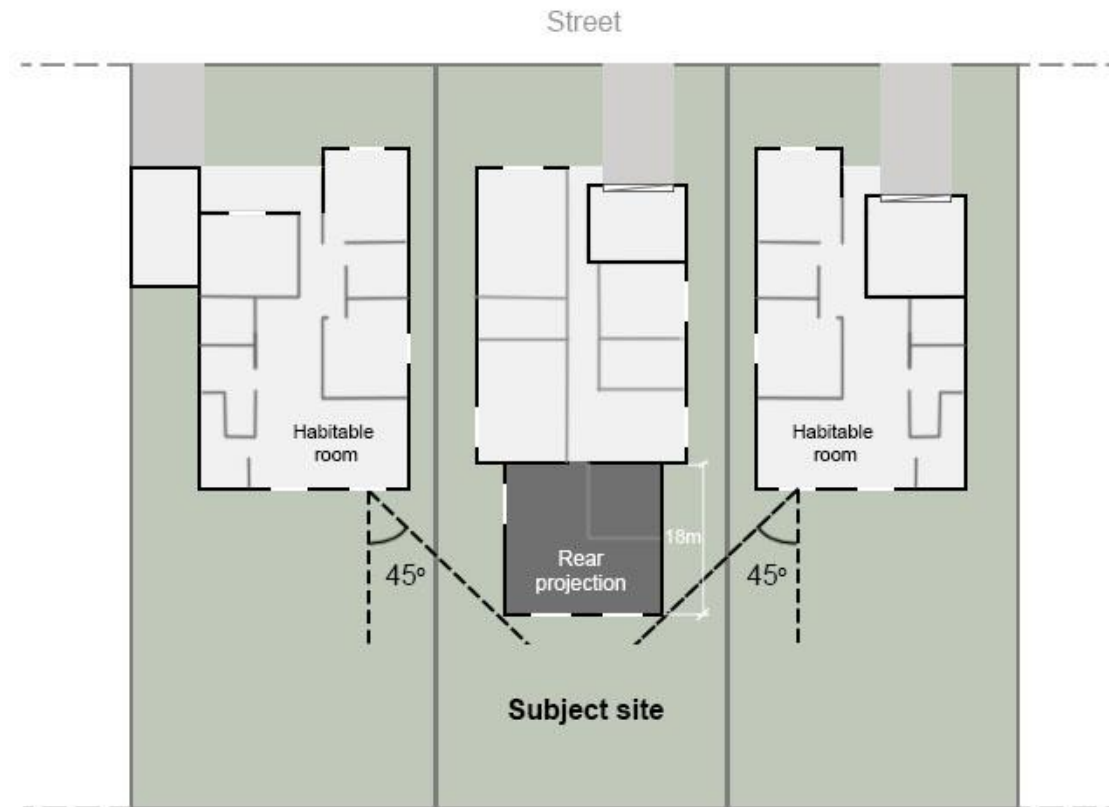


Figure D3.04: 45 degree rear window of neighbouring dwelling house projection in the R2 Low Density Residential zone

11.0 Side and rear setbacks – R3 Medium Density Residential, R4 High Density Residential, E1 Local Centre and MU1 Mixed Zones

Objectives										
1. Ensure development is consistent with and complements the desired built form prevailing in the street and local area. 2. Minimise the impacts of development on neighbouring properties with regards to view, privacy, overshadowing and overall amenity. 3. Ensure rear setbacks provide suitable space for landscaping and deep soil areas. 4. Maintain significant views from adjoining properties.										
Controls (C)		Explanatory notes								
C-1.Where there are no locality specific controls, the side and rear setbacks are: <table border="1" data-bbox="206 630 828 782" style="margin-left: 40px;"> <thead> <tr> <th>Wall height</th> <th>Side and rear setbacks</th> </tr> </thead> <tbody> <tr> <td>Up to 4.5m</td> <td>1.5m</td> </tr> <tr> <td>4.5m – 8.5m</td> <td>3m</td> </tr> <tr> <td>Over 8.5m</td> <td>6m</td> </tr> </tbody> </table>		Wall height	Side and rear setbacks	Up to 4.5m	1.5m	4.5m – 8.5m	3m	Over 8.5m	6m	Dwellings should be oriented to the front and rear of the site. Orientation to a side boundary may be considered where it is necessary to achieve good solar access to living rooms and private open space. In these cases, greater side boundary setbacks will be required. Building setbacks need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.
Wall height	Side and rear setbacks									
Up to 4.5m	1.5m									
4.5m – 8.5m	3m									
Over 8.5m	6m									
C-2.On corner lots, if a development contains two or more dwellings, the boundary opposite the primary road frontage of each dwelling is taken to be the rear boundary for purposes of applying side and rear setbacks.		The side and rear boundary may be different for each of the dwellings/buildings in a development on a corner lot.								
C-3.Side or rear boundary setbacks may be reduced/built to the boundary where: <ol style="list-style-type: none"> a. the wall height and length match an existing or similarly constructed wall on the adjoining site; and b. the proposed wall and the wall on the adjoining property do not contain any openings; and c. the wall will not impede the flow of stormwater or overland flow paths. 										

12.0 Siting the development - public domain interface

Objectives <ol style="list-style-type: none"> 1. Achieve the transition between the private and public domain without compromising security. 2. Ensure front fences and walls do not dominate the public domain and compliment the context and character of the area. 3. Retain and enhance the amenity of the public domain. 4. Minimise the visual impact of site services and related structures such that they relate to the building and landscape design in a sensitive manner. 5. Maximise opportunities for walking and cycling where possible. 	
Controls (C)	Explanatory notes
The following controls apply to all forms of residential development	
C-1.Private open space is to be located behind the building line.	
C-2.Windows and balconies overlook the public domain.	
C-3.Direct visibility is provided from the public domain along pathways and driveways.	
C-4.Development ensures site services and related structures, including electricity transformers, fire hydrant and booster assembles, air conditioning and other mechanical plant, vents and exhausts are: <ol style="list-style-type: none"> a. no more than 5m or 10% of the street frontage, whichever is lesser b. oriented towards the internal driveways or footpaths on site c. located, screened or landscaped so that they are not visually intrusive when viewed from the street. 	
C-5.Fences and walls forward of the building line of the primary road frontage: <ol style="list-style-type: none"> a. have a maximum height of 1.2m, and are constructed using materials such as slats or pickets with at least 50% of the fence area open b. may use high, solid acoustic fencing to shield dwellings from the noise from classified roads. These walls have a maximum height of 2.1m and a setback of at least 1.5m from the boundary. Landscape planting with a mature height of at least 1.5m is provided between the wall and the front boundary. c. do not use unfinished timber paling and metal panel fences d. have courtyard fences and walls to secondary street frontages align with the facade facing the street e. solid fencing components are finished with the same material as the building facade. 	
C-6.Retaining walls within the front setback that have a height greater than 600mm are softened by landscape planting with a minimum width of 600mm on the low side of the retaining wall.	

<p>C-7. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:</p> <ol style="list-style-type: none"> street access, pedestrian paths and building entries which are clearly defined; or paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or walls fronting the public spaces have openings that are at least 25% of the surface area of the wall. 	
<p>C-8. Mailbox structures:</p> <ol style="list-style-type: none"> meet the relevant Australia Post service requirements are grouped together and positioned close to the primary street entry to the site. 	
<p>C-9. Direct visibility is provided from the public domain to the front door along paths and driveways.</p>	
<p>C-10. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.</p>	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> the development type, scale and density planned or likely intensification of an area adjoining or surrounding footpath infrastructure and surface treatments condition of any existing footpath and need for replacement CN forecasted infrastructure and asset projects or capital works programs topography of the road reserve along subject site frontage the presence of any utilities, services, assets, street trees, street furniture or the like. CN public domain plans and standard drawings for footpaths. <p>For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>

13.0 Siting the development - pedestrian and vehicle access

Objectives

1. Design internal vehicle and pedestrian circulation to function like a street.
2. Ensure adequate space is provided for vehicle circulation.
3. Minimise the dominance of driveways within the site and to the streetscape.
4. Minimise impacts of vehicular and pedestrian movement on habitable spaces.
5. Minimise the visual and environmental impacts of car parking, including loss of deep soil.
6. Access for people with a disability is considered through all stages of building design.
7. Provide awareness of the obligations under the *Commonwealth's Disability Discrimination Act 1992*.

Controls (C)

The following controls apply to all forms of residential development

C-1. An application for development including change of use is to provide an access report in accordance with the application requirements above.

C-2. Emergency egress for occupants with a disability is designed for in accordance with the National Construction Code. Required egress routes allow for safe escape for persons with a disability including, but not limited to, waiting space on landings within fire stairs and provision of accessible egress paths from ground floor apartments.

C-3. Internal streets, lanes, driveways and parking spaces and circulation comply with AS 2890.1.

C-4. Driveways, internal streets, lanes and visitor car parking spaces are setback:

- a. at least 1m from a fence
- b. at least 1m from another dwelling
- c. at least 2.5m from a window to a habitable room that is 1m² or larger in size.

C-5. Landscape planting is incorporated into the driveway, street and lane setbacks.

C-6. Driveways adjacent to a tree are located outside of the dripline or comply with the recommendations in a report prepared by a qualified arborist.

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

C-7. All internal driveways, streets and lanes are overlooked by windows from habitable rooms or private open space.

C-8. Open space or the window of a dwelling is provided at the termination point of an internal driveway, street or lane.

C-9. Multi dwelling developments containing 20 or more dwellings include pedestrian paths separated from the internal road or lane by a kerb or landscaped area.

C-10. Where pedestrian circulation is separated from vehicle circulation, the paths still function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.

C-11. Lighting is provided in accordance with AS 1158.3 to roads and pedestrian spaces and avoids light spill into private open space or habitable rooms.

C-12. The maximum length of a dead end lane or driveway is 40m and serves a maximum of 10 dwellings.

C-13. Lanes and driveways, including pedestrian paths, are straight and all parts have a clear line of sight from internal or public streets.

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

C-14. Basement car parking:

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

14.0 Siting the development - orientation and siting

Objectives		
1. Ensure building types and layouts respond to the streetscape and maximise street surveillance and connectivity. 2. Ensure development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space. 3. Minimise the overshadowing of solar panels, living rooms and private open space of neighbouring properties and during mid-winter. 4. Design development to respond to the natural landform of the site, reducing visual impact and minimising earthworks.		
Controls (C)	Acceptable solution (AS)	Explanatory notes
<u>The following controls apply to all forms of residential development.</u>		
C-1.Minimise cut and fill on sloping sites with buildings responding to the topography with changes in floor level.		
C-2.Fill outside the building footprint does not exceed a height measured from existing ground level of: <ul style="list-style-type: none"> a. 600mm if located within 1m of a boundary, and b. 1m if located greater than 1m from a boundary. 		
C-3.Orientate dwellings to maximise solar and daylight access to living rooms and private open space.		
C-4.Consideration must be given to neighbouring properties' solar panels and the loss of sunlight to these panels as a result of any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1.Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.	
<u>The following controls apply to all forms of residential development except for attached dwellings, dual occupancies and semi-detached dwellings</u>		
C-5.Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.		
<u>The following controls apply to attached dwellings, dual occupancies and semi-detached dwellings</u>		
C-6.Battle-axe lots have access of at least 3m to the primary road.		
C-7.Excavation does not exceed a depth measured from existing ground level of: <ul style="list-style-type: none"> a. 1m if located within 1m of a boundary, and b. 3m if located greater than 1m from a boundary. 		
<u>The following controls apply to attached dwellings, dual occupancies, multi dwelling housing and semi-detached dwellings</u>		
C-8.Each dwelling has a frontage to a public street, internal street or lane.		

C-9.Dwellings facing the street have a covered entry door and a window of a habitable room at each level in every wall facing the street.		See Section C11 Development adjoining laneways for specific design criteria for development adjoining a laneway.
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15.0 Siting the development - building separation

Objectives		
1. Provide adequate space between buildings to allow for landscape, daylight access between buildings, visual separation, and reduce visual bulk.		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Adequate separation is provided between buildings to ensure visual privacy is achieved.	AS-1.Through building design, siting and landscaping direct sight lines should be avoided between habitable rooms and private open space. AS-2.No separation is required between blank walls.	
C-2.Building design incorporates multiple massing elements, separated by landscaped areas, to enhance visual interest and integration with the natural environment.	AS-1.Each massing element has a maximum frontage of 25m. AS-2.Single buildings present as multiple buildings. AS-3.Adequate deep soil zones are provided adjacent to boundaries where open car parking spaces and driveways are integrated within the landscaped areas. AS-4.Building design includes articulation elements such as variation in materials and setbacks to reduce bulk.	

16.0 Amenity – solar, outlook and daylight access

Objectives		
<ol style="list-style-type: none"> 1. Maximise the number of dwellings receiving sunlight to habitable rooms and private open space. 2. Ensure solar access enables passive solar heating in winter and provides a healthy indoor environment. 3. Ensure access to daylight is suited to the function of the room and artificial lighting is minimised. 4. Provide a sense of openness in views, and access to sunlight and daylight from rear facing habitable room windows. 		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Compliance with the standards for 'Solar and daylight access' detailed in the <i>Apartment Design Guide</i> , for all residential flat buildings required to comply with that standard.		<p>SEPP 65 requires some types of residential development to meet the requirements of the <i>Apartment Design Guide</i>.</p> <p>SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:</p> <ol style="list-style-type: none"> a. the development consists of any of the following: <ol style="list-style-type: none"> i. erection of a building, ii. substantial redevelopment or the substantial refurbishment of an existing building, iii. conversion of an existing building, and b. the building concerned is at least three or more storeys (not including levels below ground level (existing) or levels that are less than 1.2m above ground level (existing) that provide for car parking), and c. the building concerned contains at least four or more dwellings.
C-2.Compliance with the standards for solar access in in <i>State Environmental Planning Policy (Housing) 2021</i> for all applicable housing types.		<i>State Environmental Planning Policy (Housing) 2021</i> applies to affordable and diverse housing types including, but not limited to, co-living housing, boarding houses, build-to-rent housing, seniors housing, independent living units, group homes and hostels.
<u>The following controls apply to all forms of residential development</u>		
C-3.For an adjoining dwelling, the living room window and principal private open space receive at least two hours of direct sunlight between 9am and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not further reduced.		
C-4.Every habitable room has a window in an external wall with a total minimum glass area of at least 15% of the floor area of the room.		

C-5. Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.		
C-6. No part of a habitable room is more than 8m from a window. A window must be visible from all parts of a habitable room.		
C-7. No part of a kitchen work surface is more than 6m from a window or skylight.		
C-8. Courtyards are fully open to the sky, have a minimum dimension of one third of the perimeter wall height and minimum area of 3m ² .		
The following controls apply to all forms of residential development except for co-living, boarding houses and residential flat buildings that are required to comply with the <i>Apartment Design Guide</i>		
<p>C-9. The living room and private open space receive a minimum of two hours direct sunlight between 9am and 3pm at the winter solstice for:</p> <ol style="list-style-type: none"> a. each dwelling in a dual occupancy or attached dwelling b. at least 70% of dwellings in all other forms of residential development. 	<p>AS-1. Direct sunlight is achieved when 1m² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy two hours direct sunlight, eight periods of 15 minutes will need to be achieved - the periods do not need to be consecutive. Overshadowing from existing development must be considered in calculating solar access amenity.</p>	

C-10.A depth greater than 25 degrees for up to 10m is required for light. This is measured from 2m above windows into habitable rooms located along the rear wall building line. Refer to **Figure D3.05**. Where a balcony extends beyond the building face, all obstructions such as retaining walls or fences, are to be located below a 45° control plane, drawn from the finished ground level at the building line.

Depth/width of lightwell determined by a 25° line measured from 2m high on the window of habitable room

No structure or building on site or adjoining properties is to break the 25° line

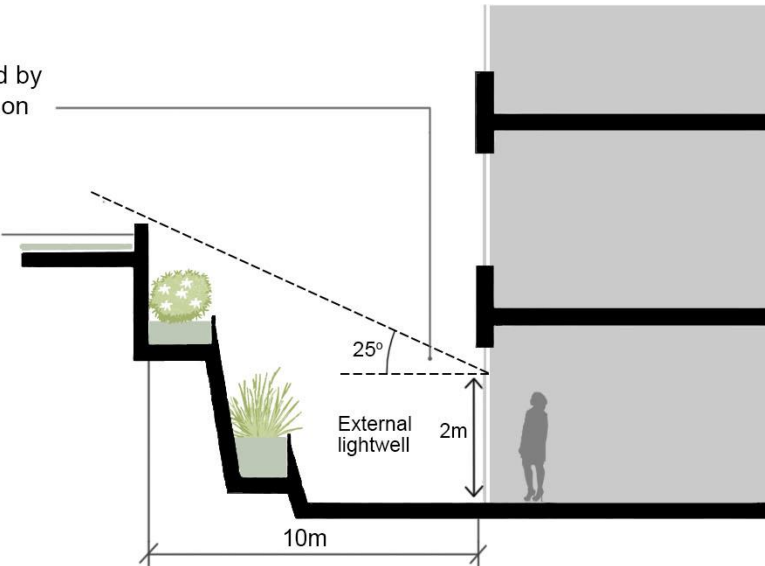


Figure D3.05: 25 degree rear outlook and lightwell projection

17.0 Amenity – natural ventilation

<p>Objectives</p> <p>1. Ensure all habitable rooms are naturally ventilated.</p>
<p>Controls (C)</p>
<p><u>The following controls apply to all forms of residential development</u></p>
<p>C-1.All residential flat buildings comply with the standards for 'Natural Ventilation' in the <i>Apartment Design Guide</i>.</p>
<p>C-2.For all other residential development:</p> <ul style="list-style-type: none"> a. each habitable room has natural ventilation b. each dwelling is cross ventilated.

18.0 Amenity – ceiling heights

<p>Objectives</p> <p>1. Ensure ceiling height achieves sufficient natural ventilation and daylight access, and provides spatial quality.</p>
<p>Controls (C)</p>
<p><u>The following controls apply to all forms of residential development</u></p>
<p>C-1.All residential flat buildings comply with the standards for 'Ceiling Height' in the <i>Apartment Design Guide</i>.</p>
<p>C-2.For all other residential development, the ceiling height measured between finished floor level and finished ceiling level are:</p> <ul style="list-style-type: none"> a. 2.7m to all ground floor habitable rooms b. 2.7m to first floor living rooms c. 2.4m to all first floor bedrooms.

19.0 Amenity – dwelling size and layout

Objectives

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

Controls (C)

The following controls apply to all forms of residential development

C-1. For residential development:

- a. dwellings have the following minimum internal areas:

No. Bedrooms	Size
Studio	35m ²
1	65m ²
2	90m ²
3	125m ²

- b. the minimum internal areas include only one bathroom. An additional 5m² floor area is provided for each additional bathroom
- c. an additional 12m² is provided for any bedroom in excess of three
- d. kitchens are not part of the circulation space, except in one bedroom dwellings
- e. a window is visible from any point in a habitable room
- f. one bedroom is a minimum area of 10m² and other bedrooms are a minimum of 9m² (excluding wardrobe space) with a minimum dimension of 3m (excluding wardrobe space)
- g. combined living/dining areas have a minimum dimension of 4m (excluding fixtures) and are a minimum of 24m² for dwellings with up to two bedrooms and 28m² for dwellings with three or more bedrooms.

20.0 Amenity – private open space

Objectives

1. Ensure private open space and balconies are appropriately located and of adequate size to enhance residential amenity and liveability.

Controls (C)

The following controls apply to all forms of residential development except for residential flat buildings and shop top housing

C-1. Compliance with the standards for 'private open space' in *State Environmental Planning Policy (Housing) 2021* for all applicable housing types.

C-2. For all other residential development:

- a. all dwellings have at least 16m² of private open space
- b. the minimum dimension of private open space is 3m, and excludes any storage space, rainwater tanks, clothes drying area, air-conditioning units or other similar structures
- c. private open space and balconies are located adjacent to the living room, dining room or kitchen
- d. 50% of the minimum required private open space is covered to provide shade and protection from rain
- e. private open space is located at the rear of each dwelling. The location may be varied if it is demonstrated a better design outcome is achieved and the private open space is appropriately screened to ensure privacy
- f. an outdoor area for clothes drying is included that can accommodate at least 16 lineal metres of clothes line per dwelling and which is screened from public and communal areas.

The following controls apply to all residential flat buildings and shop top housing

C-3. Compliance with the standards for 'Private open space and balconies' in the *Apartment Design Guide*, for all residential flat buildings required to comply with that standard.

C-4. For residential flat buildings and shop top housing that are not required to comply with the *Apartment Design Guide*, each dwelling has:

- a. a minimum area of private open space as follows:

Dwelling size	Private open space
1 bedroom	8m ²
2+ bedrooms	12m ²
Ground floor dwellings	16m ²

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

21.0 Amenity – storage

Objectives

1. Ensure each dwelling has adequate, well designed storage.

Controls (C)

The following controls apply to all forms of residential development

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

C-2. For all other residential development:

- a. in addition to storage in kitchens, bathrooms and bedrooms, storage is provided as follows:

Dwelling size	Private open space
1 bedroom	8m ³
2 bedrooms	12m ³
3+ bedrooms	16m ³

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

22.0 Amenity – car and bicycle parking

Objectives							
1. Car and bicycle parking is appropriate for the scale of the development.							
Controls (C)	Explanatory notes						
<u>The following controls apply to all forms of residential development</u>							
C-1.Entries to a basement car park, garage or carport are set back at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the primary road.	Car and bicycle parking comply with Section C1 Traffic, parking and access.						
C-2.The maximum aggregated garage door width that has a frontage to a primary road is:							
<table border="1"> <thead> <tr> <th>Lot width</th> <th>Aggregate garage door width</th> </tr> </thead> <tbody> <tr> <td>7.5m – 12.5m</td> <td>3.2m</td> </tr> <tr> <td>>12m</td> <td>6m</td> </tr> </tbody> </table>	Lot width	Aggregate garage door width	7.5m – 12.5m	3.2m	>12m	6m	
Lot width	Aggregate garage door width						
7.5m – 12.5m	3.2m						
>12m	6m						
C-3.Where a lot width is less than 7.5m, car parking is provided from a secondary road, parallel road or lane.							
<u>The following controls apply to all forms of residential development except for attached dwellings, dual occupancies and semi-detached dwellings</u>							
C-4.Facilities for car washing are provided and a dedicated car wash bay is provided for developments containing 20 or more dwellings.	Facilities for car washing should be pervious.						

23.0 Amenity – visual privacy

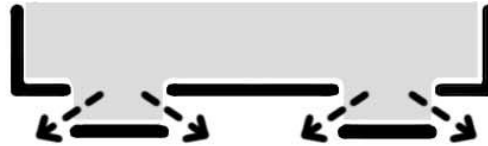
Objectives		
1. Achieve reasonable levels of external and internal visual privacy for adjacent dwellings while retaining amenity for the dwelling. 2. Increase visual privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
The following controls apply to all forms of residential development		
C-1.Compliance with the standards which relate to visual privacy detailed in the <i>Apartment Design Guide</i> , for all residential flat buildings required to comply with that standard.		Visual privacy is addressed in Chapter 3F of the <i>Apartment Design Guide</i> in sections relating to Separation Distances, Apartment Layout and Design, Solar and daylight access and Balconies and Private Space.
C-2.For all other residential development, development is located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings. This is to be achieved by: <ol style="list-style-type: none"> a. separation distances between windows and balconies of dwellings on the same site are double the distances above b. ensuring only diagonal or oblique views of the first 10m of a neighbouring garden measured from the rear wall building line are possible c. inclusion of privacy screens where the distance from the window of a habitable room to the boundary is: <ol style="list-style-type: none"> i. less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or ii. less than 6m, and the habitable room has a finished floor level greater than 3m above ground level d. privacy screening on the edge of a terrace, balcony or verandah, where the edge is: <ol style="list-style-type: none"> i. less than 3m from the boundary, and habitable room has a finished floor level greater than 1m above existing ground level, or ii. less than 6m and the habitable room has a finished floor level greater than 2m above ground level. 	AS-1.Screening may require the introduction of architectural devices shown in Figure D3.06 . AS-2.A privacy screen is not required to: <ol style="list-style-type: none"> i. a bedroom window with an area less than 2m² ii. any window that has a sill height of 1.5m or greater, or iii. any window that has a frontage to a road or public open space. AS-3.A privacy screen is not required for a balcony or terrace with an area less than 3m ² , or a balcony or terrace of any size that has a frontage to a road or public space. AS-4.Where privacy screens are provided to windows, they do not cover part of the window required to meet the minimum daylight or solar access requirements or restrict ventilation.	Diagonal and oblique views are not considered direct overlooking. Privacy screens are the last resort where all other design options, such as site arrangement and internal layouts have been exhausted.

PROPOSED - Angled windows



EXISTING

PROPOSED - Screened oriel windows



EXISTING

PROPOSED - Staggered windows



EXISTING

Figure D3.06: Window screening elements

24.0 Amenity – acoustic privacy

Objectives	
1. Minimise noise transfer through the siting of buildings and building layout.	
Controls (C)	Explanatory notes
<u>The following controls apply to all forms of residential development</u>	
C-1.All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment does not exceed an LAeq* (15 min) of 5dB(A) above background noise at the property boundary.	*LAeq refers to Equivalent Continuous Sound Pressure Level.
C-2.Noise from external sources impacting residential habitable areas need to be adequately addressed to ensure appropriate internal noise levels are achieved with respect to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	Sub-section 7.0 Application requirements provides further information.
<u>The following controls apply to all forms of residential development except for attached dwellings, dual occupancies and semi-detached dwellings</u>	
C-3.Noise sources not associated with the dwelling such as garage doors, driveways, service areas, plant rooms, building services, and mechanical equipment are located at least 3m from any bedroom.	

25.0 Amenity – noise pollution

Objectives	
1. Control outside noise levels to acceptable levels in living rooms and bedrooms of dwellings.	
2. Noise sensitive developments are designed to protect the proposed development from nearby noise producing development and uses.	
Controls (C)	Acceptable solutions (AS)
C-1.Dwellings within 100m of a road corridor with annual daily traffic volume of more than 40,000 vehicles (based on traffic volume data published on the website of Transport for NSW) or 80m from a rail corridor have LAeq measures not exceeding: <ul style="list-style-type: none"> a. in any bedroom: 35dB between 10pm - 7am b. anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time. 	AS-1.This can be achieved by: <ul style="list-style-type: none"> a. a full noise assessment prepared by a qualified acoustic engineer, or b. complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of Draft Guide to Infrastructure development near rail corridors busy roads.
C-2.Noise sensitive developments on land that may be affected by entertainment sound is to include noise attenuation measures to achieve acceptable sound levels, taking into account the operation of existing, planned or approved development with a noise producing activity. This involves the incorporation of measures that reduce the entry of noise from external noise producing development into dwellings.	

26.0 Amenity – indoor air quality

Objectives	
<ol style="list-style-type: none"> 1. Ensure that indoor air quality levels are met. 2. Improve indoor air quality in the built environment. 3. Reduce indoor air pollutants associated with the combustion of gas or wood and improve air quality. 4. Minimise the installation of plant and equipment internally in residential development that relies upon on-site fuel combustion. 5. Reduce the cost to occupants by avoiding ongoing gas connection standing charges. 	
Controls (C)	Explanatory notes
C-1.New residential developments should only use electricity, either grid provided and/or on-site renewable, for all internal household energy needs.	Electric buildings reduce construction and operating costs through the elimination of gas pipes and metering and ongoing connection and usage charges as well as providing enduring health benefits to occupants.
C-2.Gas cook tops, ovens or internal space heating systems should not be in any residential development.	

27.0 Amenity – waste disposal buffer area

Objectives	
<ol style="list-style-type: none"> 1. Establish effective separation distances, buffers and mitigation measures for the Summerhill Waste Management Centre to minimise adverse effects on sensitive land uses and people from odour, noise, dust, ground gas and other nuisance generating activities. 2. Ensure the long-term viability of waste and resource recovery infrastructure is secured by using defined buffer areas that protect against encroachment from incompatible land uses. 	
Controls (C)	Explanatory notes
C-1.Residential development excluding alterations and additions should not be within 1000m of approved putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to Figure D3.07 .	Appropriate buffer distance must be maintained between the landfill and sensitive land uses (receptors) to protect those receptors from impacts. Impacts might include visual impacts or discharge from the site of potentially explosive landfill gas, offensive odours, noise, litter and dust.
C-2. Residential development excluding alterations and additions should not be within 500m of approved non-putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to Figure D3.07 .	

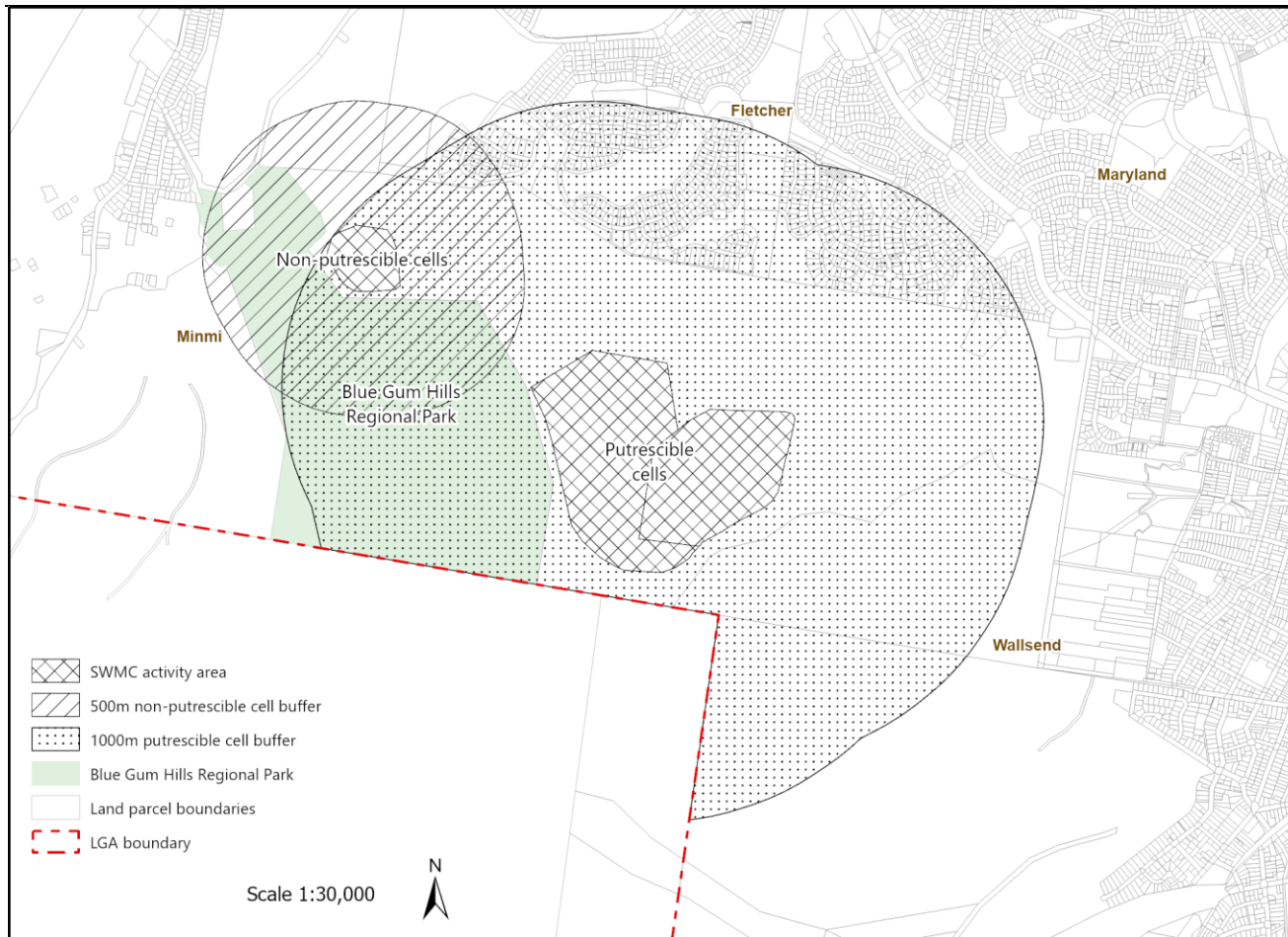


Figure D3.07: Summerhill Waste Management Centre Buffer

28.0 Configuration – communal area and open space

Objectives

1. Provide suitably sized communal open space to enhance the amenity of residents.
2. Design communal areas to maximise safety.
3. Ensure common circulation spaces achieve good amenity and promote safety and social interaction between residents.

Controls (C)

The following controls apply to all forms of residential development except for attached dwellings, dual occupancies and semi-detached dwellings

- C-1. Where 10 or more dwellings are proposed, provide active communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m.
- C-2. The active communal open space area receives at least two hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.
- C-3. Communal open spaces are visible from habitable rooms and private open space while maintaining visual privacy for dwellings.
- C-4. Where communal open space is provided as public open space it has a direct connection to the internal street along the longest edge.
- C-5. Public through site links have direct line of sight between public streets.
- C-6. Daylight and natural ventilation are provided to all common circulation spaces above ground.
- C-7. Lighting is provided to common spaces.

29.0 Configuration – architectural design and visual appearance

Objectives

1. Ensure the visual appearance of a building responds positively to the street and is consistent with the desired character of the area.
2. Ensure development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Integrate building elements into the overall building form and facade design.
4. Reduce the visual bulk of the development by breaking up the building massing.

Controls (C)

C-1.The roof design is integrated with the overall building form.

C-2.Skylights and ventilation systems are integrated into the roof design.

C-3.An articulation zone is provided forward or behind the building line.

C-4.Facades contain a balanced composition of elements including a mix of solid and void.

C-5.Building services are integrated within the overall facade.

C-6.Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.

C-7.Building entries are clearly defined and include a covered entry.

C-8.All building elements, including shading devices and awnings are coordinated and integrated into the overall facade design.

C-9.A variety of materials, colours, textures and finishes are used to articulate finer scale architectural features and building elements.

30.0 Configuration – pools and ancillary development

Objectives

1. Locate swimming pools and spas to minimise the impacts on adjoining properties.
2. Ensure detached studios and outbuildings activate rear lanes and do not dominate the rear yard.

Controls (C)

C-1. Swimming pools and spas are located so that they are not visible from the street or public domain.

C-2. The coping around a swimming pool or spa is not more than 1.4m above existing ground level.

C-3. The decking or paved area around a swimming pool or spa (excluding coping less than 300mm wide) is not more than 0.6m above existing ground level.

C-4. Water from a swimming pool or spa is connected to the sewage disposal system.

C-5. The pump is housed in a soundproofed enclosure.

C-6. A detached studio or outbuilding:

- a. has a maximum building height of 3.6m. Where the outbuilding is within 0.9m of a lane, the maximum building height is 6m
- b. may have a zero setback from a side or rear boundary where it adjoins a lane. In all other cases, it has a minimum rear setback of 3m and zero side setbacks
- c. has a maximum floor area of 36m² and is included in the gross floor area (unless it is required for car parking)
- d. all windows have a maximum size of 2m² where the floor level is greater than 1.5m above ground level.