

Part

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B



CUMBERLAND  
CITY COUNCIL

# Development in Residential Zones

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# **PART B1**

# **DWELLING HOUSES AND SECONDARY DWELLINGS**

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# 1. Introduction

## 1.1 Land to which this Part applies

This Part applies to development types detailed within this Part within land zoned Residential under *Cumberland Local Environmental Plan 2021*.

## 1.2 Purpose of this Part

This Part is intended to guide the assessment of the development of a dwelling house, secondary dwelling and associated outbuildings.

# 2. Objectives and Controls

## 2.1 Setbacks

### Objectives

- O1. Ensure that the bulk and scale of new dwelling housing and alterations and additions to existing dwelling houses maintains the established bulk, scale and existing streetscape character.
- O2. Provide sufficient separation between dwelling housing/buildings to allow for privacy, sunlight access and a sense of openness between buildings/dwelling housing.
- O3. Provide spatial separation between dwelling houses to minimise overshadowing of the proposed development and manage potential privacy issues on surrounding residences and their private open space.

### Control

- C1. Setbacks shall be provided in accordance with Table 1 and measured in accordance with Figure 1 and Figure 2.

*Table 1: Dwelling house setbacks*

Setbacks	
Front Setback (primary frontage)	Minimum 6m Dwelling house shall align with the street Balconies, porticos, entrances may protrude by a maximum of 0.9m
Side Setback	Minimum 0.9m
Side Setback (zero lot line)	Maximum length of walls along the first floor side boundaries shall be 10m without any indentations or offsets or other articulation features. Indentations or offsets shall be a minimum width of 1m
Rear Setback	Minimum 8m
Corner Dwelling House Setback	Minimum 2m (setbacks of less than 2m may be considered, subject to justification and merit assessment) A corner dwelling house shall address both streets through appropriate design Where a new building is located on a corner, the main frontage shall be determined on the basis of existing subdivision and streetscape patterns
Secondary Frontage (setback where dwelling faces secondary street)	Minimum 4m, with garage to be setback a minimum 5.5m from property boundary



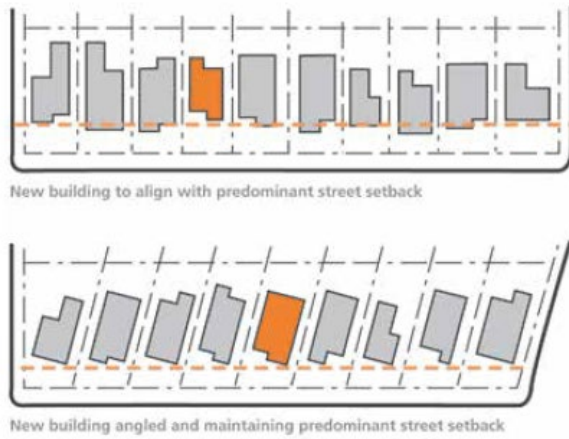


Figure 1: Front setback alignment

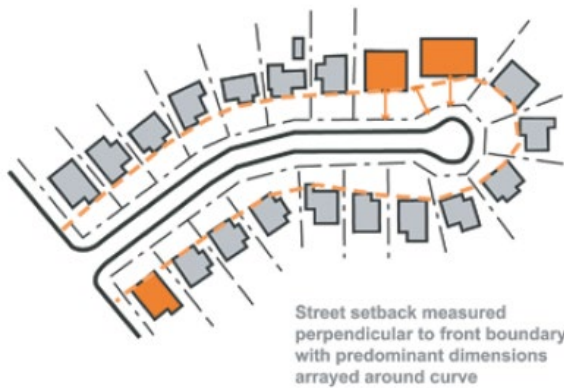


Figure 2: Front setback alignment (curved street/cul-de-sac)

## 2.2 Height

### Objectives

- O1. Establish the maximum storey limit for single dwelling houses, their alterations and additions and associated outbuildings.
- O2. Floor to ceiling heights provide well-proportioned rooms and spaces to allow for light and ventilation into the built form and ensures good internal amenity.
- O3. Ensure sunlight access, privacy and amenity for new developments and neighbouring properties is maintained.

### **Controls**

- C1. A dwelling house and alterations and additions to a dwelling house shall be no more than 2 storeys in height.
- C2. The minimum floor to ceiling height is 2.7m.

## **2.3 Attics**

### **Objectives**

- O1. Allow attics where they do not impact on the bulk and scale of a dwelling house.
- O2. Maintain sunlight access, privacy and amenity for the dwelling house and neighbouring properties.

### **Controls**

#### General

- C1. Attics may be incorporated in a dwelling house where they comply with height and floorspace ratio requirements.
- C2. The design of a dwelling house with attics is to minimise roof bulk.
- C3. Roofs containing attics are not to exceed a 32 degree pitch.
- C4. The external walls of the building should not extend above the attic floor level.
- C5. Attics are to be no greater than 25m<sup>2</sup> in floor area.
- C6. Attics are to be designed to fit within the building envelope (with the exception of dormer windows) and are not to increase the bulk and height of the roof.
- C7. Attic spaces shall have 1.5m minimum wall height at the edge of the room with a 30 degree minimum ceiling slope.

#### Two storey dwellings

- C8. Attics within roof spaces of a 2 storey dwelling house may be used for storage purposes only and may not include any windows.

#### One storey dwellings

- C9. Habitable attics are only permitted in one storey dwellings.
- C10. Habitable spaces within attics are to be designed with the ability to cross ventilate.
- C11. Dormer windows may be included in attics, provided they are no higher than the height of the main roof of the dwelling house, no greater than 1.5m in width and are not to incorporate or access a balcony.
- C12. Any proposed attic windows are not to overlook windows of adjacent dwellings or their private open spaces. An outlook to the street should be provided from attic windows where appropriate.

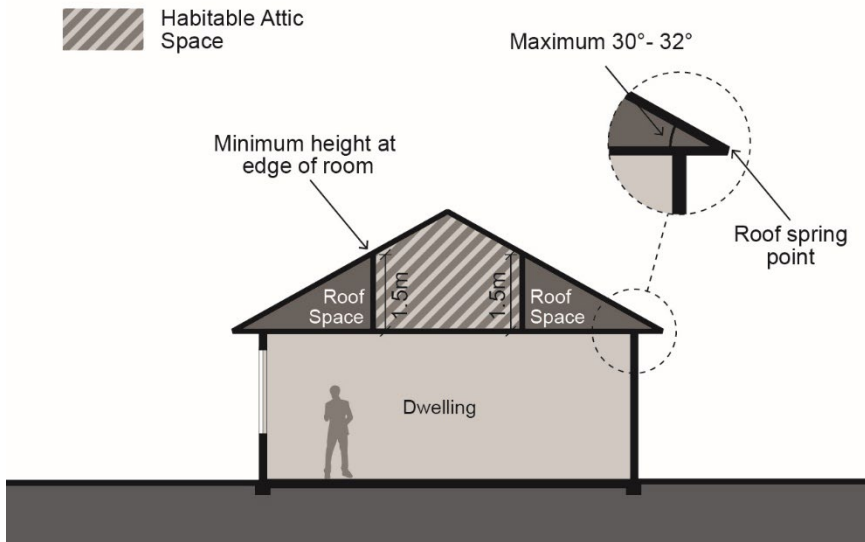


Figure 3: Attic diagram

## 2.4 Streetscape

### Objectives

- O1. Ensure that the appearance of development is of high visual quality that enhances and addresses the street.
- O2. Ensure that dwelling house design, detailing and finishes provide an appropriate scale to the street and add visual interest.
- O3. Ensure that a dwelling house located on corner lots are designed to address both street frontages including windows and doors.

### Controls

- C1. An articulation zone shall be permitted in the front setback to the primary street frontage. The articulation zone is to be a maximum of 0.9m in depth.
- C2. Building elements permitted in the articulation zone include: verandahs, porticos/entry features, bay windows, awnings, shade structure, window box treatment, balcony, patio, pergola, terrace, verandah or steps.
- C3. The dwelling house entry shall be visible from the street and provide a sense of address.
- C4. Windows and doors in facades facing the street shall be provided in a balanced manner and respond to the orientation and internal uses.
- C5. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.

## 2.5 Building materials

### Objective

- O1. Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.

### Controls

- C1. New dwelling houses and alterations and additions to existing dwelling houses shall use durable, quality materials that provide consistency and compatibility with the streetscape and character of its locality.
- C2. Building materials and/or colours shall be used to reduce the appearance of bulk.
- C3. Building materials for dwelling houses and alterations and additions to existing dwelling houses must be compatible with the streetscape and character of its locality.
- C4. Building materials and colours used for additions should integrate/blend with the original structure.

## 2.6 Site coverage

### Objectives

- O1. The site coverage must provide adequate areas for landscaping, including deep soil, infiltration of stormwater and private open space.
- O2. Ensure that new dwelling housing and alterations and additions to existing dwelling housing are consistent with the character and the future amenity of its locality.
- O3. Provide spatial separation between dwelling houses to minimise overshadowing of the proposed development and manage potential privacy issues on surrounding residences and their private open space.

### Controls

- C1. Site coverage shall be provided in accordance with Table 2 and Figure 4.
- C2. The non-built upon area shall provide landscaping and deep soil opportunities as well as provide for private open space.

Table 2: Site coverage requirements

Lot Size	Maximum Site Coverage
450m <sup>2</sup> or less	70%
451m <sup>2</sup> or greater	65%

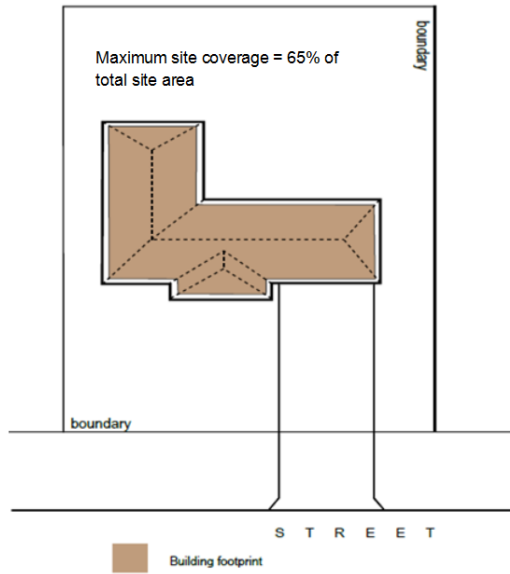


Figure 4: Site area diagram

## 2.7 Landscaping

### Objectives

- O1. Maintain and enhance the existing streetscape and landscaped character of the residential neighbourhoods.
- O2. Provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.
- O3. Ensure that the landscaped area provided for a dwelling house has good solar access, optimises usability, privacy, accessibility, neighbours' amenity and provides a central uninhibited area for passive and active recreation.

### Controls

- C1. The total landscaped area for a dwelling house shall be as follows:

Table 3: Site coverage

Lot Size	Minimum Landscaped Area
450m <sup>2</sup> or less	15%
451m <sup>2</sup> or greater	20%

- C2. Landscaped area includes areas edged orange in Figure 5.

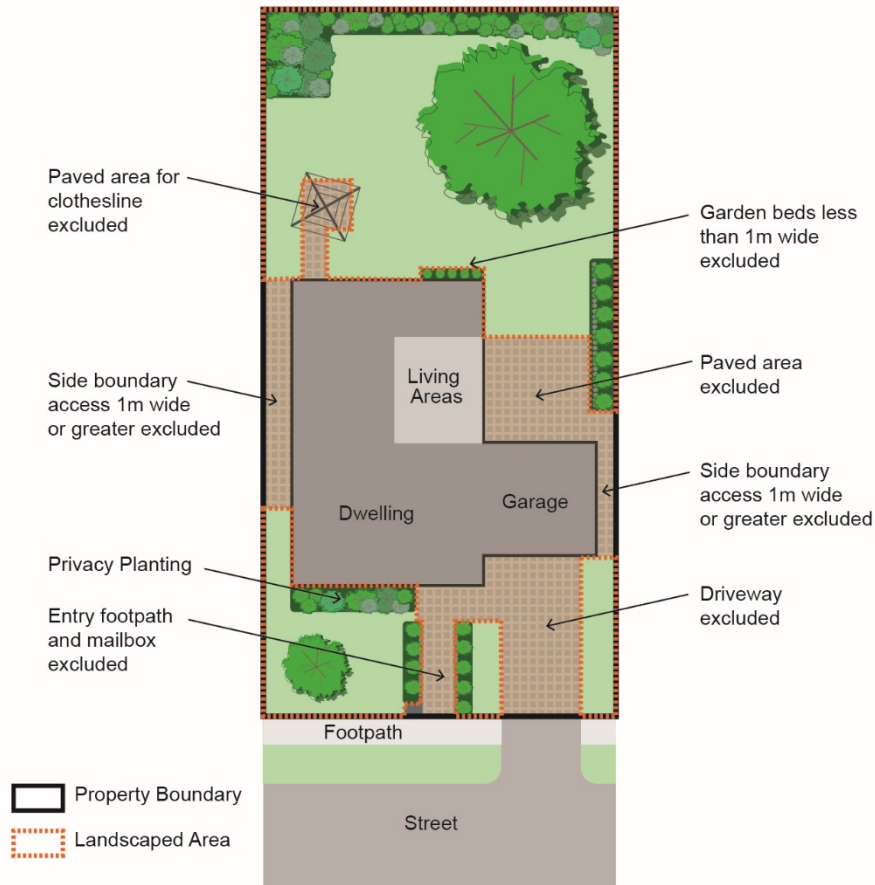


Figure 5: Landscaped areas inclusion/exclusions

- C3. The landscaped area shall be a deep soil zone.
- C4. The majority of the deep soil zone shall be provided as a consolidated area at the rear of a dwelling house to provide for continuous area of deep soil and vegetation and shall extend across at least 50% of the rear boundary.
- C5. Deep soil zones shall have a minimum width of 1m.
- C6. Landscaped area above structures (or planting on slab) shall not be considered deep soil zone.

## 2.8 Private open space

### Objectives

- O1. Part of the private open space area serves as an extension of the dwelling house for relaxation, dining, entertainment, recreation and children’s play.
- O2. Private open space:
  - takes advantage of available outlooks or views and natural features of the site;
  - reduces adverse impacts of adjacent buildings on privacy and overshadowing; and
  - enhances surveillance, privacy and security when private open space adjoins public space.

**Controls**

- C1. Private open space shall be located at ground level at the rear and/or side of the dwelling house and shall have:
  - a minimum area of 50m<sup>2</sup> per dwelling house on lots greater than 451m<sup>2</sup>;
  - a minimum area of 30m<sup>2</sup> per dwelling house on lots 450m<sup>2</sup> or smaller;
  - a minimum dimension of 4m in any direction ( a minimum dimension of 3m in any direction shall be considered on lots 450m<sup>2</sup> or smaller); and
  - direct access from a living area of the dwelling house.
- C2. Private open space shall be bounded by buildings, fencing or other screening devices and also incorporate dense landscaping that restricts views to a height of 1.8m.
- C3. Additional private open space may be located above ground in the form of a balcony subject to site conditions and privacy considerations.
- C4. Private open space and balconies shall predominantly face north, east or west, to enhance residential amenity.

**2.9 Dwelling house mix**

**Objectives**

- O1. Internal dwelling house sizes are suitable for a range of household types.
- O2. All rooms are adequate in dimension and accommodate their intended use.

**Controls**

General

- C1. The size of the dwelling house shall determine the maximum number of bedrooms permitted as set out in Table 4.

*Table 4: Dwelling house layout*

Maximum Number of Bedrooms	Minimum Dwelling House Size*
1 bedroom	65m <sup>2</sup>
2 bedrooms	85m <sup>2</sup>
3 bedrooms	115m <sup>2</sup>
4 bedrooms	130m <sup>2</sup>

*\*Note: does not apply to secondary dwellings*

- C2. At least one living area shall be spacious and connect to private outdoor areas.

Bedroom size

- C3. A new dwelling house shall contain a minimum of 1 master/double bedroom. The minimum size for master/double bedroom shall be 12m<sup>2</sup> excluding built-in wardrobes.
- C4. The minimum size for a single bedroom shall be 10m<sup>2</sup> excluding built-in wardrobes.

## 2.10 Visual and acoustic privacy

### Objectives

- O1. Ensure the siting and design of buildings/dwelling house provides visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces.
- O2. Protect private open spaces and living areas of adjacent dwellings from overlooking through landscaping measures.

### Controls

#### Visual Privacy

- C1. Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.
- C2. Windows to living rooms and main bedrooms shall be located to face the front and rear of the site.
- C3. Bay windows and corner elements with windows at an angle to the main walls shall only be located on the front facade or on the ground floor at the rear of the dwelling house. These windows and corner elements shall not provide direct views onto adjoining private open space.
- C4. The windows of a dwelling house are to be located so they do not provide direct and close views into the windows of habitable rooms and private open spaces of adjoining dwellings.
- C5. Direct views onto adjoining private open space shall be obscured by:
  - existing dense vegetation or new planting;
  - in case of windows overlooking neighbouring private open space areas fixed obscure glazed or highlight window type; and/or
  - in case of balconies/verandahs or similar elevated outdoor areas, screening is to be provided that has a maximum area of 25% openings, is permanently fixed and made of durable materials.
- C6. Building design elements and landscaping shall be designed to increase visual privacy including but not limited to, recessed balconies and/or vertical screens blade walls between adjacent balconies, fencing, vegetation, louvers and pergolas which limit overlooking both horizontally and vertically to habitable rooms and/or private open space (refer to Figure 6).



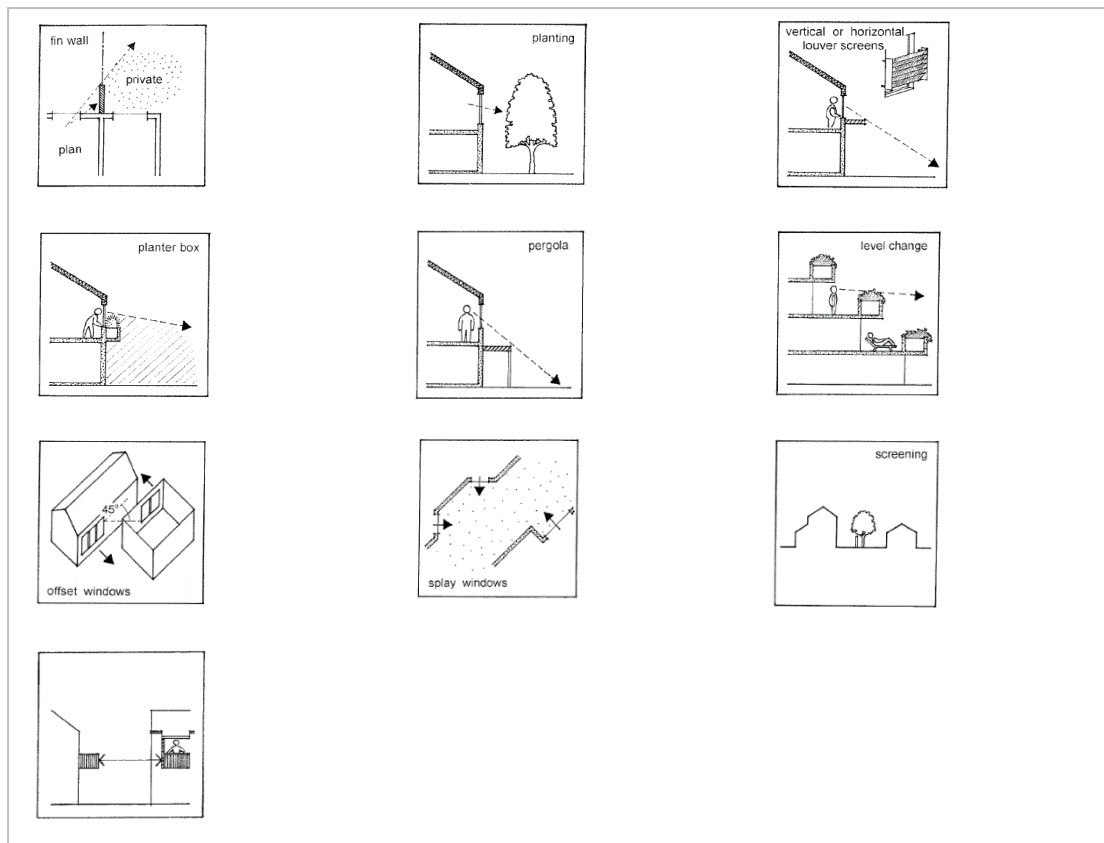


Figure 6: Privacy elements

- C7. The windows of living rooms that are within a distance of 9 metres of the windows of living rooms (other than bedrooms) of adjacent dwellings shall be offset by a distance sufficient to limit views between windows.
- C8. Window of upper floor habitable rooms (excluding bedrooms) shall have a minimum sill height of 1500mm.
- C9. Any proposed attic windows are not to overlook windows of adjacent dwellings or their private open spaces.
- C10. Juliet balconies and bay windows are not to project more than 600mm outside the building envelope.

Acoustic privacy

- C11. Where dwellings or dwelling house additions are proposed within close proximity to busy roads and rail corridors, non-habitable rooms should be located on the noise affected side of each dwelling house and should be able to be sealed off by doors from living areas and bedrooms where practicable, whilst maintaining good housing design and building appearance. Alternative design solutions incorporating noise attenuation measures may be considered in these circumstances.
- C12. Air conditioners, swimming pool pumps and the like are not to exceed 5dba above background noise levels and should not be audible from habitable rooms of neighbouring dwellings.

- C13. For development adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the relevant NSW guidelines. Where acoustic reports are required by the SEPP and Guidelines, the building is to be designed and detailed to comply with the recommendations of that report.

#### Balconies

- C14. First floor rear balconies shall have a maximum depth of 3m.
- C15. Balconies at the rear shall be semi recessed and/or screened so that the view lines are to the rear of that property and not to the adjacent properties. Screening shall be provided by durable fixed privacy screens, minimum 1.5m in height as measured above finished floor level and a minimum of 75% obscured.
- C16. Balconies should be oriented to the rear or face the street or another element of the public domain, such as a park.
- C17. Balconies shall not be located on side walls elevations or on the corner of a dwelling house. Exceptions may be granted where side elevation faces street or public open space.
- C18. All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced.

## **2.11 Solar access**

### **Objectives**

- O1. Ensure adequate residential amenity through the provision of sunlight access and good solar access to the living spaces and private open space areas of a dwelling house all year round.
- O2. Ensure reasonable levels of direct sunlight to living areas and private open space of subject and adjoining developments.
- O3. Minimise overshadowing of windows to internal living areas and private open space of adjoining dwellings through building design.

### **Controls**

#### Solar access

- C1. Development is to be designed and sited to minimise the extent of shadows that it casts on:
- private open space within the development;
  - private open space of adjoining dwellings;
  - public open space such as bushland reserves and parkland;
  - solar collectors of adjoining development; and
  - habitable rooms within the development and in adjoining developments.
- C2. Subject and adjoining properties are to receive a minimum of 3 hours sunlight to one or more living areas, and to at least 50% of the private open space between 8:00am and 4:00pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.

- C3. In habitable rooms, head and sill heights of windows should be sufficient to allow sun penetration into rooms.
- C4. Where practicable, living areas of a dwelling house such as kitchens and family rooms shall be located on the northern side of a dwelling house and service areas such as laundries and bathrooms to the south or west.
- C5. Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.

#### Solar collectors

- C8. Solar collectors proposed as part of a new development shall have a minimum of 3 hours of solar access between 8am and 4pm on 21 June.
- C9. Existing solar collectors on the adjoining properties shall have a minimum of 3 hours of solar access between 8am to 4pm on 21 June.
- C10. Where adjoining properties do not have any solar collectors, a minimum of 3m<sup>2</sup> of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 8am to 4pm on 21 June.

## **2.12 Cross ventilation**

### **Objectives**

- O1. The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.
- O2. All dwelling houses are designed to maximise natural ventilation.

### **Controls**

- C1. Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the dwelling house from winter winds. Garages may also be useful as buffers on the southern and western sides.
- C2. Dwelling houses shall be designed with bathrooms, laundries and kitchens sited in a position that allows natural ventilation of the room through an openable window.

## **2.13 Ancillary site facilities**

### **Objectives**

- O1. Ensure that site facilities are integrated into the development and do not diminish or adversely affect residential amenity or dwelling house appearance.
- O2. Ensure site facilities are adequate, accessible to all residents and easy to maintain.
- O3. Cater for the efficient use of public utilities including water supply, sewerage, power, telecommunications and gas services and for the delivery of postal and other services.

### **Controls**

- C1. If provided, a maximum of one TV antenna for each dwelling house shall be provided.
- C2. Satellite dishes, telecommunication antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall dwelling house design, where possible.
- C3. Open air clothes drying facilities should be provided in a sunny, well ventilated and convenient location, which is adequately screened from the street and other public places.
- C4. Mailbox structures shall:
  - meet the relevant Australia Post service requirements; and
  - be provided located centrally and close to the major street entry to the dwelling house.
- C5. Where an air conditioning unit is to be installed, the motor unit shall be located at the rear or side of the dwelling house and shall be appropriately noise attenuated and appropriately screened.

## **2.14 Fencing**

### **Objectives**

- O1. Establish a cohesive streetscape character with fencing that makes a positive contribution to the visual character of the street and neighbourhood.
- O2. Protect the privacy, security and amenity of residents.
- O3. Enable passive surveillance of the dwelling house and adjoining public realm.
- O4. Provide fencing of an appropriate form and scale.

### **Controls**

#### General

- C1. New fences and walls are to be constructed of materials compatible with the associated dwelling house and adjoining fences.
- C2. Fences are to respond to the architectural character of the street and/or area and the buildings that they front.
- C3. Fences shall be stepped with the topography of the site.
- C4. Fencing shall be constructed of durable materials and must not contain barbed wire, chain wire, razor wire, broken glass or be electrified.

#### Fencing along primary frontage

- C5. Front fences should not exceed 1.5m in height. Any solid upstand section should be limited to 900mm in height. The top half of the fence should be an open design with a minimum open area of 50% (provided that there is articulation) for visibility to and from the site.
- C6. Where noise attenuation is required under the State Environmental Planning Policy (Infrastructure), front fences may be permitted to a maximum height of 1.8m and must

be setback a minimum of 1m from the boundary to allow landscape screening to be provided. Landscape species chosen should be designed to screen the fence without impeding pedestrian movements along the roadway. Front fences and landscape screening must not compromise vehicular movement sightlines.

- C7. Gates shall be of materials that are consistent with the front fence and shall open into the property and not onto a roadway, footpath or public space.
- C8. Suitable planting should be used to soften the visual relationship between fences and the public domain.
- C9. Front fences shall not be constructed of solid pre-coated metal type materials.

#### Side and rear fences

- C10. Side dividing fences where located within the front yard area shall not exceed a height of 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.
- C11. Side fences shall not exceed a height of 1.2m within the front setback area of an allotment.
- C12. Fences located on side or rear boundaries of the premises, behind the main building line, shall be a minimum of 1.8m high, and not exceed a maximum height of 2.1m from ground level.
- C13. The construction of side and rear fences is required where a suitable fence does not exist, or the current fence is in poor condition.

#### Fencing on corner lots and secondary streets

- C14. On secondary street frontages, fences shall be a minimum of 1.8m high and not exceed a maximum height of 2.1m from the front boundary to the rear of the dwelling house and shall be a minimum of 50% permeable.
- C15. For corner sites, the maximum construction height for walls, fences and landscaping must be 900mm at the street corner of the allotment in an area measuring 1.5m x 1.5m from the corner. This will assist sight lines for pedestrian and vehicular movements. Council may permit fencing up to 1.2m where a corner lot 'splay' exists and it can be demonstrated that fencing will not impede sight lines.

## **2.15 Rainwater tanks**

### **Objectives**

- O1. Facilitate the installation of rainwater tanks to facilitate capture of rainwater runoff to reduce the consumption of potable water.
- O2. Minimise the visual impacts of rainwater tanks on the streetscape and neighbouring properties.

### **Controls**

- C1. Above ground rainwater tanks shall not be located within the front setback of a dwelling house.
- C2. Rainwater tanks that are visible from the street shall be suitably screened, unless Council is satisfied that the tank will not have an adverse impact on the streetscape.

## **2.16 Safety and security**

### **Objectives**

- O1. Design dwelling houses and their landscaping in order to maintain the safety and security of a property.
- O2. Implement key principles of Crime Prevention through Environmental Design (CPTED) for residential development through natural surveillance, access control and ownership.
- O3. Provide personal and property security for residents and visitors and enhance perceptions of community safety.
- O4. Maximise potential for passive surveillance of the public domain from residential dwelling houses.
- O5. Provide clear delineation between public and private domain through dwelling house and landscape design.

### **Controls**

#### Surveillance

- C1. Dwelling houses adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area. There shall be at least one living room window facing that area.
- C2. Dwelling houses shall be oriented toward the street with entrances clearly visible both day and night (battleaxe lots excepted).
- C3. Dwelling houses on battleaxe lots shall be designed with clear and uninterrupted sight lines to entrances.
- C4. Blank walls along street frontages are prohibited.
- C5. Secondary entries to dwelling houses may be provided off rear lanes where:
  - the lane is well lit;
  - there is some natural surveillance of the lane from adjoining dwellings; and
  - the lane provides access to other dwellings.
- C6. The use of roller shutters on window and door openings that have frontage to the street or are adjacent to public open space is discouraged.
- C7. Security grilles, where used, should complement the architectural features and materials of the dwelling house.
- C8. Landscaping that may provide concealment opportunities for potential intruders shall be avoided.

### Ownership

- C9. Each property shall be clearly identified by street number, which is visible from a car on the street.
- C10. Property lines and private areas should be defined through building materials, fencing and landscaping.

## **2.17 Cut and fill**

### **Objectives**

- O1. Encourage dwelling houses/buildings to follow the natural topography of the land to minimise disruption on natural drainage patterns.
- O2. Reduce the bulk and scale of dwelling houses.
- O3. Ensure that excavation and filling of a site does not result in unreasonable amenity impacts to adjoining dwellings.

### **Controls**

- C1. Development shall be designed and constructed to integrate with the natural topography of the site.
- C2. Cut and fill shall not create a detrimental impact on the overland flow of the site.
- C3. Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.
- C4. Fill, 600mm or greater, is to be contained within the building envelope.
- C5. Where fill is more than 150mm deep, it shall not occupy more than 50% of the landscaped area.
- C6. Cut is permitted to a maximum of 1m (excluding basements).
- C7. Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.
- C8. Where cut and fill is proposed, applicants are to ensure that the privacy and amenity of the development and surrounding dwellings is not affected.
- C9. Excavation or fill is not to result in the loss of significant mature trees within the side, front or rear boundary setbacks.

## **2.18 Car parking and site access**

### **Control**

- C1. Car parking and site access will comply with the provisions set out in Part G3 of this DCP.

## **2.19 Garages and carports**

### **Control**

- C1. Garage and carports will comply with the provisions set out in Part G3 of this DCP.

## **2.20 Outbuildings**

### **Objectives**

- O1. Ensure outbuildings complement and do not dominate or detract from the built form character of the area.
- O2. Protect the visual and acoustic privacy and amenity of adjoining properties.
- O3. Maintain sufficient landscape and private open space areas and preserve existing mature trees.

### **Controls**

#### Area

- C1. The total combined amount of enclosed floor space (with roof and walls) for outbuildings shall not exceed 25m<sup>2</sup>.
- C2. Outbuildings are included as part of maximum site coverage calculations.

#### Height

- C3. The height of outbuildings shall not exceed the following:
- Sheds 2.4m;
  - Gazebos 2.7m;
  - Cabanas 2.7m; and
  - Garages 2.7m.
- C4. The maximum building height of a new outbuilding or the alterations and additions to an existing outbuilding is 4.8m above existing ground level.

#### Setbacks

- C5. Outbuildings shall be setback behind the front building line. Outbuildings are to be setback a minimum of 900mm of the property boundary.
- C6. The external wall of outbuildings cannot extend across more than 50% of the rear property boundary.
- C7. Where adjoining properties contain an outbuilding on the property line, it may be appropriate for an outbuilding to be built along the shared party wall.

#### Landscaped area

- C8. Outbuildings shall be positioned to optimise private open space.



## 2.21 Secondary dwellings

### Objectives

- O1. Ensure a secondary dwelling is integrated with the design of the principal dwelling house, and is subservient in size, scale and nature to the principal dwelling house.
- O2. Ensure secondary dwellings does not detract from the amenity of adjoining neighbours.
- O3. Ensure that room sizes within secondary dwellings are functional, of sufficient size and cater for the intended use of the secondary dwelling.

### Controls

#### Design and appearance

- C1. The appearance of a secondary dwelling is not to detract from the visual amenity of the development on the site and surrounding locality.
- C2. Secondary dwellings shall compliment the principal dwelling house in style of construction, design and materials.
- C3. Metal or corrugated iron materials should be avoided, with the exception of roofs.
- C4. Secondary dwellings that are attached to the principal dwelling are to be integrated with the design, colour and materials of the principal dwelling house.
- C5. Conversions of existing outbuildings will only be considered where:
  - The building meets the standards required by the Building Code of Australia (BCA); and
  - The principal dwelling house complies with the provisions of this DCP including, but not limited to, landscaping, setback, and parking requirements.
- C6. Secondary dwellings shall not be forward of the principal dwelling house.

#### Lot restriction

- C7. The minimum site area for a detached secondary dwelling shall not be less than 380m<sup>2</sup>.

#### Height

- C8. Detached secondary dwellings shall be a maximum of 2 storeys and, where 2 storeys in height, shall not be any higher than the principal dwelling house.
- C9. Attics within secondary dwellings are not permitted.
- C10. The floor to ceiling height of a habitable room within a secondary dwelling shall not be less than 2.4m and not greater than 2.7m.
- C11. A secondary dwelling, where located above a garage facing a laneway, is permitted to be 1 storey above the garage.

Setbacks

- C12. Setbacks for secondary dwellings shall be provided in accordance with Table 5. Secondary dwellings are not permitted within the front setback area of the principal dwelling house.

*Table 5: Setbacks – for secondary dwellings*

Setback	
Secondary Street (Corner sites)	Minimum 3m
Side	Minimum 0.9m, 1.5m for 2 storeys
Rear Setback	Minimum 0.9m, 3m for 2 storeys

Minimum dwelling and bedroom size

- C13. The size of a secondary dwelling shall not be less than 25m<sup>2</sup>.
- C14. The size of a bedroom of a secondary dwelling shall not be less than 8m<sup>2</sup>.

Orientation

- C15. A living area of a secondary dwelling shall be north-facing where possible, and be provided a window in its northern façade.
- C16. Private open space for secondary dwelling and principal dwelling houses shall be provided with a northern orientation.
- C17. The living area of the secondary dwelling shall be designed to be accessible to a private open space.

Privacy

- C18. Secondary dwelling design shall minimise direct and close views into windows, balconies or private open spaces of adjoining dwellings.
- C19. The windows of living rooms within a secondary dwelling that are within a distance of 9m of the windows of living rooms (other than bedrooms) of adjacent dwellings shall be offset by a distance sufficient to limit views between windows. In case of windows overlooking neighbouring private open space areas, windows shall be fixed obscure glazed or highlight window type with a minimum sill height of 1.5m above finished floor level.
- C20. Balconies of secondary dwellings shall be semi recessed and/or screened so that the view lines are to the rear of the associated principal dwelling house and not to the adjacent properties. Screening shall be provided by durable fixed privacy screens, minimum 1.8m in height as measured above finished floor level and a minimum of 75% obscured.
- C21. First floor balconies shall be a maximum of 12m<sup>2</sup>.
- C22. Balconies shall not be located on side walls. Exceptions may be granted where side elevations face the street or public open spaces.

Site coverage

- C23. The maximum site coverage for a secondary dwelling, combined with an existing or proposed dwelling house shall remain compliant with the site coverage controls for a single dwelling house.

Deep soil zone

- C24. Establishment of a secondary dwelling must not reduce the deep soil zone to less than the minimum required for the principal dwelling house.

Facilities

- C25. A secondary dwelling shall contain at the minimum:
- kitchen/kitchenette;
  - bathroom;
  - living room; and
  - bedroom.
- C26. A common laundry may be provided to share for the principal and secondary dwellings.

Landscaped area

- C27. Private open space within the landscaped area shall be shared between secondary dwellings and principal dwelling house without any internal fencing or other method of demarcation.
- C28. Private open space for secondary dwellings and principal dwelling house shall be located at ground level at the rear of the principal dwelling house.

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# **PART B2**

# **LOW RISE MEDIUM DENSITY DEVELOPMENT**

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## 1. Introduction

### 1.1 Land to which this Part applies

This Part applies to low rise dual occupancy development under the *Cumberland Local Environment Plan 2021*.

### 1.2 Purpose of this Part

This Part is intended to guide the assessment of low rise dual occupancy developments located with the R2 and R3 zones under *Cumberland Local Environmental Plan 2021*.

## 2. Relationship with Design Guide

### 2.1 Relationship to Low Rise Housing Diversity Design Guide for Development Applications

The *Low Rise Housing Diversity Design Guide for Development Applications* provides consistent planning and design standards for low rise medium density residential dwellings across NSW.

All low rise medium density residential development in the Cumberland City will be assessed in accordance with the Principles, Objectives and Design Criteria set out in the *Low Rise Housing Diversity Design Guide*, including:

- dual occupancies;
- manor houses and 'one above the other' dual occupancies - buildings of between 2-4 dwellings; and
- multi-dwelling housing as described in the *Low Rise Housing Diversity Guide for Development Applications* including any variations to this interpretation considered by Council to fall within this category.

Where there are inconsistencies between the controls set out in this DCP and those within the *Low Rise Housing Diversity Design Guide*, this DCP shall prevail. Council may vary controls set out in both the Guide and the DCP in appropriate circumstances where improved amenity, response to streetscape character and context or reduced impacts can be achieved.

In some cases, Council has chosen to provide additional objectives and controls for criteria such as minimum site frontage and overshadowing. These objectives and controls are to be considered in addition to the *Low Rise Housing Diversity Guide for Development Applications*.

### 2.2 Development Control Standards to consider for Low Rise Housing Diversity Development

#### Controls

C1. For side by side dual occupancy controls on:

- building envelopes;
- landscaped area;
- local character and context;
- public domain interface;
- pedestrian and vehicle circulation;

- orientation, siting and subdivision;
- solar and daylight access;
- natural ventilation;
- ceiling height;
- dwelling size and layout;
- principle private open spaces;
- storage;
- car and bicycle parking;
- visual privacy;
- acoustic privacy;
- noise and pollution;
- architectural form and roof design;
- visual appearance and articulation;
- pools and detached development;
- energy efficiency;
- water management and conservation; and
- waste management.

refer to section 2.1 of the *Low Rise Housing Diversity Design Guide for Development Applications*.

C2. For manor house and dual occupancy (one above the other) controls on:

- building envelopes;
- landscaped area;
- local character and context;
- public domain interface;
- pedestrian and vehicle circulation;
- orientation, siting and subdivision;
- solar and daylight access;
- natural ventilation;
- ceiling height;
- dwelling size and layout;
- principle private open spaces;
- storage;
- car and bicycle parking;
- visual privacy;
- acoustic privacy;
- noise and pollution;
- architectural form and roof design;
- visual appearance and articulation;
- pools and detached development;
- energy efficiency;
- water management and conservation;
- waste management;
- universal design; and
- communal areas and open space.

refer to section 2.2 of the *Low Rise Housing Diversity Design Guide for Development Applications*.

C3. For terrace objectives and controls on:



- building envelopes;
- landscaped area;
- local character and context;
- public domain interface;
- pedestrian and vehicle circulation;
- orientation, siting and subdivision;
- solar and daylight access;
- natural ventilation;
- ceiling height;
- dwelling size and layout;
- principle private open spaces;
- storage;
- car and bicycle parking;
- visual privacy;
- acoustic privacy;
- noise and pollution;
- architectural form and roof design;
- visual appearance and articulation;
- pools and detached development;
- energy efficiency;
- water management and conservation;
- waste management; and
- universal design.

Refer to section 2.3 of the *Low Rise Housing Diversity Design Guide for Development Applications*.

C4. For multi dwelling housing objectives and controls on:

- building envelopes;
- landscaped area;
- local character and context;
- public domain interface;
- pedestrian and vehicle circulation;
- orientation, siting and subdivision;
- solar and daylight access;
- natural ventilation;
- ceiling height;
- dwelling size and layout;
- principle private open spaces;
- storage;
- car and bicycle parking;
- visual privacy;
- acoustic privacy;
- noise and pollution;
- architectural form and roof design;
- visual appearance and articulation;
- pools and detached development;
- energy efficiency;
- water management and conservation;
- waste management;

- universal design; and
- communal areas and open space.

Refer to section 2.4 of the *Low Rise Housing Diversity Design Guide for Development Applications*.

### 3. Objectives and Controls

#### 3.1 Site frontage

##### Objective

- O1. The site frontage of a proposed development lot is of sufficient size to accommodate the form of low rise medium density residential development proposed.

##### Controls

- C1. The minimum site frontage of the form of low rise medium density residential development shall be provided in accordance with Table 6.

*Table 6: Minimum site frontage*

Development type	Minimum frontage
Dual Occupancy (attached)	15m
Dual Occupancy (detached) side by side	18m
Manor Houses	15m
Terraces	18m
Multi Dwelling Housing	20m

- C2. Sites with a width frontage less than that specified in Table 6 shall be amalgamated with 2 or more sites to provide sufficient width for good building design.
- C3. Development proposals shall not result in one adjacent allotment of less than 15m in width being left over.

#### 3.2 Overshadowing

##### Objectives

- O1. Ensure reasonable levels of direct sunlight to living areas and private open space of adjoining developments.
- O2. Minimise overshadowing of windows to internal living areas and private open space of adjoining dwellings through building design.

##### Controls

- C1. Development is to be designed and sited to minimise the extent of shadows that it casts on:
- private open space of adjoining dwellings;
  - public open space such as bushland reserves and parkland;
  - solar collectors of adjoining development; and

- habitable rooms in adjoining developments.
- C2. Adjoining properties are to receive a minimum of 3 hours sunlight to at least one main living area, and to at least 50% of the private open space between 8am and 4pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.

### **3.3 Site Layout**

#### **Objective**

- O1. Ensure that site layout for multi-unit developments provide amenity to residents.

#### **Control**

- C1. Multi dwelling housing units can face an internal roadway where amenity is maintained between units in terms of building separation, visual privacy and solar access.

### **3.4 Landscaping**

#### **Objectives**

- O1. Ensure adequate landscaped area is provided for a low rise medium density development.

#### **Controls**

- C1. The total landscaped area for a low rise medium density development shall be a minimum of 20% of total site area (or a minimum of 30 m<sup>2</sup> per dwelling).

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# **PART B3**

# **RESIDENTIAL FLAT BUILDINGS**

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## 1. Introduction

### 1.1 Land to which this Part applies

This Part applies to residential flat building development under the *Cumberland Local Environment Plan 2021*.

### 1.2 Purpose of this Part

This Part is intended to guide the assessment of residential flat buildings under *Cumberland Local Environmental Plan 2021*.

## 2. Relationship with SEPP65 and Apartment Design Guide

### 2.1 Relationship to SEPP 65/ NSW Apartment Design Guide

*State Environmental Planning Policy 65 Design Quality of Residential Apartment Development* (SEPP 65) provides a state-wide framework for detailed planning guidance of residential apartments in NSW. SEPP 65 is supported by the objectives, design criteria and design guidance set out in the *Apartment Design Guide* (ADG), which guide the siting, design and amenity of residential flat building development.

All residential flat building development in the Cumberland City will be assessed in accordance with SEPP 65 and the ADG and must be consistent with the design quality principles outlined in SEPP 65 and the objectives, design criteria and design guidance outlines in the ADG (or equivalent).

The ADG takes precedence over a DCP. Therefore, the DCP provisions do not repeat or seek to vary any controls under the ADG. Where there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail.

In some cases, Council has chosen to provide additional objectives and controls for criteria such as setbacks, basements, site area and site frontage. These objectives and controls are to be considered in addition to the SEPP 65 and ADG requirements.

### 2.2 Development Control Standards to consider for Residential Flat Buildings

#### Controls

C1. For residential flat buildings controls on:

- site analysis;
- orientation;
- public domain interface;
- communal and public open space;
- deep soil zones;
- visual privacy;
- pedestrian access and entries;
- vehicle access;
- bicycle and car parking;
- solar and daylight access;

- natural ventilation;
- ceiling heights;
- apartment size and layout;
- private open space and balconies;
- common circulation and spaces;
- storage;
- acoustic privacy;
- noise and pollution;
- apartment mix;
- ground floor apartments;
- façades;
- roof design;
- landscape design;
- planting on structures;
- universal design;
- adaptive reuse;
- mixed use;
- awnings and signage;
- energy efficiency;
- water management and conservation;
- waste management; and
- building maintenance.

please refer to SEPP 65 and the ADG.

## 3. Objectives and Controls

### 3.1 Building envelope

#### Objectives

- O1. The site area and frontage of a proposed development is of sufficient size to accommodate a residential flat development building and provide adequate open space, deep soil zones and car parking.
- O2. Integrate new development with the established setback character of the street or in accordance with the emerging pattern of development in areas undergoing transition.
- O3. Ensure that the height, bulk and scale of development is compatible with neighbouring developments and both the established character and the desired future amenity of particular residential areas.
- O4. Minimise any overshadowing and manage privacy of adjacent properties and their private or communal open spaces.
- O5. Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.

#### Controls

- C2. Residential flat building development shall be provided in accordance with Table 7.



Table 7: Residential flat building setbacks

Setbacks	
Front setback (minimum)	No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition
Secondary street setback (min)	2m for laneways and 4m for other roads
Side Setback (min)	3m
Rear setback (min)	Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site
Site area	1000m <sup>2</sup>
Street frontage	24m

- C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.

### 3.2 Basement design

#### Objective

- O1. Basements allow for areas of deep soil planting.

#### Controls

- C1. Basement walls shall be located directly under building walls, wherever practicable.
- C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.
- C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.
- C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.

### 3.3 Car parking

#### Control

- C1. Refer to Part G3 of this DCP for car parking provision requirements.

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# PART B4

# BOARDING HOUSES

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## 1. Introduction

### 1.1 Land to which this Part applies

This Part applies to development of land for the purposes of a boarding house under the *Cumberland Local Environmental Plan 2021*.

### 1.2 Purpose of this Part

This Part is intended to guide the assessment of boarding house developments under *Cumberland Local Environmental Plan 2021*.

## 2. Objectives and Controls

### 2.1 General Objectives

- O1. Encourage the provision of high-quality boarding houses within the Cumberland City.
- O2. Ensure the size and design of boarding house developments are suitable for the zone in which they are proposed to be located.
- O3. Ensure the safety, security, health and wellbeing of boarding house residents and the local community through appropriate location, design and management of boarding houses.
- O4. Ensure that boarding houses are appropriately located within the Cumberland City to ensure the safety, security, health and amenity for both boarding house residents and adjoining neighbours.

### 2.2 Character and amenity

#### Objectives

- O1. Conserving the physical character where relatively intact and of good quality.
- O2. Maintaining the traditionally diverse population and housing mix.
- O3. Ensuring new development is in context with surrounding development and has minimum adverse impact on environmental quality or residential amenity.

#### Controls

- C1. The design of a boarding house is to be compatible with the character of the local area.
- C2. New boarding houses (including alterations and additions) shall comply with the building setback controls comparable to the predominant building type in the relevant zones as set out below in Table 8.

Table 8: Building envelope control

Zone	Development Type
R2 Low Density Residential	Dwelling house
R3 Medium Density Residential	Multi-dwelling housing
R4 High Density Residential	Residential flat building
B1 Neighbourhood Centre	Shop top housing
B2 Local Centre	Shop top housing
B4 Mixed Use	Shop top housing

## 2.3 Operational management

### Objectives

- O1. Minimise the potential adverse impacts of boarding houses on adjoining properties and the wider locality by introducing effective planning, design and on-going management controls.
- O2. Ensure an acceptable level of amenity in boarding house premises to meet the needs of residents.
- O3. Ensure that acceptable levels of service provision are maintained.

### Controls

#### General

- C1. All boarding houses are to have a managing agent, contactable 24 hours per day, 7 days per week. If a boarding house has capacity to accommodate 20 or more lodgers, it is required that there be an on-site resident manager. The on-site resident manager must be 18 years of age or over.
- C2. The name and contact details of the on-site manager or managing agent is to be provided externally at the front entrance of the boarding house and internally within the communal living area.
- C3. A Plan of Management must accompany a development application for any new boarding house or alterations/and or additions to an existing boarding house.
- C4. 'House Rules' must be prepared as part of the Plan of Management. The approved House Rules must be clearly displayed within each bedroom and within the communal living area of the boarding house.
- C5. An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the Plan.
- C6. A list of contact details must be clearly displayed within the common area including the contact details for: the managing agent; emergency services including fire, ambulance and police; utilities such as gas, electricity and water, and any approved emergency repair persons, such as a plumber and electrician.

- C7. Developments of 3 storeys or more must incorporate a lift capable of accommodating a stretcher and must be accessible at each floor.
- C8. The Manager/Caretaker bedroom plus ensuite must be a minimum of 16m<sup>2</sup>.
- C9. Secure storage facilities must be provided with a minimum capacity of 1m<sup>2</sup> per person. This space must be lockable.

#### Internal communal living area

- C10. Living areas are to have a minimum dimension of 4m.
- C11. Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space.
- C12. Communal living area/s should have a northerly aspect, where possible, and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.
- C13. Consideration should be given to ensure that bedrooms adjoining the living area/s are protected from excessive noise.

#### Laundry facility requirements

- C14. 1 automatic washing machine for the first 12 residents plus 1 automatic washing machine for every additional 12 residents thereafter or part thereof.
- C15. 1 domestic dryer for first 12 residents plus 1 domestic dryer for every additional 12 residents thereafter or part thereof.
- C16. 1 large laundry tub with running hot and cold water for up to 12 residents and 1 additional tub for premises that contain more than 12 residents.

#### Location of clothes drying facilities

- C17. Drying areas must not be visible from the street, or any public place.
- C18. Drying areas shall be located to maximise solar access.
- C19. Clothes drying and laundry facilities shall be wheelchair accessible.

## **2.4 Visual privacy**

### **Objective**

- O1 Building design and landscaping elements should ensure privacy for the development and adjoining residential uses without compromising access to light, air and views from habitable rooms and private open space.

### **Controls**

- C1. Placement of windows and other openings should not result in direct overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or other privacy measures should be provided.
- C2. Landscape screening should be provided within outdoor communal areas to minimise overlooking of adjoining properties.

- C3. The main entrance of the boarding house should be provided within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.

## 2.5 General design

### Objective

- O1 Ensure an acceptable level of amenity in boarding house premises to meet the needs of residents.

### Controls

- C1. Boarding houses must provide the following facilities within each building:
- bedrooms;
  - laundry facilities;
  - adequate communal kitchen facilities and dining area (one per floor for multi storey boarding houses) where individual kitchenettes are not provided within the boarding rooms;
  - individual ensuite and/or adequate communal bathroom facilities;
  - communal living area (one per floor for boarding houses more than three storeys in height);
  - communal garbage storage and recycling facilities;
  - communal outdoor open space area; and
  - on-site boarding house manager (where 20 or more lodgers).
- C2. Flyscreens are to be provided to all openable windows and doors.
- C3. At least one phone must be provided within each communal area to allow residents to contact emergency services.
- C4. A safety switch must be fitted to all electrical meter box/es.
- C5. A maximum of one television antenna is to be provided per boarding house.

## 2.6 Acoustics

### Objectives

- O1. Ensure an acceptable level of amenity in boarding house premises to meet the needs of residents whilst minimising potential noise adverse impacts to surrounding development.

### Controls

- C1. Boarding house design should attempt to locate bedrooms away from significant internal and external noise sources.
- C2. During the design of a boarding house consideration must be given to the potential acoustic impact upon adjoining neighbours. The following noise minimisation measures should be considered at the design stage:
- offsetting the location of windows in respect to the location of windows on neighbouring properties;
  - appropriate building separation and setbacks to neighbouring properties;



- sensitive location of communal outdoor areas away from main living areas or bedroom windows of any adjoining dwelling;
- the use of screen fencing or acoustic barriers as a noise buffer to external noise sources;
- incorporation of double glazing for windows; and
- locate similar building uses (such as bedrooms or bathrooms) back to back internally within the building, to minimise internal noise transmission.

## **2.7 Car parking**

C1. Car parking will comply with the provisions set out in Part G3 of this DCP.

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# **PART B5**

## **ADAPTABLE HOUSING AND HOUSING MIX**

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## 1. Introduction

### 1.1 Land to which this Part applies

This Part applies to all residential development types except for single dwelling house development under the *Cumberland Local Environmental Plan 2021*.

### 1.2 Purpose of this Part

This Part is intended to guide the assessment of adaptable housing and housing mix under *Cumberland Local Environmental Plan 2021*.

## 2. Objectives and Controls

### 2.1 Adaptable housing

#### Objective

- O1. To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time.

#### Control

- C1. Adaptable housing complying with AS 4299 is to be provided in multi-dwelling housing, residential flat buildings, and the residential component of mixed use developments in accordance with the following:

*Table 9: Adaptable dwelling requirement*

Total No. of Dwellings in Development	No. of Adaptable Dwellings Required
Less than 10	1
10 – 20	2
More than 20	20% (unless justification provided for consideration by Council)

### 2.2 Housing mix

#### Objectives

- O1. Provide a range of residential dwelling types and size, which cater for different household requirements now and in the future.
- O2. The residential dwelling type mix is distributed to suitable locations within the building/development.

#### Controls

- C1. A minimum 10% mix of one bedroom/studio dwellings and a minimum 10% mix of three plus-bedroom dwelling types shall be provided, with the balance provided as two bedroom dwellings. An alternate mix of dwelling types may be considered by Council where the Applicant can demonstrate that the local demographic statistics indicates otherwise. Specific details would need to be provided with the development application to support this.

- C2. If an equal mix cannot be provided, a minimum 10% of the dwellings shall be three plus-bedroom dwellings.
- C3. A mix of unit sizes in multi-level developments should be located on the ground floor where accessibility is easily achieved for families and the elderly.