

## 13 RESIDENTIAL FLAT BUILDINGS

This section of the DCP provides Council's specific requirements for Residential Flat Building developments. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this Section and the general development part of LM DCP 2014, this Section prevails.

This Section must be read in conjunction with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

Where a mixed-use development is proposed containing a residential component, the controls contained in this section apply to that residential component.

Under LM LEP 2014 **Residential Flat Building** means a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note. A Manor House** is a type of residential flat building, containing 3 or 4 dwellings, where:

- a. Each dwelling is attached to another dwelling by a common wall or floor, and
- b. At least 1 dwelling is partially or wholly located above another dwelling, and the building contains not more than two storeys (excluding any basement).

### 13.1 SITE REQUIREMENTS

#### **Objectives**

- a. To ensure that Residential Flat Building developments are located on sites with sufficient size and street frontage to accommodate the required building envelope, car parking, landscaping, and private open space.
- b. To ensure a diversity of dwelling types is possible including innovative, sustainable and special needs housing.

#### **Controls**

1. The development site must have a minimum area of 600m<sup>2</sup>.
2. The development site must have direct frontage to a public road.
3. The development site must have a minimum width of 15 metres at the building line.

### 13.2 HOUSING MIX

#### **Objectives**

- a. To provide a housing mix that supports diversity and promotes choice in housing types.

#### **Controls**

1. A mix of dwelling types and sizes must be provided as follows:
  - i. studio apartments maximum 15 per cent,
  - ii. one-bedroom apartments maximum 30 per cent
  - iii. two-bedroom apartments minimum 40 per cent
  - iv. three-bedroom apartments minimum 15 per cent

**Note:** Substantial variations to unit mix must be supported by an authoritative analysis of current and future market demand.

### 13.3 STREET SETBACK

#### **Objectives**

- a. To ensure that the development complements the existing setback pattern in the locality.

- b. To permit flexibility for developments that may be vulnerable to the impacts of flooding.
- c. To define the street edge and provide definition between public and private space.
- d. To encourage entries, windows, balconies and outdoor living areas that overlook the street.

**Controls**

1. In a Residential Zone development (other than for battle-axe blocks) must be setback a minimum of six metres and a maximum of eight metres from a street boundary.
2. Where the buildings either side of the development are less than 6m, development may be setback at approximately the average of the two adjoining buildings or in approximate alignment of one or the other.
3. If there are not 2 buildings that are residential accommodation within 40m of the lot on the same side of the primary road, the development must have a minimum setback from the boundary with the primary road as shown in the following table—

Lot area	Minimum setback from primary road boundary
600m <sup>2</sup> –900m <sup>2</sup>	4.5m
>900m <sup>2</sup> –1,500m <sup>2</sup>	6.5m
>1,500m <sup>2</sup>	10m

4. The front building elevation must be parallel or near parallel to the street boundary.
5. Entry features and porticos, porches, balconies, decks, verandahs, bay windows, eaves and awnings may encroach up to two metres into the front setback area. This encroachment must not cover more than 50 percent of building width.
6. Where the site is identified as being vulnerable to flooding or expected sea level rise, street setbacks may be reduced to ensure that developments are adequately setback from the shoreline.

**Note:** A front setback is measured at 90° from the front lot boundary to the building facade.

**13.4 SIDE SETBACK**

**Objectives**

- c. To provide adequate separation between buildings to ensure that a reasonable level of privacy, amenity and solar access is maintained.
- d. To provide visual separation between buildings.
- e. To provide opportunities for the planting of vegetation.

**Controls**

1. Side setbacks for Residential Flat Buildings must be a minimum of three metres.
2. Above ground structures must not encroach on the side boundary setback of residential flat buildings.
3. For residential flat buildings that adjoin the R2 zone, side setbacks must be:
  - i. A minimum of three metres for buildings up to 4.5m.
  - ii. A minimum of six metres for buildings over 4.5m.
  - iii. A minimum of nine metres for elements of buildings over two storeys in height.

**Note:** Additional setbacks may be required under [SEPP 65 – Design Quality of Residential Flat Development](#).

### 13.5 SITE COVERAGE

#### *Objectives*

- a. To ensure that development maximises permeable surfaces, and maintains a balance between built and unbuilt areas.
- b. To facilitate on-site stormwater infiltration and harvesting for re-use.
- c. To incorporate suitable measures to minimise run-off directly accessing the lake or its waterways.

#### *Controls*

1. The maximum site coverage for Residential Flat Buildings, including ancillary development, must not exceed 65 per cent.

**Note:** Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- any unenclosed balconies, decks, pergolas and the like.

**Note:** Balconies, decks, pergolas and the like located under the main roof of the building are not considered to be unenclosed and will be included in the site coverage calculation.

**Note:** Site coverage controls operate in tandem with the Stormwater Management, Principal Private Open Space, and Landscaped Area and Design controls in this DCP to ensure that adequate unbuilt area is available for outdoor recreation and for reducing stormwater discharge from the site. Stormwater permeability and integration with the landscape design will be considered when determining whether structures are included in the site coverage calculations.

### 13.6 LANDSCAPE AREA

#### *Objectives*

- a. To enable landscape planting in the front setback that enhances the streetscape.
- b. To enable landscape planting in the side and rear setback that enhances residential amenity.
- c. To conserve significant vegetation.
- d. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas.

#### *Controls*

1. Development must provide a landscape area that is at least 20 per cent of the total lot area.
2. At least half of the required landscape area must be suitable for deep soil planting.
3. An area must have a minimum width of three metres to be included in the landscape area calculations.
4. Where a residential flat building development is proposed adjacent to land zoned R2 Residential, an additional landscaped area with a minimum area of 10 per cent of the total lot area must be provided along the R2 zone boundary.

**Note:** The landscape area is in addition to the principal private open space requirement.

### 13.7 PLANTING ON STRUCTURES

**Objectives:**

- a. To enhance the quality and amenity of open space on roof tops, internal courtyards, and over car parking structures.
- b. To encourage the establishment of vegetation in urban areas.
- c. To maintain privacy of neighbouring residents.

**Controls:**

1. The planting of shrubs and trees is encouraged on the top of setback areas, rooftops, and over car parking structures.
2. Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.
3. Planting containers must allow sufficient depth and volume, growing medium and irrigation to support the mature size of plants.
4. All planting areas on structures must be designed by a suitably qualified engineer.

### 13.8 LANDSCAPE AND TREE PLANTING IN FRONT SETBACK AREAS

**Objectives:**

- a. To allow for the planting and healthy growth of large canopy trees which enhance amenity and street character.
- b. To provide large-scale planting between the street and parking and service areas, that reduces the visual impact of development.
- c. To maintain sightlines from the street to carparks and entrances.

**Controls:**

1. Development must include installation and maintenance of at least one advanced clear-trunked broad-canopy tree for every 20m<sup>2</sup> of front setback area.
2. The root volume for each tree in the front setback area must be a minimum of 8m<sup>3</sup> and between 600 and 750mm deep.
3. Each area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.
4. All trees installed must be advanced stock, and at least 45L container size.
5. Understorey planting must comprise low growing species less than 900mm in height.

**Note:** Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

### 13.9 STREET TREES

**Objectives:**

- a. To enhance the amenity and desired character of the street.
- b. To provide tree shade and shelter for pedestrians.

**Controls:**

1. Development must include the supply, installation and establishment of at least one advanced clear trunk tree for every 10 metres of street frontage.
2. The root volume for each tree must be a minimum of 8m<sup>3</sup> and between 600 and 750mm deep.
3. All trees installed must be advanced stock, and at least 75L container size.

4. The tree supplier or landscape contractor must provide evidence that all trees generally comply with *NATSPEC Guide to Specifying Trees - Assessment of Tree Quality*.
5. All trees installed must be established and maintained for a minimum period of 24 months. Any failed trees must be replaced immediately.

**Note:** Refer to Council's [Landscape Design Guideline](#) for further details and requirements.

### 13.10 PRINCIPAL PRIVATE OPEN SPACE

#### **Objectives**

- a. To ensure that Residential Flat Building developments provide sufficient outdoor areas for residents' needs.

#### **Controls**

1. A Principal Private Open Space in the form of a balcony with a minimum area of 8m<sup>2</sup> and a width of 2 metres must be provided for all dwellings. Development that seeks to vary from this minimum must demonstrate negative impacts cannot be satisfactorily mitigated with design solutions.
2. Where the above cannot be provided for all dwellings, a communal open space with a minimum area of 40m<sup>2</sup> and a minimum dimension of 5 metres should be provided.
3. Communal open space should be provided principally at ground level, except where retail and office uses are required at ground level.

**Note:** The communal open space may consist of a communal pool, tennis court, playground area, barbeque area or similar recreational facilities.

### 13.11 SERVICES

#### **Objectives**

- a. To ensure that Residential Flat Building developments provide adequate services to cater for residents' needs.

#### **Controls**

1. For developments consisting of more than 50 dwellings, a car wash facility with the minimum dimension of 3.5 x 6 metres must be provided.
2. Where any part of the Residential Flat Building development is located 120 metres or more from an existing street fire hydrant, a fire hydrant and mechanical plant should be provided.
3. Air-conditioning plants and other mechanical plants should be located towards the centre of the site, and be acoustically insulated.

### 13.12 DRIVEWAYS AND PARKING AREAS

#### **Objectives:**

- a. To ensure that on-site car parking and driveways do not dominate or detract from the appearance of the development or the local streetscape.
- b. To ensure that vehicular access has minimal impact on neighbouring dwellings.
- c. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers.

#### **Controls**

1. On-site car parking and servicing facilities must be located at the rear of development, or at a basement level.
2. Stack parking may be permitted only where two spaces are designated for a single dwelling.
3. Residential Flat Buildings should have a single driveway designed for two-way traffic with a minimum width of 5.5 metres.

4. Vehicular movement areas must be located a minimum of 3 metres from any bedroom window.
5. Developments with two street frontages should be designed so that the secondary street provides the main vehicle entry and exit point.

**Note:** The design of parking areas must comply with AS2890 Parking Facilities.

### 13.13 ADAPTABLE DWELLINGS

#### **Objectives**

- a. To ensure that developments incorporate housing that is accessible to all members of the community.

#### **Controls**

1. For proposals for more than 10 dwellings, one adaptable dwelling must be provided for every 10 dwellings.
2. Adaptable dwellings must have a car park linked to the dwelling by an unobstructed path of travel, at a suitable gradient for wheelchair access.
3. Adaptable dwellings must have entries, doors and passageways that are of suitable dimensions to facilitate wheelchair access.
4. Adaptable dwellings must be designed and constructed to meet the performance requirements stated in Clause 2.2 and to include the essential features listed in Appendix A of AS 4299.

**Note:** An adaptable dwelling is designed in such a way that it can be modified easily in the future to become accessible to people with disabilities or progressive frailties.

### 13.14 OPERATIONAL WASTE MANAGEMENT

#### **Objectives**

- a. To ensure that waste is managed, collected and disposed of, or re-used or recycled effectively and efficiently to provide a safe, healthy, and clean environment for the community, as well as maintaining the amenity of the City.

#### **Controls**

1. Waste management for Residential Flat Buildings must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
  - i. For developments where access is not at ground level for all dwellings, shared waste storage area(s) must be incorporated into the design.
  - ii. Residential development greater than three storeys must provide one of the following waste management solutions:
    - a. a waste chute system, designed in accordance with Lake Macquarie Waste Management Guidelines, with:
      - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
      - recyclables not to be compacted;
      - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags;
      - a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes; and
      - a solution to manage bulk waste items (such as furniture and whitegoods) and large recyclables such as cardboard boxes that would not fit in the recycling chute.

- b. an intermediate waste storage room on each level with associated arrangements in place for the transfer of waste to the bulk storage container, or a separate service lift, designed in accordance with Lake Macquarie Waste Management Guidelines, with:
        - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
        - associated arrangements in place for a caretaker to transfer the waste to the bins in the waste storage room, ideally in a separate service lift; and
        - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags; and
        - a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes.
      - c. an innovative alternative, with:
        - solutions to manage all three waste streams - recyclables, food and indoor/balcony garden waste and residual garbage;
        - food and indoor/balcony garden waste, if to be included in a Council green waste service, is to be un-bagged or else in Council-approved compostable bags; and a solution to manage wastes that must not be included in any of the bins, such as batteries, cooking oils, liquid wastes, chemicals and light globes. if the solution includes onsite food and garden waste treatment: composting, worm farming or food dehydrator that meets a NSW Environment Protection Authority Resource Recovery Order and Exemption with the output to be used in onsite.
- iii. A minimum space for waste bin storage must be allocated per dwelling (in addition to minimum space allocations for other purposes) as follows:
  - a. four dwellings' shared 240 litre bins (two sets of bins) stored in a shared area accessible to all four dwellings; or
  - b. up to five dwellings' shared 660 litre bins (one set of bins) stored in a shared area accessible to all five dwellings; or
  - c. up to eight dwellings' shared 240 litre bins (four sets of bins) stored in a shared area accessible to all eight dwellings; or
  - d. up to ten dwellings' shared 1100 litre bins (one set of bins) stored in a shared area accessible to all ten dwellings; or
  - e. up to twenty dwellings' shared 1100 litre bins (two sets of bins) stored in a shared area accessible to all twenty dwellings;
  - f. up to forty dwellings' shared 1100 litre bins (four sets of bins) stored in a shared area accessible to all forty dwellings.
- iv. A minimum of weather-protected space for bulk waste storage (such as furniture and whitegoods) must be allocated as a half square metre of floor space per dwelling, which may be in individual garages or in a shared bulk waste storage location.
- v. Waste storage areas must be readily accessible to occupants, while being secure from non-occupants.
- vi. Bin carting route(s) from waste storage area(s) to waste collection point(s):
  - a. Where waste storage must be in a lower level basement, a goods lift may be used to move bins between floors. Doorways to any goods lift(s) and lift space dimensions must fit the size of bins and space for a person to comfortably fit. The distance from store to lift and from lift to collection point must be no more than 3 metres for 1100 litre bins and 5 metres for 660 litre bins unless a bin cart is used and can also fit in the lift.
- vii. Waste Collection Point(s):

- a. kerbside collection of mobile garbage bins (MGBs) by side-lift waste collection vehicles may only occur where:
    - up to 360 litre size are used and can be accommodated on the subject property frontage so that bins can be spaced with at least 300mm between bins;
    - each bin placement location has a maximum of 40 bins out on any one day; and
    - the collection location is safe for stopping (up to fifteen minutes for 40 bins) to collect these bins and will not hinder access or traffic flow more than a minute.
  - b. Where the collection of waste/recyclables will be in larger bins over 360 litres, the design of the development must accommodate safe collection of the centralised larger bins. The larger bins must be accessible by service vehicles without the need for manual manoeuvring of the bins, and the need for vehicle reversing should be minimised.
- viii. Waste Collection vehicle access:
- a. Where waste storage must be in a lower level basement and collections have to take place inside the from inside the basement, the building must be designed to accommodate private waste collection vehicles entering and exiting the site. Clearance height for under building access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins. At sites here waste collection vehicles must enter and exit in a forward direction, the use of vehicle turntables are acceptable. Confirmation is required in writing from a waste collection service provider that they would be able to service this site with this design.
- ix. Waste Information guide
- a. A waste system information guide must be provided with the Waste Management Plan to outline how the design has defined that waste will be managed and that will be given to owners, occupants and property managers. The guide must outline the waste service system and how to use it, the locations for bin storage and waste collection points, options within the planning for alternative waste service solutions, and wording to be included in the tenancy agreements about waste management.