

2.4 Amenity

Overview

This section outlines Council's requirements to ensure high-quality amenity for both residential and non-residential developments, including existing *dwellings*. It establishes controls for the following key areas:

- **Solar Access:** Achieving and maintaining reasonable direct solar access for new and existing *buildings* and open spaces.
- **Natural Ventilation and Daylight:** Ensuring *habitable rooms* have adequate daylight, and fresh air without relying solely on mechanical systems.
- **Visual Privacy:** Protecting visual privacy through skilful design, appropriate siting and/or screening.
- **Acoustic Privacy, Odour, Vibration and Air Quality:** Protecting residents from urban noise, odour, vibration and pollution through skilful design to ensure quiet, healthy, and hazard-free indoor living.
- **View Sharing:** Promoting the equitable sharing of significant views and protecting the public domain. The Inner West contains significant views of the Sydney Harbour, the city skyline, e.g. Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as the Sydney Tower.

2.4.1 Solar Access

Objectives

- O1. **Maximise Solar Access:** To maximise solar access to the principal living room (window) and *private open space* of new *dwellings* to improve residential amenity.
- O2. **Maintain Solar access:** To maintain reasonable solar access for neighbouring properties, ensuring that *building* massing does not result in unreasonable loss of solar access to *private open spaces* or the main living room.

Controls

Solar access to dwellings within the development

- C1. Ensure that at least one window of the principal living room of any *attached dwelling, dual occupancy, dwelling house, group home, hostel, secondary dwelling, semi-detached dwelling, or non-ADG applicable seniors housing* within the development site receives a minimum period of direct sunlight in midwinter (21 June) as follows:
 - a) **Category A:** Not less than 3 hours of solar access where the main living room windows face within 30° east and 20° west of true north
 - b) **Category B:** Not less than 2.5 hours of solar access where the main living rooms windows face within 30° and 70° east or 20° and 70° west of true north

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- c) **Category C:** Not less than 2 hours of solar access where the main living room windows face east or west
- C2. At least 50% of the private open space of any *attached dwelling, dual occupancy, dwelling house, group home, hostel, secondary dwelling, semi-detached dwelling, or seniors housing* within the development site is to receive at least two hours direct solar access between 9.00am and 3.00pm on 21 June (mid-winter).

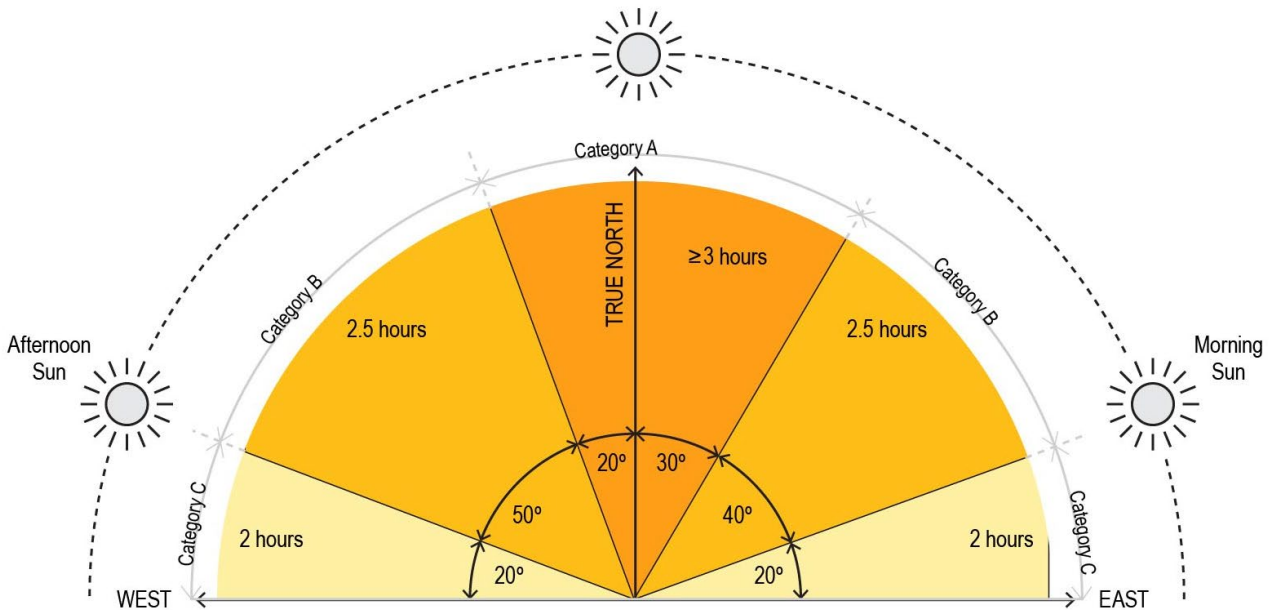


Figure 2.4.1 Minimum required sunlight to main living room window depending on principal living-room window orientation, and to private open space depending on orientation

Solar access to neighbours

- C3. Ensure that at least one window of the principal living room of any attached dwelling, dual occupancy, dwelling house, group home, hostel, secondary dwelling, semi-detached dwelling, or Non-ADG applicable seniors housing on lots surrounding the development site receives a minimum period of direct sunlight in midwinter (21 June) as follows:
- Not less than 3 hours of solar access where the main living room window faces within 30° east and 20° west of true north
 - Not less than 2.5 hours of solar access where the main living rooms window faces within 30° and 70° east or 20° and 70° west of true north
 - Not less than 2 hours of solar access where the main living room window faces east or west
- C4. The *private open space* of neighbouring properties must retain the minimum amount of solar access between 9 am and 3 pm on 21 June specified in the following table:

Table 2.4.1 Minimum solar access requirements to *private open space*

Orientation of neighbouring private open space	Minimum solar access to be retained
North facing	At least three (3) hours
East or West facing	Two and a half (2.5) hours
South facing	Two (2) hours

- C5. Where the principal living room window or *private open space* area on the neighbouring property currently receives less than two hours of solar access on 21 June, solar access is not to be further reduced.
- C6. Development is not to overshadow *communal open space* by more than 50% at 12 pm (noon) on 21 June (the winter solstice).

Solar Access to Neighbouring Solar Panels and skylights

- C7. The protection of solar access to existing or proposed solar photovoltaic (PV) systems or skylights on adjoining land will not be used as a basis for the refusal of a DA, provided the proposal complies with the primary built form controls (principally height, and *building envelope*) of this DCP. Site analysis is to consider the potential for future code-compliant development on neighbouring sites when installing solar panels.

Variation to Residential Solar Access Requirements

- C8. Where a proposal seeks a variation to the solar access controls, the following criteria will be used to determine if the resulting sunlight amenity remains reasonable within the urban context:
- a) Site and Contextual Constraints
 - i. **Orientation and lot characteristics:** The impact of specific site orientation and lot size, width and depth (e.g., south-sloping, shallow lots or narrow east-west lots) for both the subject lot and neighbouring lots
 - ii. **Topography:** How the relative levels and site topography between the subject site and adjoining dwellings influence the shadow cast
 - b) Design and Built Form Merit
 - i. **Envelope Compliance:** Whether the *building* otherwise complies with the primary standards for height, footprint, and *setbacks*. If the overshadowing is caused by a non-compliant or bulky element, the variation is generally not supported
 - ii. **Dwelling layout:** The specific floor layout of the affected *dwelling* eg location of living room, location of windows and proximity to side boundaries

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- iii. **Alternative Solutions:** Evidence that the applicant has explored alternative *building* forms (such as stepping or modified roof pitches) that would provide a superior solar outcome for neighbours
- c) Impact on Sensitive Areas
 - i. **Living Areas vs. Services:** Priority is given to maintaining sunlight to primary living room windows and *private open spaces*. Solar access for laundries, bedrooms, studies, bathrooms, home offices or storage areas and the like is not protected under these controls.
 - ii. **Seasonal Duration:** The degree to which direct sunlight available during the critical period from March to September is reduced
 - iii. **Public and Communal Space:** The impact on the functionality, vegetation health, and year-round usability of any *communal open space* or *public domain* area
- C9. **Schools and Child Care:** New development is not to result in unreasonable overshadowing of *Schools* and *Centre-based Child Facilities*.
 - a) At least 30% of outdoor play areas is to receive a minimum of three hours of direct sunlight between 9:00 am and 3:00 pm on the winter solstice (June 21)
 - b) *Building* design is to minimise shadow impacts on the windows of *Centre-based Child Care Facilities* and *school* classrooms to maintain natural lighting and thermal comfort.

2.4.2 Natural Ventilation and Ambient Daylight

Objectives

- O3. **Liveable Spaces:** To ensure residential *buildings* are designed to provide *habitable rooms* with adequate direct access to natural ventilation and daylight
- O4. **Passive Ventilation:** To avoid reliance on mechanical means of ventilation.
- O5. **Daylight:** To reduce reliance on artificial lighting and energy consumption

Controls

- C10. All *habitable rooms* in *residential accommodation* are to be serviced by an operable window.
Note: This is in addition to any external door or skylight.
- C11. Light wells, skylights and/or internal courtyards may be used as a source of daylight and/or ventilation, for *dwellings*, provided that another source of direct daylight (i.e window) is provided for principal living rooms.

2.4.3 Visual Privacy

Objectives

- O6. **Residential Amenity:** To provide a high standard of visual privacy for residents within their homes and private outdoor spaces.
- O7. **Design Integration:** To ensure that living room windows, balconies, and decks are positioned and designed to minimise direct overlooking without relying on intrusive or high-maintenance screening.
- O8. **Privacy to Neighbours:** To provide privacy for adjoining properties by carefully siting *building* openings and outdoor living areas to prevent unreasonable overlooking.

Controls

Building Layout and Siting

- C12. All developments are required to address the following, unless otherwise specified under the ADG for ADG applicable development:
 - a) The principal living area is to be located on the ground floor to minimise elevated overlooking of neighbours
 - b) All side-facing windows are to be offset from the windows of neighbouring *buildings* to prevent direct line-of-sight
 - c) Windows and balconies are to be set back at least 900mm from side and rear boundaries
 - d) Ground-floor windows on the front façade must allow residents to see the street, while the internal floorplans are to be designed to protect occupant privacy

Privacy Mitigation Measures

- C13. All developments must address the following, except where an inconsistency arises with the ADG for ADG applicable development, in which case the ADG prevails:
 - a) Where sightlines are available within a distance of 9m and 45 degrees to a neighbour's principal living room window or principal *private open space*, measures are to be applied to protect visual privacy. At least one of the following measures must be provided:
 - i. **Sill Height:** A minimum sill height of 1.6m above the floor, or
 - ii. **Translucent Glazing:** Fixed frosted glass to a height of 1.6m above the floor, or
 - iii. **Fixed Privacy Screens or Louvres:** Permanent screens with a minimum 75% block-out density to a height of 1.6m. External louvres must have gaps no wider than 30mm and be angled and fixed in place to block overlooking.

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- b) **Boundary fencing:** Additional privacy screening is not required for ground floor windows when an adjoining side fence already blocks direct line of sight to a height of at least 1.6m above the *finished floor level*
- c) Privacy screens may not be acceptable if they result in other amenity impacts e.g. overshadowing, and as a result sometimes balconies may not be supported
- d) Planter boxes, *landscaping* and hedges may supplement privacy but cannot be used as the only method of screening

Decks, Balconies, and Roof Terraces

C14. All developments must address the following, except where an inconsistency arises with the ADG for ADG applicable development, in which case the ADG prevails:

- a) Locate any deck or balcony at the front or rear of the *building* (not the side) if its *finished floor level* is more than 300 mm above ground level.
- b) Decks, balconies, and roof terraces that are more than 300mm above ground must:
 - i. Be a maximum of 10sqm in area
 - ii. Have a maximum depth of 1.5m
- c) Roof terraces may be of a larger dimension and size than identified in C14 (b), subject to demonstrating acceptable privacy impacts for neighbouring *dwelling*s.

2.4.4 Acoustic Privacy, Vibration, Odour, and Air Quality

Objectives

- O9. **Environmental Amenity:** To ensure the design and operation of developments maintain acceptable acoustic and air quality standards for both future occupants and the surrounding *neighbourhood*.
- O10. **Passive Design and Thermal Comfort:** To prioritise *building* orientation and fabric performance that reduces reliance on mechanical heating and cooling, creating resilient and sustainable internal environments.
- O11. **Noise and Pollutant Mitigation:** To protect residents from specific urban impacts—including *road* noise, aircraft noise, and localised air pollution—through integrated *building* siting and innovative construction techniques.

Controls

Site Layout and Design

- C15. Mechanical plants, *building* services, on-site facilities (eg pools) and ventilation systems that produce noise and/or vibration are to be located to minimise impacts on surrounding residential properties and be adequately soundproofed.

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- C16. For residential components of new development, noise-sensitive areas (living rooms, bedrooms) must be located away from *road* and rail corridors.
- C17. Where commercial and residential uses are co-located or adjacent, the development must:
- Protect residential amenity by limiting noise from all mechanical/hydraulic plants and the operations of commercial development (e.g. machinery, amplified music dropping equipment and deliveries)
 - Screen or locate garbage collection and AC plants away from neighbours

Apartments and Mixed-Use Development

- C18. Apartments must provide comfortable environments for residents by complying with the Apartment Design Guide (ADG) and standards for busy *roads*.
- C19. All non-ADG applicable *buildings* must be designed to enhance solar capture using light wells and internal articulation.

2.4.5 Views

Objectives

View Sharing: To provide for equitable view sharing by ensuring new developments are designed to minimise the loss of significant views from neighbouring properties and the *public domain*.

- O12. **Design Sensitivity:** To ensure that *building* form, including rooflines, parapets, and bulk, is articulated and massed to preserve established view corridors or create new view corridors.
- O13. **Equitable Public Access:** To maintain and enhance significant views from public places, including streets, parks, and waterfront reserves.

Controls

- C20. In this DCP, a reference to views specifically refers to:
- Water views:** Including Sydney Harbour, Parramatta River, and Cooks River
 - Significant landmarks:** The Sydney Harbour Bridge, Sydney Opera House, ANZAC Bridge, and the City Skyline (including features such as Sydney Tower)
 - High value views:** Water views and significant landmark views are more highly valued than general district views or views without significant landmarks. The assessment of view loss will be conducted using the Tenacity principles (as established by the NSW Land and Environment Court)
- C21. **Siting and Building Form:** New development must be sited and designed to achieve equitable view sharing. This includes:
- Massing:** Centering or splitting *building* mass to create or maintain lateral view corridors

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- b) **Roof Articulation:** Utilizing pitched roofs, raked ceilings, or stepped floor plates to reduce the *height of building* elements that obstruct significant view lines
- c) **Ceiling Heights:** Considering lower ceiling heights in critical areas of the *building* envelope where it would result in the preservation of a neighbour's significant view
- d) **Service Integration:** Consolidating and screening service equipment (AC plant, lift motor rooms, and vents) away from primary view lines

C22. Where a balcony or terrace is located within a significant view corridor, transparent or open-style balustrades (e.g., frameless glass or thin metal pickets) may be required to maintain visual permeability.

C23. Avoid the use of solid masonry walls and balustrades or opaque privacy screens in areas that would unnecessarily block views to a significant landmark from a neighbouring property or the *public domain*.

View Impact Assessment

C24. In assessing view loss, Council will apply the following four-step view sharing test as outlined in the *Tenacity Principle*:

- a) **Step 1:** Assess the significance of the view being impacted (e.g., iconic water views are more protected than general district views)

C25. **Step 2:** Identify from where the view is currently enjoyed (e.g., views from main living areas and kitchens are prioritised over bedrooms or bathrooms)

- a) **Step 3:** Assess the extent of the impact (e.g., is the loss negligible, moderate, or severe?)
- b) **Step 4:** Assess the reasonableness of the proposal (e.g., if the development complies with all height and *setback* controls, some, or on occasion, all view loss may be considered unavoidable)

C26. Applications that may result in significant view loss are to provide:

- a) Photomontages or 3D modelling showing the existing view versus the proposed view
- b) Height poles on-site if requested by Council to verify the physical impact of the proposed development, with height to be certified by a Registered Surveyor