

6 Residential Buildings (including Serviced Apartments) and Tourist and Visitor Accommodation

DCP Amendment No 17

Additional residential buildings and serviced apartments in Central Sydney are encouraged through the provision of a higher maximum FSR than for non-residential buildings (see clause 35 of the LEP).

The following provisions are required to ensure that reasonable levels of amenity, consistent with a Central Sydney location, are achieved in residential buildings including serviced apartments, and other forms of tourist and visitor accommodation. Provisions are also included to prevent the later conversion of residential buildings to non-residential uses when they have benefited from a higher floor space ratio.

6.1 Amenity for residential buildings and serviced apartments

DCP Amendment No 5
Relevant LEP clauses: 11(c), 12(c), 12(d), 12(i), 18(d), 20(a), 20(b), 22, 28, 34(d), 36, 39, 40.

Strategy

The consent authority is seeking to ensure that residential buildings within Central Sydney will be of high amenity, encouraging an increase in the residential population of the city (see Figure 6.1). Serviced apartments, which often cater for longer stay visitors, should have a comparable level of amenity to residential buildings so that any subsequent conversion of serviced apartments to permanent residential stock is not constrained by poor amenity.

For the purposes of this section, the term 'dwelling unit' refers to units in both residential buildings and serviced apartments. The amenity of dwelling units is influenced by factors including daylight access to the principal living room, siting, and orientation of the development to provide privacy.

The following provisions are intended to ensure a reasonable level of amenity for dwelling units, recognising that achievable residential amenity in Central Sydney may differ from that achievable in lower density situations. The provisions concentrate on the design of dwelling units, their relationship to their surroundings and key issues of internal amenity. Relevant aspects of *AMCORD - A National Resource Document for Residential Development* (Department of Housing and Urban Development 1995) should also be considered during the design phase.

The provisions in this section do not apply to 'dwelling houses'.

Objective

- To enhance the amenity of residential buildings and serviced apartments in terms of daylight, sun access, ventilation, privacy, outlook, noise, safety, recreation facilities and storage.

Provisions

Note: 'Principal windows and balconies' mean the main window or balcony of a living room or bedroom of a dwelling unit.

Daylight

- 6.1.1 The amenity of residential buildings and serviced apartments is closely related to the extent and quality of daylight access to dwelling units. Building design should ensure that dwelling units achieve adequate levels of daylight.
- 6.1.2 Where the consent authority considers that the level of daylight access to living rooms of proposed dwelling units or affected existing residential buildings or serviced apartments may be inadequate, the applicant may be required to provide a Daylight Report.

Side and Rear Setbacks

See Section 2.4.

Lightwells and Internal Courtyards

- 6.1.3 Lightwells may be used as a source of daylight, ventilation, outlook and sunlight for dwelling units provided that:
- (i) living rooms are not to have lightwells as the only sources of outlook,
 - (ii) for lightwells with a height up to 18m, the minimum plan dimension is to be 3m, or 6m if overlooked by bedrooms,
 - (iii) for lightwells with a height between 18 metres and 45 metres, the minimum plan dimension is to be 6m, or 9m if overlooked by bedrooms,
 - (iv) lightwells are to be directly connected at ground level to streets or lanes to allow air movement in the lightwell,
 - (v) for buildings with a height more than 45m, the minimum plan dimension of an internal courtyard is desirably 24m where overlooked by principal windows.
 - (vi) lightwell spaces may be shared with other uses such as indoor atria, voids over entry lobbies or indoor planted areas which are visible to dwelling units, subject to consideration of noise and other privacy effects,
 - (vii) building services installations are not to be exposed in lightwells **overlooked by principal living rooms or bedrooms.** Consideration is to be given to finishes and embellishment of walls abutting lightwell spaces which are visible from dwelling units.

Sun Access

- 6.1.4 Living rooms and private open space should be the main recipients of sunlight in dwelling units. Where possible, sun access should be for a minimum of two hours per day on the equinox (March 21) measured on the main window of the rooms or at the front edge of the open space. Buildings should be designed to maximise the number of dwelling units with sun access to the principal windows.
- 6.1.5 On west facing facades subject to direct sunlight, external shading or other energy saving measures should be integrated into the design of residential buildings and serviced apartments. Alternatively, the area of glazing should be restricted to about 2% of the floor area served, in accordance with solar design principles,
- 6.1.6 The maximum depth of a habitable room from a window providing light and air to that room is to be 10 metres.

Ventilation

- 6.1.7 Adequate ventilation is an important contributor to the amenity of dwelling units. Where possible, natural through ventilation in dwelling units should be achieved by having window openings facing different directions (see Figure 6.2).
- 6.1.8 Dwelling units are to have access to outside air, other than solely by means of lightwells or building setbacks enclosed on three sides by other buildings.
- 6.1.9 In a temperate climate such as Central Sydney's, ventilation for dwelling units provided solely by air conditioning is considered to be an unacceptable alternative to natural ventilation.



The north facing balconies and windows of Observatory Tower will provide residents with a high level of amenity.

Figure 6.1

Visual Privacy (see also Section 2.4)

6.1.10 The orientation, internal configuration and screening devices of dwelling units should be designed to promote visual privacy between residential buildings, serviced apartments and other development, particularly within the same development.

Outlook

6.1.11 The design of residential buildings and serviced apartments should ensure the provision of outlook, as distinct from views, from all dwelling units. Outlook is considered to be a short range prospect, such as building to building, while views are more extensive or long range to particular objects or geographic features.

6.1.12 There is no guarantee that views or outlooks from existing development will be maintained.

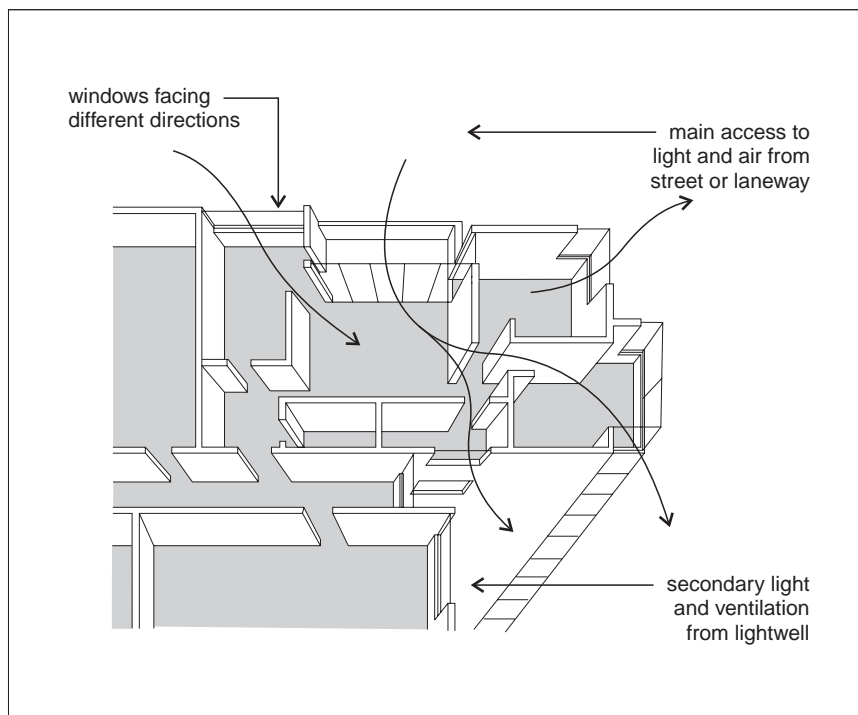


Figure 6.2

Natural ventilation in residential units

Acoustic Privacy

6.1.13 Soundproofing of all dwelling units by such means as acoustic glazing is required to reduce noise impacts on residents.

6.1.14 In order to assist acoustic control of airborne noise between units:

- (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates;
 - a) sole occupancy units,
 - b) a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
- (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55.

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- (iii) A floor separating sole occupancy units must not have an FSTC less than 50.
- 6.1.15 In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates;
 - (a) habitable rooms of sole occupancy units
 - (b) a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55.
 - (iii) Walls between sole occupancy units shall comply with the impact sound resistance standards specified in the BCA.
- 6.1.16 All residential buildings and serviced apartments are to be constructed so that the repeatable maximum $L_{Aeq}(1 \text{ hour})$ level not does exceed the following levels:
- (i) In a naturally ventilated - windows closed condition:
 - Sleeping areas (night time only: 2200-0700) 35dB
 - Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie, windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - Sleeping areas (night time only: 2200-0700) 45dB
 - Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum $L_{Aeq}(1 \text{ hour})$ levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating:
 - Sleeping areas (night time only: 2200-0700) 38dB
 - Living areas (24 hours) 46dB

[These levels correspond to the combined measured level of external sources and the ventilation system operating normally].

Design of Roof Top Areas

- 6.1.17 Roof top areas are to be designed for use as recreation facilities where practicable, and should be of high standard of finish and design. A detailed description and plan of roof top design is to be submitted with the DA.
- 6.1.18 The design of exterior private open spaces such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects (see Section 4.2).

Use of Building Setback Areas

- 6.1.19 The use of building setback areas by residents for recreation purposes is encouraged. Landscaping of building setback areas is to be designed having regard to its location with appropriate soil depths for planting. A detailed landscaping plan is to be submitted with the DA.

Floor to Ceiling Height

- 6.1.20 A minimum floor to ceiling height of 2.7 metres is required in living rooms and bedrooms of residential buildings and serviced apartments.
- 6.1.21 The consent authority may consider a lower floor to ceiling height for part of an apartment to accommodate multi-level or split level apartments, mezzanines and the like. In such cases, at least 50% of the apartment must comply with clause 6.1.20.

Storage

- 6.1.22 Accessible and adequate storage facilities are to be provided for the occupants of residential buildings and serviced apartments at the following rates:
- | | |
|-------------------|---------|
| Studio apartments | 6 sqm. |
| 1 bed apartments | 8 sqm. |
| 2 bed apartments | 10 sqm. |
| 3+bed apartments | 12 sqm. |
- 6.1.23 At least 50% of this storage area is to be provided within the apartment (as part of the required unit area) and accessible from either the hall or living areas. Where the remaining 50% of the storage is located in the basement of the building it will be excluded from the calculation of FSR and linked to each dwelling unit through the provisions of the relevant Strata Plan.

Safety and Design

- 6.1.24 The routes between building entrances and dwelling units should be designed to maximise personal safety. The route from car parking areas to the lift lobby is particularly important in this regard. Clear lines of sight and well-lit routes are required. Circuitous narrow routes and other places that allow concealment should be avoided.
- 6.1.25 Regard should be given to relevant design considerations from AMCORD Element 5.9 Security, including the creation of surveillance opportunities via active uses at lower levels.
- 6.1.26 Common area corridors should be a minimum of 2 metres in width to facilitate ease of movement and may be required to be increased to reduce the confining effect of long and/or double-loaded corridors.

Mix of units within a residential development

- 6.1.27 All residential developments in excess of 20 dwellings shall provide the following mix of units:
- | | |
|-------------------|----------------|
| Studio apartments | Maximum of 15% |
| 1 bed apartments | Maximum of 30% |
| 2 bed apartments | Minimum of 40% |
| 3+ bed apartments | Minimum of 15% |
- 6.1.28 The mix of units may be varied at the discretion of the consent authority

where the applicant can demonstrate to the consent authority, that the required mix of units is inappropriate in the circumstances of the development.

- 6.1.29 The maximum percentage of 1 bedroom units may be increased above 30%, provided the numbers of studio apartments and 1 bedroom units does not exceed 45% of the total units proposed.

Mix of Units within a Serviced Apartment development

- 6.1.30 All serviced apartment developments in excess of 20 dwellings shall provide the following mix of units:

Studio/1 bed apartments	Maximum of 60%
2+ bed apartments	Minimum of 40%

- 6.1.31 The mix of units may be varied at the discretion of the consent authority where the applicant can demonstrate to the consent authority that the required mix of units is inappropriate in the circumstances of the development.
- 6.1.32 For serviced apartments, a 2 bedroom apartment may be deemed to comply if it comprises a one bedroom apartment adjacent to either another 1 bedroom apartment or studio apartment. In such a situation, both apartments are to be accessible from a shared private lobby. Such an arrangement must be defined as a single strata unit.
- 6.1.33 Where serviced apartments are proposed to be converted to residential dwellings, they must comply with the residential dwelling mix criteria and must convert any of the above deemed to comply 2 bedroom units to a conventional 2 bedroom unit arrangement.

Size of Units within a Residential and Serviced Apartment developments

- 6.1.34 All units within residential and serviced apartment developments are to provide the following minimum unit sizes

Studio apartments	40sqm
1 bed apartments	55sqm
2 bed apartments	80sqm
3+ bed apartments	100sqm

- 6.1.35 Calculation of the unit size is a net area and is to be exclusive of balconies and excessive internal circulation within the units. The 50% storage area required under clause 6.1.23 can be included as part of this calculation.

Maximum number of units accessible from a common lobby

- 6.1.36 In all residential and serviced apartment developments, the number of dwelling units per floor accessible from a common lobby is limited to a maximum of ten (10).
- 6.1.37 The consent authority may consider a variation in the maximum number of units per floor, where the applicant can demonstrate that a high level of amenity of the common lobby, corridors and units is achieved. This may recognise where alternate floor access corridors enable cross-ventilation apartment designs.

Internal Unit Design

- 6.1.38 In all new residential buildings and serviced apartment developments, bedrooms are required to have direct ventilation and natural light.

- 6.1.39 The consent authority may consider a bedroom/sleeping area with borrowed light and ventilation where:
- (i) the distance from the primary window to the front of the bedroom/sleeping area is not more than 6 metres; or
 - (ii) the floor to ceiling height is greater than or equal to 3.5 metres and the distance from the primary window to the front of the bedroom/sleeping area is not more than 10 metres.

Where light to the primary window is borrowed across a balcony, the maximum distance from the primary window to the front of the bedroom/sleeping area may be reduced to ensure adequate light and ventilation is achieved in the bedroom/sleeping area. In any circumstances, the development must also satisfy the requirements of the Building Code of Australia for natural light and ventilation borrowed from an adjoining room.

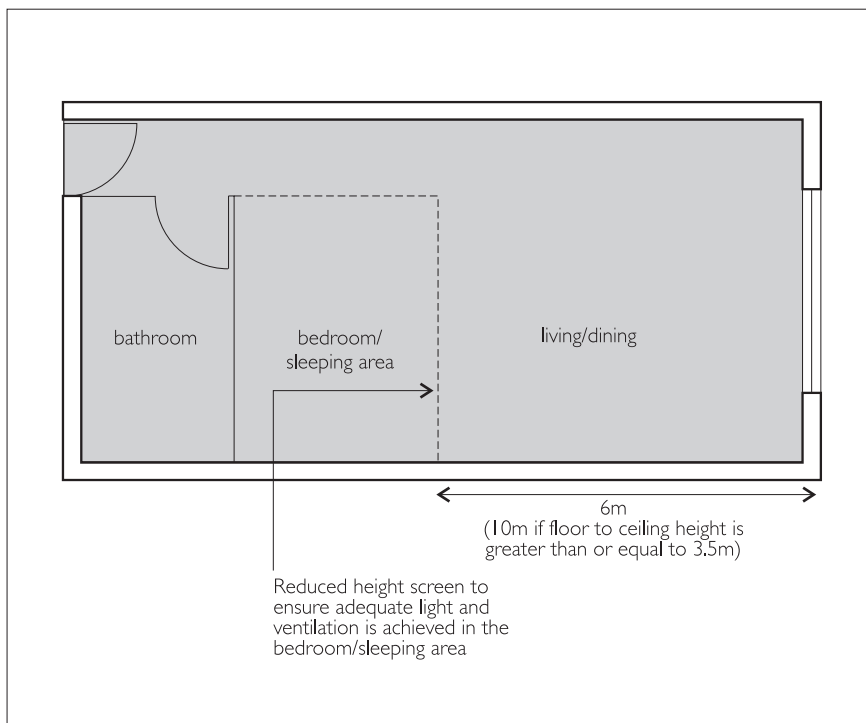


Figure 6.3

Borrowed light and ventilation - Maximum distance from primary window to the front of the bedroom/sleeping area.

6.2 Residential use covenant

Strategy

The FSR incentive for residential buildings in the LEP is included to increase the permanent residential population in Central Sydney. To ensure that residential buildings which have benefited from this incentive are not converted to non-residential uses at a later date, all residential buildings taking advantage of this incentive will be required to have a residential covenant on their title.

Objective

- To prevent the later conversion of residential buildings which have benefited from a higher floor space ratio to non-residential uses.

Provisions

- 6.2.1 In cases where a residential building takes advantage of the floor space incentive provisions for residential buildings, a covenant is to be placed on the site's title in accordance with Section 88E of the Conveyancing Act 1919, prohibiting a change to any non-residential use.

6.3 Standards for Tourist and Visitor Accommodation

Strategy

The provision of tourist and visitor accommodation for all price ranges and a variety of lifestyles are encouraged in the City Centre and City Edge zones.

The following provisions aim to establish minimum standards for the design, development and management of tourist and visitor accommodation.

For the purpose of these provisions:

Tourist and Visitor Accommodation means premises that provide temporary accommodation without a residential tenancy agreement within the meaning of the Residential Tenancies Act 1987 for travellers and tourists who have their principal place of residence elsewhere.

Tourist and visitor accommodation includes backpacker accommodation, hotels, guesthouses, bed and breakfast establishments, motels and the like.

Backpacker Accommodation means a building, or part of a building, used for the purposes of providing temporary, low cost accommodation for tourists or travellers, which is not the principal place of residence for such patrons, and that:

- (a) May have shared facilities, such as communal bathroom, kitchen or laundry, and
- (b) will generally provide shared sleeping accommodation in which there are two or more persons in a room.

Note: Boarding houses, serviced apartments, residential flat buildings and hostels are not considered as tourist and visitor accommodation for the purpose of these provisions.

Council has a separate policy titled *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* which supports the provisions of the *Central Sydney Local Environmental Plan 1996* and the *Central Sydney Development Control Plan 1996*. This Policy contains more detailed provisions for tourist and visitor accommodation.

Relevant LEP Clauses: 10(1), 10(2), 12(c), 40

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Objectives

- To provide a satisfactory level of health, comfort, amenity and facilities in premises providing tourist and visitor accommodation.
- To provide sufficient space for guests to carry out a variety of recreational pursuits within the premises.
- To ensure that the design, operation and impact of tourist and visitor accommodation does not unreasonably affect the amenity of the surrounding area.
- To provide an adequate level of fire safety for the occupants of the premises.
- To provide proper management to maintain acceptable standards of operation, administration, cleanliness and fire safety and amenity of the surrounding area.

Note: premises approved for residential development (such as serviced apartments and / or residential units and the like) are not to be used for backpacker accommodation.

Provisions

Sleeping Rooms

6.3.1 The maximum number of persons that may be accommodated in a sleeping room is determined on the basis of 3.25 square metres per person per sleeping room.

Note: where accommodation is provided for more than 28 consecutive days, the *Public Health Regulation 1991* requires that the minimum occupancy rate is 5.5 square metres per person.

6.3.2 Each sleeping room in a Class 3 building must be considered as a sole occupancy unit for the purposes of Parts C, D1, D2 and F5 of the *Building Code of Australia* so as to ensure that there is adequate fire safety in the building, and adequate sound insulation to provide reasonable amenity between sleeping rooms.

6.3.3 Ceiling heights must conform with Part F of the *Building Code of Australia*. Ceiling heights must be increased in sleeping rooms providing shared or dormitory-style accommodation to 2700 mm for rooms with double bunks, and 3500 mm for triple bunks.

6.3.4 Secure storage facilities of a minimum capacity of 0.6 cubic metres per person must be provided to allow guests to individually store baggage and travel items within the sleeping room.

6.3.5 Sleeping rooms providing shared or dormitory-style accommodation must be designed to accommodate no more than 8 guests.

Kitchen Facilities, Dining Areas and Communal Recreation Areas

6.3.6 Communal recreational areas must be provided within the premises at the rate of 0.75 square metres per person. Communal recreation areas should be internal to the building, and any single room used for internal recreation purposes must have a minimum total floor area of 30 square metres and a minimum width of 3 metres.

Note: the floor area of bedrooms, bathrooms, laundries, reception area, storage, kitchens, carparking, loading docks, driveways, clothes

drying areas, corridors and the like is not counted when determining the area of internal communal areas. Dining areas may be included as a communal recreation area.

- 6.3.7 An internal self-catering kitchen with associated dining room, and / or restaurant / café must be available on site. The café / restaurant and / or self-catering kitchen with ancillary dining room must allow for 15% of the maximum number of guests to prepare and consume meals at any one time.

For premises providing backpacker accommodation, the minimum requirement is the provision of a self-catering kitchen with ancillary dining room.

Toilets and Showers

- 6.3.8 Toilet and shower facilities must be provided and constructed in accordance with the requirements of the *Building Code of Australia*.

Laundry and Drying Facilities

- 6.3.9 Laundry facilities or a laundry service must be provided on / or to the premises.

Fire Safety

- 6.3.10 A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.
- 6.3.11 A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- 6.3.12 Prior to occupation of the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. The staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.

Additional Standards

- 6.3.13 The name and 24 hour contact phone number of the accommodation manager or resident caretaker must be prominently displayed in the reception area of the premises.
- 6.3.14 A sign must be displayed adjacent to the entry to the premises indicating the maximum length of stay of guests on the premises.
- 6.3.15 A register must be kept that details the length of stay of each person accommodated on the premises. The register must be kept up to date and be available to Council on request.

Management of Tourist and Visitor Accommodation

- 6.3.16 A Plan of Management must be submitted with each development application for tourist and visitor accommodation. Applicants should consult the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* for guidance in preparing such Plans of Management.
- 6.3.17 On-site management with responsibility for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan,

must be provided to the premises. Applicants should consult the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* for further information.

- 6.3.18 Annual certification of tourist and visitor accommodation must occur as detailed in the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney*.