

Woollahra Development Control Plan 2015 (Amendment 25)

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Acknowledgement of Country We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area

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Woollahra Development Control Plan 2015 (Amendment 25)

Part 1 Preliminary

1.1 Background

This draft development control plan (DCP) seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) to facilitate a transition from gas appliances, and to bring Council's existing solar energy controls into line with the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

The provisions for gas appliances include an addition to the chapter's objectives, and a new section to accommodate controls that restrict the installation of indoor gas appliances in residential development. These are intended to maximise indoor air quality in new development.

Changes to the controls for solar energy systems (including solar panels, solar hot water systems and solar heating systems) are proposed to address inconsistencies between Council's controls and exempt development under the Transport and Infrastructure SEPP. These changes are intended to provide clarity and certainty to applicants seeking to install solar energy systems.

1.2 Name of plan

This plan is the Woollahra Development Control Plan 2015 (Amendment No 25).

1.3 Objectives of the plan

The objectives of the plan are to:

- a) Introduce air quality objectives and controls that will encourage a transition away from gas, and promote human health by maximising indoor air quality
- b) Amend solar energy system controls to reflect existing requirements in the Transport and Infrastructure SEPP
- c) Make other administrative amendments necessary to facilitate the above changes.

1.4 Land to which this plan applies

This plan applies to all land within the Woollahra Municipality.

1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act* 1979 and Part 2 of the *Environmental Planning and Assessment Regulation* 2021.

Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) applies to the land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Council on TBC and came into effect on TBC

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra DCP 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – <u>identified in blue and underlined</u>
Deletions – <u>identified in red and strikethrough</u>

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 25 to this DCP.

2.2 Amendments to clause A1.4 List of amendments

2.2.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No 25</u>	<u>Date approved – TBC</u>	Amend Chapter A1 by inserting additional savings and transitional provisions.
	<u>Date commenced – TBC</u>	Amend Chapter A3 to insert a new definition of solar energy systems.
		Amend Chapter E6 to introduce a new chapter of objectives and controls for gas appliances and solar energy systems.
		Amend Chapters B2, C2 and C3 to made administrative changes in support of the above amendments.

Chapter A3 Definitions

2.3 Amendments to Chapter A3 Definitions

2.3.1 Insert the Transport and Infrastructure SEPP's definition of 'solar energy system'.

Solar Energy	solar energy system means any of the following systems—	
System	(a) a photovoltaic electricity generating system used for the primary	
	purpose of generating electricity for a land use—	
	(i) carried out on the land on which the system is located, or	
	(ii) carried out by the owner of the system on adjoining land,	
	(b) a solar hot water system,	
	(c) a solar air heating system.	

Chapter B2 Neighbourhood Heritage Conservation Areas

2.4 Amendments to Chapter B2 Neighbourhood Heritage Conservation Areas

2.4.1 Remove reference to 'solar panels' and insert note after C29.

B2.1.7 General Development Controls				
Objectives		Controls		
O18	To ensure that the pattern of roofscapes is maintained.	C28	Infill development has a consistent roof form, pitch and materials to that of the adjacent contributory buildings and the context.	
		C29	Roof additions and utilities, such as skylights, and dormers and solar panels, are not to be visible from the street front zone (and side front zone for corner buildings).	
		Note: Solar energy systems such as photovoltal electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar Ene Systems.		

Chapter B3 General Development Controls

2.5 Amendments to Section B 3.7.3 Site Facilities

2.5.1 Remove an objective and a control and relocate the control to new section.

B3.7 External areas > 3.7.3 Site facilities			
Objectives	Controls		
O9 To protect the air quality and residential amenity.	C10 New fireplaces burn non-solid fuels, e.g. gas or electricity		

Chapter C2 Woollahra Heritage Conservation Areas

2.6 Amendments to Chapter C2 Woollahra Heritage Conservation Area

2.6.1 Insert note under introduction paragraph and remove reference to solar energy systems

C2.5.13 Site facilities and aerial devices

The roofs of the Woollahra HCA are integral components of its character and heritage significance. The introduction of unsympathetic and uncharacteristic site facilities such as air-conditioning units and condensers and aerial devices can have an adverse impact on the aesthetic significance of individual buildings and precincts and the area as a whole. Fixing these structures onto roofs and chimneys can also damage the original fabric and detail.

The location and design of other site facilities such as fire safety systems, mail boxes, external storage facilities, clothes drying areas and laundry facilities can also have a detrimental impact on the appearance and character of the area and must be carefully considered.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar Energy Systems.

Objectives

- O1 To retain the character of the original roofscape of the Woollahra HCA.
- O2 To protect the original fabric and details of roofs and chimneys.
- O3 To ensure that satellite dishes, aerials and similar devices, air-conditioning units, external condensers and other site facilities do not detrimentally impact on the character and significance of individual buildings and the streetscape.
- O4 To ensure that adequate provision is made for essential site facilities.
- O5 To ensure that the essential site facilities are functional, accessible and are easy to maintain.
- O6 To ensure that site facilities are thoughtfully integrated into development and are unobtrusive.
- O7 To minimise visual and acoustic impacts on adjoining properties.

Controls

- C1 Service infrastructure of all infill or replacement development should be located underground.
- C2 Satellite dishes, solar water heaters, solar electricity generators, aerials and similar devices:
 - a) must not be located on any part of the roof or chimney which is visible from the street frontage or the public domain;
 - b) must not have a detrimental impact on the architectural and heritage character of the building to which they are attached; and
 - c) are to be suitably located, designed, sized, enclosed, concealed, screened and/or otherwise integrated with the building to be visually discreet and unobtrusive and to minimise impacts on adjoining properties.

- C3 Air conditioning units, condensers and other mechanical plant equipment in infill development or substantial additions must be located internally within the building.
- C4 Any part of an air conditioning unit, condenser and any other mechanical plant equipment located externally must be located:
 - a) behind the outer front wall of the building and not be visible from the public domain;
 - b) less than 1.8m above existing ground level or a basement level or part underground level (but not on a roof); and
 - c) to minimise noise impacts on adjoining properties.
- C5 Air conditioning units, condensers and other mechanical plant equipment must be wholly contained within the permissible building envelope and not be visible from an adjoining property whilst being suitably located, designed, sized, enclosed, concealed, screened and/or otherwise integrated with the building.
- C6 External conduits must not exceed 3m in length and must not be visible from the public domain.
- C7 Hydraulic fire services such as fire hydrants and booster installations must be concealed. These services are to be:
 - a) Enclosed with doors if located in the building façade, or
 - b) Housed in a cabinet or enclosure if located external to the building.
 - The location, design, colour and material of the doors, cabinet or enclosure must be visually unobtrusive and suitably integrated with the development, including fencing and landscaping.
- C8 Television aerials are to be located within the roof area where practicable. If this option is not suitable for reasons such as lack of space or if the area is being used for storage or habitation, the aerial should be located on a secondary rear roof rather than attached to a main chimney.
- C9 Site facilities, including mail boxes, external storage facilities, clothes drying areas and laundry facilities are to be unobtrusively integrated into new development.
 - Note: Information relating to specific requirements for garbage and recycling is contained in Part E of this DCP, Chapter E5 Waste Management and Council's DA Guide.

Chapter C3 Watsons Bay Heritage Conservation Area

2.7 Amendments to section C3.5.9 Site facilities and aerial devices

2.7.1 Insert note and remove reference to solar energy systems.

C3.5.9 Site facilities and aerial devices

Note: The objectives for these controls are in Section C3.3 Objectives for development.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar Energy Systems.

Controls

- C1 Satellite dishes, solar heating devices, aerials and similar devices are not to be located on any part of a roof that is visible from the street, the public domain or elevated locations within the area.
- C2 Depending on their design, size and visual impact, satellite dishes, solar heating devices, aerials and similar devices may be positioned at the rear of buildings, subject to townscape considerations.
- C3 Television aerials are to be located within the roof area where practicable. If this option is not suitable for reasons such as lack of space, storage or habitation, the aerial to be located on a secondary rear roof rather than attached to the main chimney.
- C4 The design and location of site facilities such as mail boxes and laundry facilities are to be integrated physically and visually with other built elements such as fences, walls, buildings and car parking facilities and to reflect the character of the streetscape.
- Clothes drying facilities are to be located in a secure, open (preferably sunny and breezy) place away from public spaces and screened from public view.

Chapter D1 Neighbourhood Centres

2.8 Amendments to D1.5.3 Objectives and Controls

2.8.1 Remove reference to solar energy systems and insert note.

D1.5.3 Objectives and Controls					
Obje	ctives	Cont	Controls		
	To retain and enhance the contributory buildings and ensure these retain their streetscape	C8	Development at 89-93 O'Sullivan Road and 9-23 Plumer Road maintains and retains the heritage significant fabric.		
	context.	C9	Development provides a continuous awning to the street frontage to match existing awnings at 89-93 O'Sullivan Road and 9-23 Plumer Road.		
		C10	Development does not include habitable space in the roof structure of an existing building, and does not include any dormer window.		
		C11	Any replacement of heritage significant building fabric is of similar material and type (e.g. timber for timber).		
		C12	Development reinstates heritage significant architectural detailing as appropriate.		
		C13	Development retains and conserves any original chimneys.		

- C14 Development does not include any painting, bagging or rendering of original face brickwork.
- C15 Development retains window and door hardware that have heritage significance.
- C16 Development does not include any infill (by glazing or otherwise) of original verandahs or balconies.
- C17 Security grilles on windows and doors, if installed, complement the frame and glazing pattern, are fitted on the inside of windows or doors, and should not be visually intrusive.
- C18 Security fly screens, if installed, are retractable.
- C19 Skylights, solar panels and the like, are not visible from any street frontage.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar Energy Systems.

Chapter E6 Sustainability

2.9 Amendments to objectives and controls in all sections

2.9.1 Please refer to Attachment 1 of this draft DCP.

Attachment 1

Chapter E6 Sustainability and Health

Part E ▶ General Controls for All Development

CHAPTER E6 APPROVED ON 27 APRIL 2015

AND COMMENCED ON 23 MAY 2015

Last amended on XXX

Chapter E6 ▶ Sustainability <u>and Health</u>

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E6.1 Introduction

E6.1.1 Background

Ecologically sustainable development (ESD) seeks to integrate environmental, economic and social considerations in decision making. Building sustainability is an important consideration in the design, construction and ongoing use of buildings. Applying ESD principles to development helps minimise greenhouse gas emissions and reduce energy and water costs for households and businesses.

E6.1.2 Land where this chapter applies

This chapter applies to all land within the Woollahra Municipality.

E6.1.3 Development types to which this chapter applies

This chapter applies to the following development:

- commercial development that requires consent;
- non-residential development that requires consent;
- solar energy systems that do not meet the provisions in the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP); and
- ▶ solar energy systems that meet the criteria in the Infrastructure SEPP Transport and Infrastructure SEPP but form part of other works that require consent.

Applying best practice to other development

Council encourages applicants to apply sustainability principles to all development. In particular, the design principles in the BASIX planning tool may be considered for alterations and additions to residential buildings that are less than \$50,000.

E6.1.4 Objectives

The objectives of this chapter are:

- O1 To promote ESD in the design, construction and use of non-residential buildings.
- O2 To encourage the use of environmentally sustainable building materials.
- O3 To maximise the benefits of passive solar design.
- O4 To promote the use of renewable energy sources while minimising visual impacts, particularly when located in heritage conservation areas.
- <u>O5</u> <u>To protect human health by maximising indoor air quality.</u>

E6.1.5 Relationship to other parts of the DCP

This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- If located in a residential area—the controls in Part B: General Residential, or Part C: Heritage Conservation Areas that apply to the land.
- If located in a business centre—the controls in Part D: Business Centres that apply to the land.
- ▶ Part F: Land Use Specific Controls this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

E6.1.6 Relationship to other documents

State environmental planning policies

The State Government also requires sustainability to be considered in the design, construction and ongoing use of buildings. These requirements are set out in the following State environmental planning policies (SEPPs):

- <u>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</u> _applies to residential <u>and non-residential</u> development and <u>sets establishes</u> sustainability <u>requirements relating to targets for</u> water, energy and minimum performance levels for thermal comfort. The BASIX scheme ensures a state-wide consistent approach to <u>sustainability and</u>, as at <u>July 2103</u>, applies to:
 - all new residential buildings with one or more dwellings but not a hotel or motel;
 - alterations and additions to a residential building that has a value of \$50,000 or more;
 - swimming pools and/or spas that serve one dwelling with a capacity of 40,000L or more.
- ► Infrastructure SEPP Transport and Infrastructure SEPP—includes exempt and complying development provisions for the installation of the following types of solar energy systems: photovoltaic electricity generating systems, solar hot water systems, solar air heating systems.
- ▶ Exempt and Complying Development 2008 (Codes SEPP)—includes exempt and complying development provisions for certain low impact developments including the installation of hot water systems, rainwater tanks, shade structures, skylights, roof windows and ventilators.

National Construction Code

National Construction Code (NCC), Section J, includes mandatory minimum energy performance requirements for Class 3 and Class 5 to 9 buildings. The objective is to reduce building greenhouse gas emissions by improving operational efficiency of buildings by addressing matters such as building fabric, thermal performance and glazing.

E6.2 Commercial and non-residential buildings

This section seeks to promote ESD in commercial and non-residential development by minimising water use, fuel use and greenhouse gas emissions in the design, construction and use of buildings.

Development should seek to achieve a NABERS (National Australian Built Environment Ratings System) rating of at least 4 stars, or equivalent under other rating systems.

A 4 star rating represents "good performance" under the NABERS Energy and Water tool, which measures performance on a rating scale from 1 to 6 stars. A 4 star rating can be generally achieved through compliance with the National Construction Code and thoughtful building design and addressing such matters as identified in the table below.

Note: In addition to the building design matters identified in this chapter, applicants should have regard to the choice of internal fittings, as the energy performance of a building can be greatly improved by selecting water conservation devices (such as 4 star taps and 4 star dual flush toilets), energy efficient space heating and cooling systems, energy efficient lighting, and gas or electric boosted solar hot water systems.

Controls 01 To promote sustainable buildings, design C1 Office development with a gross floor and construction. area of at least 1,000m² achieves a minimum 4 star NABERS rating. Notes: i) C1 above applies to new development and work involving significant alterations and additions to existing development. ii) For the purpose of the above control, the calculation of gross floor area does not include parking, loading or vehicular access, to these areas. iii) To demonstrate that this rating will be achieved, the applicant is to submit with the DA: a) an ESD Statement prepared by an accredited professional providing design evidence that a NABERs 4 star rating can be achieved; or b) evidence of a Commitment Agreement. A Commitment Agreement is a contract between the NABERS National Administrator, the Office of

Environment and Heritage NSW (OEH) and the building proponent

Objectives		Controls		
			to design, build and commission the premises to achieve a NABERS Energy star rating of 4 or more.	
02	To design buildings to reduce the need for artificial heating and cooling, and artificial lighting during daylight hours.	C2	Building articulation, courtyards and light wells allow daylight into internal areas.	
		C3	Windows for buildings are oriented towards the north for maximum solar access.	
		C4	Building elements such as eaves, awnings, operable louvres, projecting sun shades, screens, blinds and balconies maximise solar access in winter and sun shading in summer.	
03	To ensure that window placement maximises opportunities for cross ventilation.	C5	Subject to privacy impacts to adjoining properties, buildings contain external windows to provide direct light and natural ventilation.	
		C6	Subject to privacy impacts to adjoining properties, window openings are located in opposite walls and in line with each other to provide for natural cross ventilation.	
		C7	Buildings are designed to facilitate convective currents. This may be by:	
			 a) locating small windows on the windward side and larger windows on the leeward side; and 	
			 b) designing buildings to draw cool air in at lower levels and allowing warm air to escape at higher levels. 	

Objectives		Controls	
04	To ensure that the use of glazing maximises solar penetration during winter months.	C8	Main windows facing between 110° east and 110° west of north are designed to be energy efficient (i.e. low emissivity or double glazed).
		С9	Development provides appropriate sun protection during summer for glazed areas. Extensive areas of glazing are protected from sun during summer using shading devices. Unprotected tinted windows are not an acceptable solution.
05	To reduce water consumption and encourage on-site water retention and re-use.	C10	For landscaped garden areas in commercial developments, building design incorporates the following measures to minimise mains water demand and consumption: a) rainwater tanks to supply water for plant watering, toilet flushing, outdoor cleaning and cooling systems for the building;
			b) where suitable, roof gardens to reduce stormwater run-off and provide insulation;
			c) an irrigation system to minimise waste water; and
			d) water retention within gardens to direct run-off from impervious uses and water tanks to deep soil areas.
		C11	Desalination plants are avoided. Desalination plants are not an appropriate water management option because they are an energy intensive and inefficient method for providing fresh water.

Objectives		Controls	
06	To encourage tree selection that reduces the need for artificial heating and cooling of buildings.	C12	Subject to view impacts to adjoining properties, wide canopied deciduous trees are planted to the north of buildings to provide shade during warmer months and allow sunlight penetration during cooler months.
		C13	Subject to view impacts to adjoining properties, evergreen trees are planted to the west and east of buildings to prevent glare and heat during warmer months.

E6.3 Solar energy systems (including solar panels, solar hot water systems and solar heating systems)

A solar energy system includes a photovoltaic electricity generating system, solar hot water system, or solar air heating system.

These solar energy systems are often exempt or complying development under the Infrastructure SEPP State Environmental Planning Policy (Transport and Infrastructure) 2021 (refer to Part 3, Division 4, Electricity generating works or solar energy systems).

However, a development application is required to be lodged for a solar energy system when the system does not meet the standards for exempt or complying development in the SEPP. These standards include requirements for systems in heritage conservation areas.

The controls also provide guidelines for the design and location of solar energy systems that form part of other works that require the development consent. For example, a development application for a dwelling house may include solar energy systems. In these cases, the solar energy system is assessed as part of the development proposal for the new building.

Note: *primary road* in this clause refers to the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

Objectives Controls

- O1 To minimise the amenity impacts of solar C1 energy systems particularly in regard to streetscape impacts, scenic quality, visual impact and view loss.
- The solar energy system meets the following location requirements:
- a) is in line with the roof surface or no more than 300mm above and parallel with the roof surface;
- b) is located behind the front setback and not visible from the street;
- c) does not involve mirrors or lenses to reflect or concentrate sunlight; and
- d) for buildings in heritage conservation areas and buildings which are heritage items— is not located on any part of a roof plane, wall or chimney of the principal building form.
- C2 The location of the solar energy system does not have an unreasonable visual impact on:
 - a) the streetscape and scenic quality of the area;
 - visual quality of the area when viewed from the harbour or a public recreation area;

Objectives	Controls
	 c) amenity of adjoining and adjacent properties; or d) existing harbour and city views
	obtained from private properties.
	Note: A view analysis and/or heritage impact assessment may be required as a part of the DA to detail the extent of potential impacts.
	C1: Solar energy systems: a) should not have an unreasonable visual impact on: i) the streetscape and scenic quality
	of the area; ii) the visual quality of the area when viewed from the harbour or a public recreation area; iii) the amenity of adjoining and
	adjacent properties; iv) existing harbour and city views obtained from private properties and
	b) must not involve mirrors or lenses to reflect or concentrate sunlight.
	C2 For buildings in a heritage conservation area and buildings which are local or State heritage items, the solar energy system must meet the following location requirements:
	a) Does not protrude more than 500mm from the building (as measured from the point or attachment).
	b) <u>Is not placed facing the primary road.</u>
	c) Is arranged neatly on the roof plane.
	d) <u>Does not have a negative impact on</u> <u>the heritage significance of the item</u> <u>or heritage conservation area.</u>
	C3 Where not located in a heritage conservation area or on a heritage item, the solar energy system must meet the following location requirements:

Objectives	Controls
	a) For property in land zoned R2 Low <u>Density Residential or R3 Medium</u> <u>Density Residential</u>
	 i) the system must not protrude more than 1m from the building (as measured from the point of attachment) or
	ii) where attached to a wall or roof facing a primary road, must not protrude more than 500mm from the building (as measured from the point or attachment).
	b) For property not in land zoned R2 Low Density Residential or R3 Medium Density Residential:
	i) the system must not protrude more than 1.5m from any building or structure to which it is attached (as measured from the point of attachment) or
	Note: A view analysis and/or heritage impact assessment may be required as a part of the DA to detail the extent of potential impacts.

E6.4 Air quality

National Environment Protection Measures for Ambient Air in Australia exist to achieve air quality standards that protect human health and wellbeing. The combustion of solid fuels and non-solid fuels (i.e. natural gas) has been shown to produce a complex range of pollutants, all of which are associated with adverse health impacts to adults and especially children. Electrifying our homes improves indoor air quality and therefore improves human health.

Objectives		Controls	
O1 To imp	to to the quality to to to the manufacture	C1	New Solid fuel heating and cooking systems are not permitted in any residential development.
levels a Nation Measur	ure that ambient indoor air quality are met as specified in the al Environmental Protection re (Ambient Air Quality), or lent if superseded.	<u>C2</u>	Gas cooktops, gas ovens and unflued gas space heating systems are not permitted in indoor areas of new residential development, or existing residential development where substantial alterations and additions are being sought. Instead, electric systems should be installed and clearly marked on plans.