

Special Development Assessment and Planning Committee



24/08/2015	DAP026-16
Report Title:	Draft Development Control Plan 2015 Submissions Report
File Number:	2015/217576
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REPORT SUMMARY

EXECUTIVE SUMMARY:

On 23 June 2015, Council's Standard Instrument Local Environmental Plan, Sutherland Shire Local Environmental Plan 2015 (SSLEP2015), was gazetted by the NSW Government. To support the new LEP, Council must adopt a new Development Control Plan (DCP). A DCP provides non-statutory, detailed planning and design guidelines for specific types of development or for specific localities.

The DCP is prepared with the context of the LEP. The LEP sets the permissible forms of development and the key development standards. The LEP has increased building height limits; allowed higher floor space ratios to be achieved and reduced landscaped area requirements. These changes will alter the relationship between adjoining land and ultimately determine what are reasonable expectations of amenity and impact. The DCP works within the new development parameters. Its role is to flesh out what Council sees as reasonable solutions to the constraints of developing a site and how potential negative impacts can be mitigated. The draft DCP was adopted by Council (DAP092-15) for exhibition on 20 April 2015. The draft plan was exhibited from 28 April 2015 until 26 May 2015. 111 submissions were received. Submissions were made by individuals, community groups and the Southern Region Architects Network.

Some submissions suggested that the draft controls were in some instances too onerous and highlighted the need to accommodate increased floor space permitted by the new SSLEP2015. Many submissions sought flexibility in the application of the development controls. Yet for neighbours and land owners, many submissions sought clarity and certainty in development controls.

The development assessment process considers in detail the constraints and opportunities of individual sites/localities. The DCP sets development objectives and controls, which an application is assessed against. The controls are a way to achieve the objectives and most development will use the numeric controls to achieve the desired objectives. However, it is recognised that every site is different. In response to submissions, many of the DCP controls have been re-drafted to include tests to consider variations in a reasonable and consistent manner.

This report considers the submissions received and recommends that some DCP provisions be

amended accordingly. The draft DCP is currently being considered as policy for the determination of applications lodged under SSLEP2015 and currently with Council. Once submissions have been considered by Council, the content of the plan will be finalised and the draft plan will be brought into effect. This will occur once public notice of the adoption of SSDCP2015 is given in the St George and Sutherland Shire Leader.

SUMMARY OF RECOMMENDATION:

It is recommended that the DCP be amended as attached to this report, and be adopted and brought into effect.

It is also recommended that the amended DCP be used by assessment officers as a guide for assessing any undetermined development applications lodged under SSLEP2015, and that SSDCP2006 be adopted as policy for the assessment of all Development Applications lodged under SSLEP2006 and which are yet to be determined.

FINANCIAL / RESOURCE IMPLICATIONS:

The preparation is a non-discretionary planning requirement. Preparation and exhibition costs are budgeted for with the allocation to the Environmental Planning Unit.

RELATIONSHIP TO STRATEGIC DIRECTIONS:

The new DCP seeks to reflect the directions expressed in the Community Strategic Plan, namely:

Housing for all

- Housing accommodates Shire household structures and demographic changes.

Active neighbourhoods

- People are easily able to meet with and support their neighbours.

Balanced development

- The negative impacts of development on the environment, people and economy are minimised.

Diverse local jobs

- Infrastructure, technology and support for local economic and employment opportunities enable residents to achieve a work/life balance.

Local economic opportunities

- A strong local economy that responds to local and visitor needs and interests.

Diverse leisure opportunities

- Abundant, healthy and well maintained natural environments for people to enjoy.

Primary Strategies

- Protect our environment.
- Conserve natural resources.
- Respect and value our heritage & culture.

POLICY / LEGAL IMPLICATIONS:

Once made, the DCP will form a significant component of the future planning framework for Sutherland Shire.

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PREVIOUS CONSIDERATION / HISTORY OF MATTER:

DAP092-15 📁 - New Development Control Plan - 20/04/2015

REPORT IN FULL

Introduction

On 23 June 2015 Council's Standard Instrument Local Environmental Plan, Sutherland Shire Local Environmental Plan 2015 (SSLEP2015), was gazetted by the NSW Government. The Environmental Planning and Assessment Act 1979 and Regulations require a new comprehensive DCP to support the new Local Environmental Plan (LEP).

SSLEP2015 brings with it new development standards, new land use terms and new zones. It

also brings greater development potential, in both the low density zones and the centres. The DCP has been prepared within this context. A DCP provides non-statutory, planning and design guidelines for specific types of development or for specific localities. The draft DCP is a detailed document giving effect to the aims, objectives and provisions of the LEP, while maintaining a level of flexibility with respect to development assessment. Essentially the role of the DCP is to set Council's policy framework for what standard of development it to be achieved, what degrees of change are to be expected and how potential impacts of development are to be managed and mitigated. The DCP will inform landowners, architects, developers and residents of what scale and intensity of development is acceptable across Sutherland Shire.

Background

In March 2013 an amendment to the Environmental Planning and Assessment Act 1979 came into effect. The new provisions reinforced the status and purposes of DCPs as guidance documents. It confirmed the status of LEPs as the primary statutory planning instrument for an area. Notably, the Act makes it clear that a DCP is to:

- Give effect to the aims of an LEP;
- Facilitate development that is permissible under an LEP; and
- Achieve the objectives of land zones under an LEP.

The DCP provisions must be consistent with the provisions of the LEP. A DCP supplements a LEP by providing further refinement of the LEP controls and setting design requirements. It does not override or replace the provisions of an LEP.

The Act provides flexibility in the way DCP controls are applied when assessing development applications. A consent authority cannot apply more onerous standards if a development application complies with a DCP. Similarly, where a development application does not comply with a DCP, the consent authority must be flexible in its application and consider reasonable alternative solutions to achieve the objectives of the DCP controls.

The new DCP has been structured with the end user in mind. Every effort has been made to simplify the controls so that a customer can access a chapter that specifically relates to what development they intend to carry out in the zone where their land is located. For example there is a section that contains all controls for dwelling houses in the R2 zone; a section that contains all the controls for residential flats in the R4 High Density zone; and a section that applies to all development in Sutherland Centre. While the format is better for the end user, it creates more repetition in the DCP itself. Some DCP controls only apply where particular site constraints exist and these form separate sections of the DCP, for example flooding and bushfire risk. Some elements of the DCP contain technical requirements for specific aspects of development which are common to all development types, such as vehicle access requirements. These aspects have also been contained in specific sections of the document.

The DCP is a guidance document and does not carry the same weight as the Sutherland Shire Local Environmental Plan 2015. However, it is an important consideration in the planning process. Generally a DCP sets objectives and development controls. Where an application does not comply with DCP controls, council is required to test the proposal against the objectives. This approach gives flexibility, allowing alternative solutions to be explored.

Public Exhibition

At its meeting on the 20 April 2015 (DAP092-15), Council approved the draft Development Control Plan (DCP) for public engagement. The draft DCP was prepared and exhibited consistent with the statutory requirements of the Environmental Planning and Assessment Act and Regulations. The draft DCP was publicly exhibited from 28 April 2015 until 26 May 2015.

Each section of the DCP that relates to residential and commercial development has been presented to the Architectural Review Advisory Panel (ARAP) for review and input. Officers have also reviewed more recent decisions of ARAP where the Panel has given preliminary advice in relation to buildings designed under the new planning framework.

This report now seeks Council's consideration of the issues raised in submissions which have been summarised in this report. Detailed analysis of all the issues raised is provided in the document titled "Draft Development Control Plan 2015 – Submissions Report" which was provided to all Councillors on 19 August 2015. This document is attached electronically to this report.

Following the consideration of submissions on the draft DCP, Council may resolve to adopt the DCP in the form that it was exhibited or with any amendments. This report contains a detailed recommendation which sets out the changes the Environmental Planning Unit suggests should be made to the exhibited document to address the issues raised in submissions.

Consultation Process

A variety of consultation techniques were implemented by Council during the exhibition period to inform and engage the community. The exhibition included:

1. *Sutherland Shire Council Website*

The Sutherland Shire Council website was one of the key sources of information available to the community during the exhibition of the DCP. The website provided extensive material in relation to the DCP, including an online submission tool, downloadable information with access to past documents relevant to the DCP and its preparation in general. 4112 people viewed the material on the website during the exhibition.

2. *Sutherland Shire Council Administration Building*

The administration building located at 4 Eton Street Sutherland provided customer service for enquiries relating to the draft DCP and access to all exhibition material

3. *Local Newspaper – St George/Sutherland Leader*

The St George/Sutherland Leader provided additional opportunity for community members who did not have access to the internet to access significant updates and information in relation to the draft DCP.

4. *Sutherland Shire Libraries*

The exhibition material was made publicly available across all Sutherland Shire Libraries for the duration of the exhibition period.

5. *ARAP*

The Draft DCP was presented to the Architectural Review Advisory Panel for expert input.

6. *Planning Hotline*

During the entire exhibition period, the Council Planning staff answered phone calls to the

planning hotline in relation to the exhibited draft DCP.

Submissions Received

A total of 111 written submissions were received from residents, architects, the development industry, businesses, precinct groups and other stakeholders. Of the submissions received, the majority related to a specific development type or a specific control, while others related to a specific centre, a specific issue or a range of topics.

In contrast to the LEP, the draft DCP does not deal with big picture, the exhibition has not generated large volume of submissions on any one issue. Because the DCP goes to the specific details of particular forms of development in a defined locality, it is much harder for residents to appreciate the implications of DCP provisions. The bulk of submissions have come from practitioners in planning, architecture and the development industry. These submissions cover many specific elements of the draft DCP and address the practical implications and limitations of the draft provisions.

The Architects Network Southern Region, representing the architects who undertake the bulk of the design work in Sutherland Shire, has made an extensive submission in this regard. Local architects have also made detailed individual submissions working through specific provisions of the draft plan. These submissions were written with an intricate knowledge of the design and development assessment process. The submissions required a particularly detailed analysis and called for input across Council to address. These submissions have been particularly valuable in helping to identify weaknesses and ways in which the DCP can be improved.

Resident submissions tended to deal with a specific issue or relate to the outcomes of development for a particular site. As such there is no one issue that stands out as a key community concern. The Cronulla Residents Committee and the Central and North Miranda Precinct Association both made detailed submissions about Cronulla and Miranda centres respectively. Some submissions suggest that the draft controls were in some instances too onerous and highlighted the need to accommodate increased floor space permitted by the new SSLEP2015. Many submissions sought flexibility in the application of the development controls. Yet for neighbours and land owners, many submissions sought clarity and certainty in development controls and development outcomes.

The table attached as **Appendix A** is a summary of all submissions received. 111 submissions were received in total. The table breaks down all the issues raised in each submission and provides a count indicating how many times the issue was raised. Submissions often raised multiple issues. In total 274 individual issues have been raised with the drafting of the DCP. However, only 7 issues were raised in more than 5 individual submissions. As such it is difficult to provide a simple overview of the key issues raised through the exhibition of the draft plan. The detailed submissions report works through every issue identified in submissions which is why it is such a large document.

The table attached as **Appendix B** focuses on the architects' submissions. This has been provided to give a more focused view of the issues raised by practitioners.

A number of submissions noted inconsistencies and topographical issues throughout the document. This criticism is acknowledged. More attention has been given to editing the final document.

Key Issues Raised in Submissions

The DCP controls frustrate development potential

A fairly common view raised in submissions is although the development potential has increased, the result of the controls is that the available building envelope is very tight. The view put forward is that the DCP frustrates, or unreasonably restricts development that is permitted by SSLEP2015.

The LEP has introduced higher floor space ratios, increased building height and reduced landscaped area in most localities. The Environmental Planning Unit has been mindful of these changes when preparing the DCP and has tried to balance the increased yield with the need to mitigate negative impacts of development on neighbouring properties and the need to ensure quality built forms are achieved.

The LEP no longer contains minimum site area requirements for dual occupancy, multi dwellings and residential flat buildings however, this does not infer that every site can be developed for this purpose. Larger sites allow design constraints to be more readily resolved. Redevelopment of smaller site is much more difficult and it is unreasonable to assume that all sites are capable of achieving the same yield. The DCP needs to make potential applicants aware of what council considers being a reasonable standard of development. The controls help articulate this to applicants before they commit to a site.

It is accepted that the drafting of the DCP has focused on numeric controls and while there is always an opportunity for non-compliant applications to be judged on merit, the DCP does not invite alternative solutions. In response to the issues, the DCP has been amended so that tests are provided for the main controls. This means that while the numerical control remains, the applicant is made aware that non-compliance will not be ruled out. Instead the key controls now provide a test so the applicant is aware of how a non-compliant proposal must perform to be acceptable.

The difficulty for Council is finding a balance in the DCP where good development can be facilitated but poor solutions can be refused and the decision defended upon appeal in the Land and Environment Court. The redrafting of key clauses to include tests helps achieve this.

Need for flexibility

Submissions stress that the DCP should be a guideline. Submissions state that there is an over-focus on controls rather than objectives. Submissions infer that the DCP will lead to a box ticking practice that may not result in best outcomes for developments and that good design needs to be promoted. A DCP is a policy framework to articulate what Council expects of permissible development. It provides fine grain detail to back up and flesh out the LEP. The DCP is structured on the key aspects of development. Objectives for each issue are provided which state what the Council is trying to achieve in relation to a specific area. Controls are provided which relate to each objective. Good planning practice dictates that the objectives take precedence. The controls are simply one way to meet the objectives and if met the applicant should reasonably expect that the proposal would be approved.

Training is needed for Assessment Officers to bring greater assessment weight to the objectives. Council expects consistency across the decision making of Assessment Officers, yet this tends to result in a reliance on compliance with controls. A degree of cultural change would

assist better outcomes and improved working relationships with applicants. The inclusion of tests for variations to the key development controls will help focus the assessment on what the outcomes are. ARAP acts as an independent review and can help foster design excellence.

Residential development – height, basements, and a two storey limitation

The issues of the 2 storey height limit and basement controls are interrelated and together are the main issue raised in submissions received. Many submissions requested that three storey dwellings, dual occupancies, and multi-development development be permitted by the DCP in all zones. Submissions disagreed with the proposed DCP control limiting basements to wider lots.

It is accepted that a three storey building can be an acceptable form of development on some sites. However, the Shire is largely comprised of streetscapes of two storey buildings within a landscape setting. Larger development will place increased pressure on the retention of streetscape and landscaped character. The two storey limitation was intended to ensure that the new development is compatible with the existing scale and character of the area. Whilst it is recognised there will be pressure to realise the full FSR as an above ground third storey and/or provide a third storey as an underground car park, it must also be recognised that three storey development often results in buildings that are of a bulk and scale that is not compatible with the streetscape or locality, diminishing the quality of the streetscape.

In essence a three storey development can be acceptable if it is a considered response to the constraints of a site and is skilfully designed to minimise its bulk and scale. However, it is considered that 3 storey development should be the exception rather than the rule. Three storey development that is poorly designed will exacerbate impacts, both upon neighbours and upon the streetscape. The solution is for a control that is strong enough for Council to defend a poor three storey solution, but flexible enough to accommodate a good solution. The issue is complicated by the fact that basements, by definition, are considered a storey.

Therefore it is recommended that the controls limiting basements be softened and the 2 storey control be reworded so that there is a test for 3 storey development, whether the third storey is a basement or an additional floor of living space. The test recommended does not prescribe the outcome, but sets a process to achieve the outcome. Essentially standard two storey buildings without basements are the default position and acceptable as of right, while the third storey of living space or the basement are acceptable if they are a good solution for the site. The revised provisions are set out below:

1. *Development must be limited to two storeys in height above existing ground level and basements are not permitted (E3, E4 & R2 zones). Dwellings may be stepped down a steep site.*
2. *Despite 1, Council will permit a variation to the 2 storey limit (whether that be a basement or third storey above natural ground as the additional floor level) where Council is satisfied that:*
 - *The third storey or basement does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and,*
 - *The basement or third storey above existing ground level does not result in a building that is incompatible with the established scale, character or landscaped setting of the*

immediate locality or adversely affect the amenity of adjoining properties; and

The alternative to a basement or third storey above existing ground would result in the loss of bushland, existing trees, or other natural features where such exist on the site.

Multi Dwellings are permissible in the R2 Low Density zone as well as within the R3 Medium Density and R4 High Density zones. However, density increases across the zones. Determining what height is appropriate in the each zone should be based on achieving a scale that fits into the local context. While it is considered that multi dwellings in the R2 zones be limited to 2 storeys, and variations for three storeys be subject to the preceding test, the R3 and R4 zones are higher density zones where dwelling houses are not the dominant form of development. The height limit in the R3 zone is 9m. Therefore it is recommended that multi dwellings in the R3 and R4 zones be 3 storeys above existing ground level, in addition to any basement.

It is acknowledged that basements for multi dwellings and residential flats may need to extend basements beyond the footprint to be able to design enough space for parking, vehicle manoeuvring and waste services, particularly for development on a smaller lot. However, when basements are elevated and extend to side boundaries it compromises the amenity of neighbours because the elevated space allows direct overlooking while also removing the potential for screen landscaping. It is recommended that a 3m setback remain but with a test being added for variations:

“Variations to basement side boundary setback control may be acceptable if:

- a. The basement construction does not protrude from the natural ground level, so potential overlooking of the neighbouring property is not increased by the development.*
- b. Opportunities are provided for the planting of trees in the setback area.”*

Site width requirements for Multi Dwellings and Residential Flats

The draft DCP contained minimum site widths for multi dwelling development and residential flat buildings. Submissions argue that there should be no minimum width requirement as this frustrates permissible development.

The key issue here is that SSLEP2006 contained minimum site widths for multi dwellings and residential flats that essentially meant that lots had to be amalgamated to facilitate redevelopment. This was not included in SSLEP2015 to give greater flexibility to developers looking to take advantage of isolated sites. However, just because a land use is permissible does not mean that it can be realised on every lot in a zone or that the maximum density permissible will be achieved.

Minimum width requirements provide guidance to applicants that not all lots are capable of achieving the maximum permissible density. This approach is supported by ARAP. The minimum width was based on ensuring a safe and efficient basement car park which is a key constraint to development. Without vehicle being able to turn around on site development would be refused. Therefore it is important to get developers to focus on this issue before committing to a site.

It is acknowledged that the exhibited clause reads like it prohibits development on narrower lots. It is recommended that the clause be amended to clarify the possibility of development on narrower sites and set tests for what development on a narrower lot must achieve. This allows

the developer to understand what higher tests a narrower site will have to meet.

The revised clause for residential flats is copied below. The same provision is also proposed for multi dwellings with dwellings with a width of 20m:

Clause 1.2.1 *"Lots must be of sufficient width to accommodate development. A site of minimum frontage width of 26m is appropriate for residential flat development. Where development of a narrower site is proposed the development must:*

- a. *provide safe and efficient access and servicing facilities- particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste;*
- b. *provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation and the provision of outlooks to landscaped setbacks; and*
- c. *respond to the local context, including providing adequate separation from existing and future adjoining development.*

Development sites with site frontage width less than 26m may not allow for the full FSR to be realised."

More lenient controls for small sites

A number of submissions requested reduced or alternate controls for small or infill sites. An objective of the setback requirements is to preserve the streetscape and landscaped setting of neighbourhoods and to make opportunities for canopy trees. These objectives remain the same even when development occurs on a smaller site. It is not appropriate to compromise the amenity of a street or neighbours simply because someone seeks to develop a very small site.

The size of the site is not relevant to the assessment of the adequacy of a setback in preserving the quality of the streetscape. State Environmental Planning Policy No 65 (SEPP65) and the Apartment Design Guideline (ADG) do not contain special provisions for small sites. A DCP cannot be inconsistent with either of these documents. Reduced front setback is best judged on merits of the individual design and the site's local context. ARAP provides independent professional advice as to the merits of infill development. Well designed infill development has been approved in this way in the past. It is simply a far more difficult design exercise and full development potential may not be able to be realised.

Rear Setbacks in the Low density residential zone

A number of submissions request reductions to the rear boundary setback in the low and medium density residential zones.

The landscape character of residential neighbourhoods is a defining feature of the Shire. The 6m setback allows for a significant portion of the landscaped area required by the LEP to be accommodated in the rear yard along the common boundary. This is the space where existing trees are most likely to be located. With a further requirement for two trees to be planted in the rear yard; the controls help to foster a spine of landscaping through the rear of lots which enhances the landscaped setting of the Sutherland Shire. In low density zones residents expect to see landscaping when they face their rear boundary. Given that Council policy allows trees to be removed if they are growing within 3m of a dwelling, a reduction in the setback to 3m would mean that there would be no space where the long term retention of trees can be assured.

The reduction in the rear setback for single storey development on internal lots would address overlooking issues, but it would reduce the potential for a spine of vegetation along the common rear boundaries of lots. Given the higher density permissible under the plan, the landscaped character of Sutherland Shire will be placed under increasing pressure. Keeping a consistent rear setback across development types will help to ensure trees are provided where they are most beneficial. No change is recommended to the rear setback requirements for single dwellings.

Courtyards in the front setback

A number of submissions requested that courtyards for private open space be accepted in the front setback area in the low and medium density residential zones.

The open landscape character of the Shire's streets forms part of the fundamental character of the Shire. However, it is appropriate for front setbacks to be more actively used as private open space, particularly in more dense forms of development and in circumstance where it is the front setback that enjoys the best solar access or outlook. It is recommended that private open space be accepted in the front setback for all densities of residential development. The difficulty is making this space private enough for the residents to enjoy yet maintain its landscape context so that it adds to the landscaped character of the street. It is noted that a low open form fence 1.2m high is permitted without consent by the State Policy.

High walls are not a traditional feature of streets in Sutherland Shire and would detract from its leafy, open character. Crime prevention principles also warn against high walls. Council has, in the past, not permitted walls on the street boundary where the front setback is used for private open space in multi dwelling development. Where front yards have been proposed the fence has been required to be setback from the boundary with landscaping in front.

Fencing on the front setback needs to meet a high test of providing both a degree of privacy and a quality landscape solution for the building. It is recommended that 1.5m high fencing of the street boundary is permitted provided the fencing is predominantly open form, with hedging being used to create privacy. This policy change would allow front courtyards in all low density forms of development, but residents would need to accept a lower degree of privacy to the private open space until landscaping matures.

Residential flat buildings present a slightly different circumstance. Because the scale of development will generally be 4 to 6 storeys, larger scale trees are required to offset the scale of development. It is also important for the residential flat building to be provided with a coordinated, common landscape treatment across its frontage. It is considered that the best way to achieve this landscape outcome and utilise setbacks for private open space, it to setback the courtyard fencing 3m from the front boundary. Open form fencing coupled with a quality landscaped solution can give both privacy and outlook for the resident, while delivering a quality streetscape. This solution can keep large trees on common property.

Corner lots - Dual occupancy and multi dwelling development

A number of submissions highlighted the difficulties in achieving the controls on corner lots. The need to maintain streetscape yet provide amenity for both the occupants and neighbours was the basis for the draft controls.

It is considered that corner dual occupancies should be given increased flexibility to ensure that

the best outcome can be achieved. The revised controls will now allow applicants to determine which boundary will be side and which will be rear and apply the setbacks accordingly; allowing the longest boundary to be the side setback. A further provision will then allow the variation of the rear setback where it can be demonstrated that this will provide a better outcome than strict compliance with the control.

For multi dwelling housing, the existing numerical setback controls are considered suitable, but greater design flexibility should be encouraged to achieve better outcome by including a test to allow variation when sufficient justification is provided.

Residential development - driveway access

Submissions requested that multiple driveways be permitted for dual occupancy and multi dwelling development.

Driveways form a significant proportion of the frontage of a site. Multiple driveways or wider driveway crossings can provide greater off street car parking and hence greater independence for the occupants of the dwelling. However, multiple driveways or wide driveways effectively reduce the capacity for on street car parking and street tree planting, increase pedestrian conflict points, and diminish the landscape quality of the street. The DCP now requires that 50% of the frontage be landscaped for dual occupancy and multi dwelling development. During the assessment of dual occupancy development, preference is often given to a single driveway. This is the result of consideration of a number of factors including how busy the street is, the distance from a corner, impact on on-street parking, location of existing street trees etc. In order to clarify these considerations, and indicate the circumstances in which more than one driveway could be an acceptable outcome, an additional clause, setting out these matters should be included in the DCP.

Residential development - Solar access

A number of submissions were received concerning the amount of solar access for both the proposed development and neighbouring properties. Architects suggested the controls are onerous and are difficult to measure and achieve. Residents submitted that the impact on neighbouring properties needs to be more adequately assessed.

Solar access controls are typically measured in hours and as such it is considered that any control is best structured on how many hours of solar access are received. The DCP was exhibited with a requirement for the proposed dwellings to receive 3 hours solar access to the living rooms and 4 hours to the private open space. It is noted that most councils in Sydney have a DCP control for only 3 hours. Three hours is consistent with the Apartment Design Guide.

Upon review the requirements for private open space have been reduced to 3 hours. For the neighbours it is considered that similar controls should apply. It is recommended that a control be included protecting 3 hours of solar access to neighbours living room windows in low and medium density zones. It is also recommended that the requirement for the neighbours private open space be reduced so that the controls seeks to protect only 3 hours solar access to 10m² of the private outdoor space. In the higher density zones and centres the solar access standard for both the development and neighbouring development has been amended to 2 hours as per the Apartment Design Guide.

The concern that solar access requirements to neighbours will be difficult to achieve is acknowledged, particularly in higher density environments. There are many cases when the form or orientation of the neighbouring development is such that it is extremely vulnerable to impact, even from a complying building. To address this issue the clause for solar access to the neighbours living areas and private open space provides flexibility through the following provision:

Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.

Amalgamation Requirements

Many phone enquiries regarding the draft controls questioned the requirement for developers to amalgamate sites, particularly in the Miranda Pinnacle St Precinct and the Caringbah Medial Precinct. However, there were few written submissions regarding this matter. Under Section 5 Amalgamation Requirements, a process is set out for developers to follow to justify a variation to the Amalgamation Plan, where they are unable to acquire all the lots required.

A submission requests that council confirm with property owners where a developer says that the property owner does not wish to be part of an amalgamation pattern, as developers may not approach all owners in a designated amalgamation pattern. The submission also questions whether developers will give true valuations of properties, saying that a developer's valuations may undervalue a property.

Where the developer is seeking to break the amalgamation plan, it is the responsibility of the consent authority to determine whether 'reasonable offers' have been made to owners of any sites not incorporated in the proposed site. In response to the submission, the clause has been reworded to more clearly state Council's requirements. An additional requirement has been added to say that the developer seeking to break an amalgamation plan must make copies of copies of correspondence available to landowners in the amalgamation plan. All information would also be able to be accessed as part of the exhibition of the development application.

Residential Flat Buildings

Many development industry submissions regarding residential flat building (RFB) development questioned the consistency between the draft DCP controls and the new adopted SEPP65 Apartment Design Guide (ADG). At the time the DCP was drafted the APG was not adopted - amendments to the controls have been undertaken accordingly. Submissions request that lifts be allowed to breach LEP height limits to provide for access to roof top open space. Building height is set and defined by the LEP. The height limits were set with allowances for lift overruns. However, many height limits can accommodate an extra floor with some excavation, but when an additional floor is realised lift access to rooftop common areas cannot be accommodated.

Clause 4.6 of the LEP provides a mechanism to grant exemptions to development standards. It is acknowledged that providing access to common roof areas is a good public outcome for residential flat buildings but this will be difficult to achieve given the LEP definition of height. As such it is recommended that a specific delegation be granted to the General Manager to grant variations to the height limits for lift overruns serving roof top recreation areas where SSLEP2015 Clause 4.6 is found to be satisfied. A specific delegation will facilitate quicker processing of such applications.

Cronulla Mall

Submissions were received regarding the proposed controls for the Cronulla Centre zoned B3 Commercial Core. Submissions were particularly detailed and raised concerns regarding overshadowing of the public spaces of the centre, conserving the heritage values of the centre, activation of Surf Lane, road widening in the centre and the provision of tourist accommodation in the centre.

Submissions questioned the height limits and building envelopes particularly where this may affect the Mall, the public domain, and/or neighbouring development. The DCP includes proposed design guidelines for specific sites. Not all sites in Cronulla are proposed to have design guidelines - sites that have unusual configurations may have a number of design solutions. Similarly sites that are significantly developed are therefore less likely to redevelop, do not have detailed design guidelines. Any application for such land would be assessed on merit and be tested against the desired aims and objectives for the centre.

Development potential on the eastern side of the northern part of the mall requires significant amalgamations and each site could be developed in a number of ways. The approach taken in the DCP provides an appropriate degree of balance between protecting urban amenity and providing flexibility for future architects designing development. Any application received in this area would also be the subject of a detailed merit assessment where the setbacks and solar access to the adjoining public land would be investigated in detail. The objectives for development in the Cronulla Centre set out what Council seeks to achieve and the controls state how the objectives can be met.

Submissions are concerned that buildings on the western side of the mall will shadow the entire width of the Mall by 3:00pm in mid winter. Under the SSLEP2006 the western side of the mall had a building height of 3 storeys – equivalent to the current 13m height limit in SSLEP2015. It would be unreasonable to restrict the height of these properties to less than 3 commercial storeys given that they are within a B3 Commercial Core zone. The new LEP essentially transfers the existing height limit to the standard instrument format.

It is not possible to prevent overshadowing in the southern portion of the mall, particularly in winter. In preparing the new DCP the increased permissible height was modelled and tested in order to determine the most appropriate controls, in particular the upper level setbacks. The roadway creates a different character to the pedestrian plaza to the north and overshadowing mainly affects the road itself. However, the use of setbacks can still play a critical role in minimising impacts. Detailed analysis has shown that a nil setback for the first two storeys and an upper level setback of 8 metres provide development forms that will assist in maintaining a reasonable degree of solar access to the southern portion of the mall.

It is recommended that the ARAP's suggestions be accepted regarding the increases in street frontage heights. This requires the street frontage heights on those properties facing Gerrale Street and Surf Lane be increased from 5m to 10m. It is required that the street frontage height be amended on the property bounded by Surf Lane, Beach Park Avenue and Cronulla Street to have the street frontage height increased from 5m to 10m.

Three submissions raised concerns regarding the overshadowing of Monro Park. The submissions state that the community currently enjoys good solar access to this area of public open space and stipulate the importance of this solar access being maintained into the future. Under the new LEP, this site has a maximum permissible building height of 25m and FSR of

2:1. Given the development immediately adjoins the northern boundary of Monro Park it is not possible to prevent some degree of overshadowing, particularly in winter. In determining the appropriate setbacks for the site, detailed modelling was prepared in order to establish a potential building envelope that will allow the site to achieve the permissible development standards while maintaining solar access and amenity to Monro Park to the south, Surf Lane to the east and Cronulla Street to the west. With careful use of setbacks, the shadowing can be confined to a minor portion of the park itself. When compared to the level of overshadowing created by a building constructed under the SSLEP2006, the increased area of shadow is comparable and considered to be reasonable.

Submissions requested increased car parking in Cronulla for flats given existing parking issues. Unfortunately as a consequence of amendments to SEPP65 and the new Apartment Design Guide, lower minimum parking rates will apply to residential flats. However, these controls are expressed as minimum rates and an applicant can propose to incorporate additional parking to meet local demand.

While the submissions requests the heritage conservation of a majority of the older buildings in the centre, in particular the Tuthills building, this is not a DCP matter and requires an amendment to the LEP which is outside of the scope of this exhibition. Similarly, encouraging tourist and visitor is outside the scope of a DCP.

Waste

A number of submissions questioned the waste management requirements, particularly for larger residential development. Submissions noted that the controls are too difficult to achieve and that clauses are unclear. Many believe the provisions will be unworkable.

Under DCP2006 with the current arrangements, residential flat and multi dwelling developments are allowed to use multiple 240L garbage bins which are collected at the kerbside by Council trucks. Allowing larger developments to use 240L bins results in problems of on-site bin storage and the loss of on-street parking during collection, often in areas where demand for parking is an sensitive issue. Storage of larger numbers of bins, or bulk waste, on site is also problematic. It is often not addressed until late in the design process, leading to use of the front setback for increasingly larger bin storage enclosures.

The use of bulk bins on site would ameliorate some of the problems created with the use of small bins. However, the use of bulk bins requires on-site storage and garbage collection, with significant design and cost implications for the development. It is imperative that Council finds a practical way to manage the storage and collection of waste as density increases. It is simply unacceptable for entire streets to be filled with bins awaiting collection.

In response to submissions received the waste provisions have been comprehensively review with the Waste Services Unit. It is recommended that for developments of up to 50 dwellings, 240L bins can be placed out for council collection where the required number of bins in single file can be accommodated within 50% of the site frontage (spaced to allow for ease of collection). This control strikes a reasonable balance between maintaining the current approach while also protecting on-street parking and neighbour amenity. The DCP has been amended to say that for larger developments it is possible to arrange for twice weekly collections. This provision has been agreed to by Waste Services. It essentially allows the number of bins to be halved.

However, when on street collection cannot be accommodated; the development must make

provision for onsite collection of bulk waste. This will have cost implications for developers' because it often necessitates increased basement clearance levels. The revised provisions require a Waste Management Plan to be prepared and approved by Waste Services. This provides the opportunity for alternate waste management solutions to be explored and accepted if practical.

The preferred location for the bulk bin storage area is in the basement or behind the building line, but it is acknowledged that may need to be located within the front setback of a building. The draft DCP requires the bulk bin storage area to be integrated into the overall building design, be located a minimum of 3m from the street setback, be appropriately screened and be located in an area that will not compromise the amenity of the occupants of the development and any adjacent property.

Parking – minimum/maximum requirements

Various submissions made comment on the amount and type of provision of car parking for all forms of development. Providing adequate parking to cater for development is a key aspect of development. However, car parking controls can significantly affect site design, landscape quality, amenity, and ultimately cost of development.

Car parking provided to meet the requirements of Council does not count as floor space for the purposes of calculating the floor space ratio. However, car parking in excess of requirements is included as floor space. This is the result of the definitions contained in the LEP which cannot be changed by Council.

It is important that the wording of the car parking requirements be precise. Accordingly a review of the car parking controls has been undertaken to ensure parking numbers are stated as either a maximum or minimum rate. Where a minimum is required, parking above the minimum rate would not count as floor space. Minimum rates have been recommended for all forms of development except single dwellings and dual occupancy where a maximum of two spaces has been set. This is simply because car parking adds to building bulk, particularly where it is provided above ground within a garage. Controlling building bulk in residential development is a major part of the development assessment process. Under the new LEP all dwelling have additional FSR which will add to building bulk. Maximum rates are preferred for single dwelling and dual occupancy because triple garages or larger garages would exacerbate the physical impacts of new development. This contrasts with flats and multiple dwellings where parking is typically provided in a basement which does not contribute to building bulk in most cases.

For residential flat buildings Council must be consistent with the standards specified by SEPP 65 and the now mandated *Apartment Design Guide*. The ADG refers to the RMS Guide to Traffic Generating Development for parking rates. As a result the DCP needs to be amended to specify the following rates which are lower than the exhibited draft DCP standards.

1 space/1 bed unit	0.6/ space 1 bedroom unit
1.5 space/2 bed	0.9/ space 2 bedroom unit
2 spaces/3 bed unit	1.40 space /3 bedroom unit
1 visitor space/4 units	1 visitor space /5 units

Adaptable Housing

The exhibited draft DCP required 30% of dwellings in multi dwelling development and residential flat buildings to be adaptable housing. Submissions from the development industry indicated

that provision of such housing was problematic, particularly for smaller developments.

ABS statistics show that at any point in time, 20% of the population has some form of disability, permanent or temporary. This coupled with a growing ageing population will result in an increased need for adaptable housing. An adaptable dwelling incorporates design and construction features so that it can readily be modified over time to cater for an occupant with mobility restrictions, without requiring costly and/or energy intensive alterations.

To address the concerns it is recommended that council change its approach and require a mix of adaptable and 'universal design' dwellings (using Liveable Housing Design Guidelines - Silver Standard) based on the table below.

Development size (# of dwellings)	Adaptable dwellings (Category C)	Liveable dwellings (Silver Standard)
3 - 5	nil	1
6+	20%	10%

Liveable Housing Design Guidelines (LHDG) specifications are not subject to the same mobility parking space requirement as required for adaptable housing. Submissions noted that the provision of accessible car parking was particularly problematic as this required at grade access. The table also reduces the requirements for small developments to simply on liveable dwelling and states that numbers will be rounded down when calculating the number of spaces required.

Conclusion

Council must now consider the submissions received and determine whether further action is required in response to the issues raised. Recommendations have been made by the Environmental Planning Unit in relation to each issue raised in submissions. The individual recommendations are contained within the body of the submissions report and a consolidated formal recommendation form part of this report.

Once the content of the plan has been finalised by Council, the draft plan can be made by Council and brought into effect. This will occur once public notice of the adoption of SSDCP2015 is given in the St George and Sutherland Shire Leader. This must take place within 28 days of adoption of the plan.

SSDCP2006 is also recommended to be repealed for land now subject to SSLEP2015, as this land will be assessed under the new SSDCP2015. SSDCP2006 will be retained for land still subject to SSLEP2006 and be adopted as policy for the purposes of assessing those development applications lodged under SSLEP2006 which are yet to be determined.

The preparation and adoption of a new development control plan plays a significant role in determining the character and quality of the Shire's built environment. The DCP controls, with the recommended amendments, seek a balance between preserving the amenity and landscape character of the Shire while facilitating quality built form. The amendments make the DCP more workable and build more flexibility into the plan.

REPORT RECOMMENDATION

1. That SSDCP2006 be repealed for land now subject to SSLEP2015. SSDCP2006 will be retained for land still subject to SSLEP2006.
2. That SSDCP2006 be adopted as policy to guide assessment of development applications lodged under SSLEP2006, but not yet determined.
3. That an amended Sutherland Shire Development Control Plan 2015 be adopted pursuant to Section 72 of the EP&A Act 1979, with amendments as detailed below:

A. **With respect to the issues addressed in Chapter 1: Residential Development in the Low and Medium Density Zones**

1. In relation to minimum frontages for basements; Chapter 1 - Single Dwellings, Chapter 3 – Dual Occupancies and Chapter 4 Multi Dwelling housing be amended to delete the controls requiring a 20m frontage for a basement in the R2 Low Density Residential zone.
2. In relation to two storey controls; Chapter 1 – Single Dwellings, Chapter 2 – Secondary Dwellings and Chapter 3 – Dual Occupancies be amended to replace the controls in E3 Environmental Management, E4 Environmental Living and R2 Low Density Residential with the following:
 1. *Development must be limited to two storeys in height above existing ground level and basements are not permitted. Dwellings may be stepped down a steep site.*
 2. *Despite 1, Council will permit a variation to the two storey limit (whether that be a basement or third storey above natural ground as the additional floor level) where Council is satisfied that:*
 - *The third storey or basement does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and,*
 - *The basement or third storey above existing ground level does not result in a building that is incompatible with the established scale or character of the immediate locality or adversely affect the amenity, streetscape and landscape setting; and*
 - *The alternative to a basement or third storey above existing ground would result in the loss of bushland, existing trees or other natural features, where such exist on the site.*
3. In relation to three storey controls; Chapter 1 – Single Dwellings and Chapter 3 -

Dual Occupancies be amended for R3 Medium Density Residential and R4 High Density Residential as follows:

Development must be limited to three storeys in height including any basement. Dwellings may be stepped down a steep site.

4. In relation to three storey controls; Chapter 4 – Multi Dwelling Housing be amended for the R3 Medium Density Residential and R4 High Density Residential as follows:

Development for multiple dwellings may consist of 3 storeys above existing ground level in addition to any basement.

5. In relation to cut and fill; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings and Chapter 3 Dual Occupancies be amended as follows:

The depth of cut or fill must not exceed 1m from existing ground level, except where the excavation is for a basement. Council will consider cut or fill greater than 1m only where:

- a. *alternative design solutions have been explored and presented to Council showing no feasible alternative solution is available, and*
- b. *there is unlikely to be disruption, or detrimental effects on existing drainage patterns, vegetation, sedimentation and soil stability in the locality, and*
- c. *the design is a sensitive solution to the constraints of the site that does not exacerbate amenity impacts on neighbouring dwellings.*

6. In relation to minimum site width; Chapter 4 Multi Dwelling Housing be amended as follows:

A minimum site width of 20m is required for multi dwelling development. Where a variation is proposed Council must be satisfied that:

- o *The development provides safe and efficient vehicle and pedestrian access and allows vehicles to leave the site in a forward direction, and*
- o *The development provides adequate vehicular parking, storage space and waste storage areas, and*
- o *The development achieves a high standard of resident amenity and would have no greater impact on adjoining development than would otherwise be the case, and*
- o *The development is compatible with the streetscape and the landscape setting of the locality.*

7. In relation to landscaped setback to basements; Chapter 4 Multi Dwelling Housing be amended as follows:

A 1m deep soil landscaped setback to neighbouring properties is to be

provided along the driveways to basement car parks.

8. In relation to excavation; Chapter 4 Multi Dwelling Housing be amended to delete the following control:

Excavation for basements should not extend beyond the building footprint

9. In relation to 3m side setback control for basements; Chapter 4 Multi Dwelling Housing be amended to replace the existing control with the following:

x. Any basement that extends beyond the foot print of the building must be setback a minimum of 3 metres from side boundaries unless it can be designed to mitigate overlooking between adjoining properties and make provision for landscaping at the side boundaries

x. Basement walls and roofs and associated vehicular entries must not dominate the overall design of the building or streetscape and are to be integrated into the finished building design and landscaped treatment of the site.

10. In relation to private open space; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Each dwelling is to provide an area of Private Open Space at or near ground level that has a minimum area of 36m² (with a minimum dimension of 6m), of which 9m² must be paved.

11. In relation to front setbacks; Chapter 1 Dwelling House, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Street Setback - 7.5m or the established street setback*

** The established street setback is the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected.*

x. A variation to the established street setback may be approved where:

- i. *the setback proposed does not have adverse consequences for the landscape quality of the streetscape, and*
- ii. *the proposed variation does not have adverse impacts on adjacent properties in terms of solar access, visual intrusion, view loss or privacy.*

12. In relation to front courtyards; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended to insert as follows:

Private open space may be located within the front setback. In such instances a combination of fencing and hedging is to provide privacy for residents while also ensuring that the site makes a positive contribution to the landscaped character of the street. High solid fencing is unacceptable. Residents seeking

to rely on the front setback for private open space must accept a lower level of privacy until landscaping matures. Front fencing must be in accordance with the provisions specified in Chapter 33 Ancillary Development: Fences.

13. In relation to front courtyards Chapter 4 Multi Dwelling Housing be amended to delete the following:

For fences forming an enclosure to courtyards in the front setback - 3.0m from street boundary.

14. In relation to side entries for dual occupancies; Chapter 3 Dual Occupancy be amended to insert the following:

x. Side entries to dwellings will only be permitted where no other suitable alternative exists. In these cases garages must not dominant the street and a side setback of 1.5m is required to make the entry point more visible and accessible..

15. In relation to second storey side setbacks; Chapter 1 Dwelling Houses and Chapter 3 Dual Occupancies be amended to increase second storey side setback from 0.9m to 1.5m in zones R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre and SP3 Tourist Zones.

16. In relation to second storey wall; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Where a second storey wall adjacent to a side boundary exceeds 15m in continuous length, the side setback shall be increased by a further 500mm minimum for that part of the wall. Where the scale of the side elevation results in significant overshadowing and/or visual intrusion due to building bulk to an adjoining dwelling, an increased building setback is to be employed.

17. In relation to side setbacks; Chapter 4 Multi Dwelling Housing in the R2 Low Density Residential zone be amended as follows:

The side setback may be reduced to 1.5m in the rear 40% of the site if the development is constructed to a maximum single storey height in this rear 40% of the site .

18. In relation to side setbacks; Chapter 4 Multi Dwelling Housing in the R2 Low Density Residential zone be amended to insert the following:

Second storey - 4.0m for rear 40% of site

19. In relation to corner lot dual occupancy setbacks; Chapter 3 Dual Occupancy be amended as follows:

8. In the case of a corner dual occupancy, one boundary must be nominated as the rear boundary of the property and comply with the minimum required setbacks identified in clause 2. This is to be depicted in the images inserted in the text.

9. *Despite any other clause, for dual occupancy development on corner allotments, a variation to the rear setback may be considered by Council, but only where it can be demonstrated that a variation would achieve a better outcome than would strict compliance with the standard setback controls because of site constraints, implications stemming from the existing allotment pattern, building design, retention of existing significant vegetation, solar access or positioning of useable open space. ~~compliance with the mandatory setback distance cannot be reasonably achieved due to site constraints and/or where lot pattern, building design, solar access and/or positioning of required useable open space presents better use of areas elsewhere on the nominated site. Any variation should achieve a better outcome than would strict compliance with the standard~~*

20. In relation to corner lot multi dwelling housing; Chapter 4 Multi Dwelling Housing be amended to insert the following:
 - x. Despite any other clause, for multi dwelling housing on corner allotments, a variation to the rear setback may be considered by Council, but only where it can be demonstrated that a variation would achieve a better outcome than would strict compliance with the standard setback controls because of site constraints, implications stemming from the existing allotment pattern, building design, retention of existing significant vegetation, solar access or positioning of useable open space.*

21. In relation to rear setbacks for secondary dwellings; Chapter 2 Secondary Dwellings be amended to insert the following:
 - x. Where a proposed secondary dwelling exceeds a height of 5.4m, a rear setback of 6m is required.*

22. In relation to depth of two storey development; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings and Chapter 3 Dual Occupancies be amended to insert the following:
 - x. Two or three storey development is only permitted on the front of an allotment and may extend to a maximum of 60% of the depth of the site measured from the property boundary.*
 - xx. Despite x, where the topography, orientation or context of the site would allow for a better outcome to be achieved through accommodating two storey developments in the rear portion of the allotment, a variation may be considered if this solution will not result in a significant loss in the privacy or amenity of adjoining properties.*

23. In relation to the articulation zones; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended as follows:
 - Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one*

third of the area of the façade, forming an articulation zone.

Built form encroachments into the articulation zone can include open structure elements such as balconies and hoods, as well as elements which contribute to floor space ratio such as bay windows and room projections.

Built form encroachments into the articulation zone must not include:

- *Garages, or*
- *Lift shafts*

Built form encroachments into the articulation zone must improve the design quality of the development with good façade articulation.

24. In relation to landscaping; Chapter 1 Dwelling Houses in zones R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP3 Tourist and B1 Neighbourhood Centre be amended to insert the following objective:

x. Retain and enhance existing mature trees.

25. In relation to landscaping; replace the word endemic with indigenous wherever occurring throughout all DCP chapters.

26. In relation to landscaping; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended to increase minimum mature height of trees from 4m to 5m.

x. A minimum of 4 trees are to be provided on all lots, including internal lots where access is by right of carriageway. A minimum of 2 indigenous canopy trees that will attain a minimum mature height of ~~4m~~ 5m must be planted within 3m of the front boundary and a minimum of 2 indigenous canopy trees that will attain a minimum mature height of ~~4m~~ 5m must be planted within 2m of the rear boundary or within the foreshore area (whichever is applicable). All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website

27. In relation to landscaping; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended as follows:

x. Street trees are only required on the side of the road where there are no continuous overhead power lines. A minimum number of one indigenous canopy tree that will attain a minimum mature height of 6m, must be planted at ~~15m intervals~~ maximum spacing of 10m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall.

28. In relation to landscaping; Chapter 1 Dwelling Houses in zone SP3 Tourist be amended as follows:

A minimum of 4 trees are to be provided on all lots, including internal lots

where access is by right of carriageway. A minimum of 2 indigenous canopy trees that will attain a minimum mature height of 4m must be planted within 3m of the front boundary (~~measured from the front building line~~) and a minimum of 2 indigenous canopy trees that will attain a minimum mature height of 4m must be planted within 2m of the rear boundary. All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website.

29. In relation to landscaping; Chapter 4 Multi Dwellings and Chapter 5 R4 Residential Flat Buildings be amended to insert the following clause, for Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street be amended as follows:

Appropriate paving must be provided to driveways, walkways, entries, fire egress points, garbage bin enclosures, letter boxes, clothes lines and under pergolas.

30. In relation to landscaping; Chapter 4 Multi Dwelling Housing in zones R3 Medium Density Residential and R4 High Density Residential be amended to delete the following clause:

For developments of 20 or more dwellings a minimum of 100m² of communal open space is required. This space must have a minimum dimension of 10m, have shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space should be designed to optimise privacy for occupants and adjoining residents.

31. In relation to solar access; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling housing be amended as follows:

For the proposed dwelling:

- a. orientate the area of private open space to take advantage of the northern solar access,
- b. ensure 10m² of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June),
- c. overshadowing by vegetation should be ignored,
- d. overshadowing by fences, roof overhangs and changes in level should be taken into consideration.

For the neighbouring dwellings:

- a. ensure 10m² of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).
- b. ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).
- c. consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.
- d. overshadowing by vegetation should be ignored,
- e. overshadowing by fences, roof overhangs and changes in level should

be taken into consideration.

32. In relation to solar access; Chapter 2 Secondary Dwellings be amended as follows:

For the neighbouring dwellings:

- a. *ensure 10m² of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).*
- b. *ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).*
- c. *consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.*
- d. *overshadowing by vegetation should be ignored,*
- e. *overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*

33. In relation to external service areas for dual occupancy; Chapter 3 Dual Occupancies be amended as follows:

Each dwelling is to provide an external service area set aside for accommodating garbage bins, air conditioning units etc.

34. In relation to the roads and rail noise buffer map; the Road and Rail Noise Buffer Map be updated to reflect the updated traffic volumes on the 'Traffic Volume Maps for Noise Assessment to Building on Land Adjacent to Busy Roads' as prepared by the RTA (dated Monday November 24, 2008) and amend to correct the legend.

35. In relation to dual occupancy garage and driveway access; Chapter 3 Dual Occupancy be amended as follows:

Dual occupancies proposed on corner lots must ensure that driveways are approached from separate streets where appropriate.

36. In relation to vehicle crossing and driveway widths; Chapter 4 Multi Dwelling Housing be amended to insert the following:

The minimum vehicular crossing and driveway for a combined vehicular crossing (entry/exit) is 5.5m and 4m for a separate vehicular crossing with a minimum spacing between driveways of 3m.

37. In relation to vehicle crossing and driveway widths; Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended to insert the following:

Only one single driveway access per frontage is to be provided to dual occupancy development. Where a variation is proposed Council must be satisfied that:

- *each access driveway provides safe access, and*
- *the availability of on street car parking is not diminished, particularly where on street car parking demand is high, and*
- *access facilitates retention of existing street trees, rock outcrops or*

- *natural features where they occur, and*
- *site design facilitates greater resident amenity and solar access, and*
- *development is consistent with the spatial and landscape qualities of the streetscape - in this regard wider lots are appropriate, and*
- *car parking and garages do not dominate the streetscape*

38. In relation to tandem spaces for dual occupancies; Chapter 3 Dual Occupancies be amended as follows:

A minimum of one parking space per dual occupancy dwelling house is required. Up to 2 parking spaces per dual occupancy dwellings may be permitted provided such spaces do not excessively add to the overall bulk and scale of the development and diminish the streetscape quality. These spaces shall be behind the building line.

39. In relation to garage sizes; Chapter 1 Dwelling Houses be amended to insert the following:

Each garage and storage area is to be a maximum of 40m².

40. In relation to garage sizes; Chapter 3 Dual Occupancies be amended as follows:

Each garage and storage area is to be a maximum of 25 20m² (e.g., 7m x 3.5m).

41. In relation to parking requirements; Chapter 1 Dwelling houses be amended as follows:

~~A minimum of~~ Two parking spaces per dwelling house ~~is are~~ required. These spaces shall be behind the building line.

B. With respect to the issues addressed in Chapter 2: Residential Flat Buildings

1. In relation to site width for residential flat development, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, and Chapter 31 SP3 Tourist-Prince Street, as follows

Lots must be of sufficient width to accommodate development. A site of minimum frontage width of 26m is appropriate for residential flat development. Where development of a narrower site is proposed the development must:

- a. *provide safe and efficient access and servicing facilities- particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste;*
- b. *provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation and the provision of outlooks to landscaped setbacks;*
- c. *respond to the local context, including providing adequate separation*

from existing and future adjoining development.

Development sites with site frontage width less than 26m may not allow for the full FSR to be realised.

2. In relation to site width for residential flat development, add a clause to Chapter 7 R4 Pinnacle Street Precinct and Chapter 8 Caringbah Medical Precinct as follows:

If an application proposes a development that does not comply with the amalgamation plan, a minimum street frontage of 26 metres should be achieved. Where development of a narrower site is proposed the development must:

- a. *provide safe and efficient access and servicing facilities- particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste. ;*
- b. *provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation and the provision of outlooks to landscaped setbacks;*
- c. *respond to the local context, including providing adequate separation from existing and future adjoining development.*

Development sites with site frontage width less than 26m may not allow for the full FSR to be realised.

3. In relation to entries for ground floor residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Development must be designed and sited so that it addresses the street and must have a clearly identifiable entry. Where possible, ground floor units facing the street should have street access.

4. In relation to the use of the term “podium”, in all chapters remove references to “podiums”, and replace with reference to “basement roofs and walls” or “basement construction”.
5. In relation to the finished roof levels of basements, amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street with the addition of clause as follows:

The finished roof levels of basements are to be located at or near ground level.

6. In relation to a landscaped setback to basement driveways, amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street with the addition of clause as follows:

A 1m landscaped setback to neighbouring properties is to be provided along the

driveways to basement car parks

7. In relation to basements which protrude above ground level, amend Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy, Chapter 4 Multi Dwellings, Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapters 11-34 which apply to centres and industrial zones, with the addition of note as follows:

***Note:** If a basement construction protrudes more than 1m above ground level, it is no longer considered a basement so its floor space is counted as part of gross floor area.*

8. In relation to the clause referring to “human scale” amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapters 11- 23 which relate to centres, by deleting the clause requiring “human scale”
9. In relation to the under grounding of power lines, amend clause in Chapter 5 R4 Residential Flat Buildings, and Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 30 which relate to centres, business and industrial zones, as follows:

*For developments with a capital investment value greater than \$20 million and/or with a street frontage greater than 26m, frontage works **must include the replacement of existing low voltage overhead utilities with subsurface utilities and the provision of new street lighting to meet the requirements of the SSC Public Domain Design Manual.***

10. In relation to the under grounding of power lines, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 30 which relate to centres, business and industrial zones, as follows:

*For developments beneath the threshold noted above, frontage works must include the ~~bundling of power lines and street lighting~~ **provision of insulated aerial bundled cables (ABC) and the provision of street lighting** to meet the requirements of the SSC Public Domain Design Manual.*

11. In relation to building height and lift overruns, amend clauses in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 23 which relate to centres, as follows:

Lift overruns and service plants must be concealed within well designed ~~roof structures~~ architectural elements which are an integral part of the building design.

12. In relation to building height where access to common open space on rooftops is provided, a specific delegation be granted to the General Manager to permit a variation to SSLEP2015 4.3 *Building Height* Clause (2), provided Clause 4.6 *Exceptions to Development Standards* is satisfied.
13. In relation to the articulation zone for residential flat buildings, add objective to

Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Encourage design with good façade articulation

14. In relation to the articulation zone for residential flat buildings, amend clauses in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one third of the area of the façade, forming an articulation zone. Built form encroachments into the articulation zone can include open structure elements such as balconies and hoods, as well as elements which contribute to floor space ratio such as bay window and room projections.

Built form encroachments into the articulation zone must not include:

- *Garages, or*
- *Lift shafts*

Built form encroachments into the articulation zone must improve the design quality of the development with good façade articulation

15. In relation to the articulation zone for residential flat buildings, add diagram as shown in the DCP Submissions Report illustrating an example of the articulation zone where one third of the façade intrudes into the front setback.
16. In relation to front courtyard setbacks of residential flat buildings, amend clauses in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Where private courtyards are located in the front setback, the outdoor living space must be set back a minimum of 3m from the front boundary to allow a landscape strip at the street frontage, which should be planted with trees and landscaping that complement the scale of the development. Where the front setback is to be used as private open space for a ground floor unit, it should include both paving and planting.

17. In relation to minimum side and rear setbacks for residential flat buildings, amend the side and rear setback table by removing references to storeys, adding an asterisk to the table for buildings up to 25m and a corresponding note below the table as follows: Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 which relate to centres

For buildings up to 25m, the ADG allows 9m building separation between

non-habitable rooms. Where a new development is adjacent to an existing residential flat building with non-habitable rooms facing the side boundary, the side setback of a new development could be reduced as specified in the ADG.

18. In relation to allowing variations on side setbacks for residential flat buildings, add a clause to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 which relate to centres, as follows:

Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that:

1. *provides adequate resident amenity- including privacy, solar access, ventilation, and landscaped setbacks where appropriate*
2. *responds to the local context and streetscape, providing adequate separation from existing and future adjoining development*
3. *does not prevent a neighbouring site from achieving its full development potential and optimal orientation*
4. *has architectural merit*

19. In relation to basement construction which extends beyond the building footprint, add clause to use for the assessment of non-compliance with the required 3m setback in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, as follows:

Variations to basement construction side boundary setback control may be acceptable if:

- a. *The basement construction does not protrude from the natural ground level, so potential overlooking of the neighbouring property is not increased by the development.*
- b. *Opportunities for the planting of trees are provided in the setback area.*

20. In relation to trees in setbacks amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

The landscape design must include indigenous canopy trees that will achieve a minimum 8 metres height at maturity within setback areas. Where setbacks allow, the trees must be planted more than 3 metres from adjoining structures.

21. In relation to trees in setbacks amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3

Tourist-Prince Street as follows:

*The landscape design should achieve opportunities for deep soil landscape planting between buildings that provide a deep soil separation of more than 3m between trees and structures. **Planting beds should be a minimum of 900mm wide to support shrubs and small trees.***

22. In relation to street tree planting under wires, add clause to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, Chapters 11- 30 which relate to centres, business and industrial zones and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

Where there are powerlines which are not being undergrounded, street tree planting will only be required if they can be located 2m away from the edge of the wires.

23. In relation to communal open space for residential flat buildings, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.

24. In relation to landscaping over basements, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapter 4 Multi Dwellings as follows:

Planting is required on that part of a basement which extends beyond the building footprint. Planting in this area is to have sufficient soil depth to support the species selected and should constitute a minimum of 30% of the area of the exposed basement. This planting is intended:

- a. *to offset the potential for excessive paved areas;*
- b. *to provide residents with attractive outlooks from dwellings;*
- c. *to assist in the creation of privacy between dwellings, and between dwellings and common areas.*

Note: The shallow planting required on top of basement structures described in clause 4.2.11 is shallow soil landscaping. This is in addition to the required deep soil landscaping for 30% of the site.

25. In relation to landscaping on structures, amend clause in landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct,

Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings, Chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4), as follows:

Where planting is proposed on ~~podiums~~, that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain a minimum soil depth of:

- *450mm for grass and ground covers*
- *600mm for shrubs*
- *900mm for small trees*
- *1200mm for large trees*

Species selection must be suited to the future microclimate. Landscaping on ~~podium levels~~-basement roofs and planter boxes must be accessible for maintenance access.

26. In relation to landscaping on structures add clause to landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings and Chapters 11-23 relating to centres, as follows:

Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm .

27. In relation to paving in open space, amend or add clause in landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings, chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

Appropriate paving must be provided to driveways, walkways, entries, fire egress points, garbage bin enclosures, letter boxes, clothes lines and under pergolas

28. In relation to rainwater tank and irrigation system, amend clause in landscaping section in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapter 4 Multi Dwellings as follows:

~~Adequate rainwater storage and a water efficient irrigation system are to be~~

~~installed in all landscaped areas which comply with the Australian Standard.~~
A communal rainwater tank and pump should be located underground in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space at ground level must be provided with a tap connected to the rainwater tank.

29. In relation to rainwater tank and irrigation system, add clause to landscaping section in chapters 11-23 relating to centres and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

A communal rainwater tank and pump should be located in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space at ground level must be provided with a tap connected to the rainwater tank.

30. In relation to tree selection, amend note on landscaping wherever it appears in the DCP.

Note:

All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the specific address of the site locality. ~~Plants selected are Australian natives only.~~ The tool is available online at http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector

For additional guidance on landscape design and implementation refer to the Sutherland Shire Environmental Specifications - Landscape 1-5. *Applicants should also refer to the Greenweb map and controls in Chapter 38 Natural Resource Management.* For development application submission requirements refer to Council's DA Guide.

31. In relation to a pervious surface treatment for driveways, add clause to the landscape section of Chapter 5 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 4 Multi Dwellings as follows:

Internal driveways within the drip zone of existing trees should have a pervious surface treatment.

32. In relation to ventilation, amend clause in Chapter 5 R4 Residential Flat Buildings, to Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Design all development so that all rooms benefit from good ventilation. ~~and living rooms benefit from cross ventilation.~~

33. In relation to the provision of balconies to residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and

Chapter 31 SP3 Tourist-Prince Street, chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) to reproduce the balcony minimum areas as set out in the Apartment Design Guide.

34. In relation to storage in basements, delete the clause below where it appears in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, Chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4)

A secure space per dwelling of 6m² (minimum dimension 1m²) set aside exclusively for storage as part of the basement or garage should be provided. Storage areas must be adequately lit and secure.

35. In relation to daylight access for bathrooms, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street as follows:

To ensure that daylight access is provided to all habitable rooms ~~and~~ bathrooms

36. In relation to daylight access to residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapters 11-23 relating to centres, and Chapter 34 Other Uses (Neighbourhood shops and shop top housing in R3 and R4) as follows:

Living rooms and private open spaces for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in midwinter.

37. In relation to neighbour's solar access, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 34 Other Uses (Shop top housing), Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 relating to centres, as follows:

For neighbouring dwellings:

- a. *Direct sunlight to north facing windows of habitable rooms and 10m² of ~~useable~~ private open space areas of adjacent dwellings should not be reduced to less than 2 hours between 9.00am and 3.00pm on 21 June.*
- b. *Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.*

- c. *overshadowing by vegetation should be ignored,*
- d. *overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*

38. In relation to neighbour's solar access, add assessment principle to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 31 SP3 Tourist-Prince Street as follows:

Assessment Principle

1. *The numerical guidelines for overshadowing will be applied with the NSW Land and Environment Court Planning Principle for sunlight (NSW LEC 1082) in mind where relevant:*
 - (i) *The ease with which sunlight access can be protected is inversely proportional to the density of development. At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*
 - (ii) *The amount of sunlight lost should be taken into account as well as the amount of sunlight retained.*
 - (iii) *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines.*
 - (iv) *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

39. In relation to privacy in the case of residential flat buildings adjacent to school yards, amend Section on Visual and Acoustic Privacy in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapters 11- 23 which relate to centres, and Chapter 34 Other Uses (Neighbourhood shops and shop top housing in R3 and R4) by amending or adding an objective and control as follows.

Minimise direct overlooking of windows and private open space so that the amenity of adjoining school yards, neighbours and intended occupants is respected.

New Control: Minimise the potential for overlooking of adjacent school yards through the careful orientation of balconies and windows, coupled with screening devices.

40. In relation to balcony balustrades for residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 31 SP3 Tourist-Prince Street, Chapter 11-23 relating to centres and Chapter 34 Other uses (Neighbourhood shops and shop top housing in R3 and R4), as

follows:

Balcony balustrades should respond to the location, being designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.

C. With respect to the issues addressed in Chapter 4: Miranda Pinnacle Street Precinct

1. In relation to Chapter 7 Miranda Pinnacle Street Precinct, amend the Amalgamation Plan to match the Building Envelope Plan, so that Amalgamated Site 10 includes 4, 6, 8, 10 and 12 University Road and Amalgamated Site 13 does not include 12 University Road, but does include 14, 16, 18, 20 and 22 University Road.
2. In relation to Chapter 7 Miranda Pinnacle Street Precinct, Chapter 8 Caringbah Medical Precinct, Chapter 15 B2 Local Centre Jannali, Chapter 17 B3 Commercial Core Caringbah, Chapter 18 B3 Commercial Core Cronulla, Chapter 19 B3 Commercial Core Engadine, Chapter 21 B3 Commercial Core Miranda and Chapter 23 B3 Commercial core Sutherland Amalgamation Requirements be amended as follows:

Development must be carried out in an orderly manner.

If an application proposes a residential flat redevelopment that does not comply with the amalgamation plan, the applicant must demonstrate that development of an alternative amalgamation pattern can be achieved where all sites can achieve their full development potential (FSR 2:1).

A schematic design must show that development of land under an alternative amalgamation pattern complies with SEPP 65 and the Apartment Design Guide standards and allows for building forms of varied height across the precinct, as shown in the Building Envelope Plan.

The assessment of any proposal to vary the amalgamation pattern will include consideration of the impact of the proposed development on the future development capacity of lots left isolated.

Note: *Applications seeking to vary the amalgamation plan must include copies of correspondence between the proponent and the owners of any sites not incorporated in the designated amalgamation pattern or the owner of any site that would be isolated by the proposed development. The correspondence must clearly indicate that a fair financial offer has been made to that owner for incorporation into the development proposal (based on 3 valuation reports provided with the submission) and any response to these offers. Applicants must make this correspondence available to all landowners in the original amalgamation plan. The information will also be publicly available at Council.*

A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on 3 independent valuation reports and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale

of the property.

Where it has been shown that reasonable efforts have been undertaken to facilitate amalgamation of the isolated properties, and where no resolution can be reached between the parties, applicants must include with their development application a plan of adjoining lots excluded from the amalgamation which shows a schematic design of how the site/s may be developed. In such instances isolated lots are not expected to achieve the full FSR permissible in the zone."

3. In relation to the public domain plan; amend the Miranda Pinnacle Precinct Public Domain Plan Draft the plan to match the detail public domain section shown in Chapter 7 Miranda Pinnacle Precinct.
4. In relation to the under grounding of power lines in the Miranda Pinnacle Precinct, amend the clause wording as follows:

Development of residential flat buildings in the Miranda Pinnacle Street Precinct must include the replacement of existing low voltage overhead utilities with subsurface utilities and the provision of street lighting to meet the requirements of the SSC Public Domain Design Manual.

5. In relation to the deep soil landscape trenches, delete Clause 11.2.4 and replace with note as follows.

Note: *Deep soil landscaping can include deep soil trenches with minimum area of 6m x 4m which are extensions of the side or rear setbacks, and allow opportunities for large trees to be planted in the courtyard areas of developments. These are illustrated in the Miranda Pinnacle Precinct Deep Soil Landscape and Setback Plan below. Underground car park design would need to accommodate these areas.*

D. With respect to the issues addressed in Chapter 5: Caringbah Medical Precinct

1. In relation to the proposed pedestrian path; Chapter 8 Caringbah Medical Precinct be amended to remove requirement for through- block pedestrian path to the Sutherland Hospital in the Caringbah Medical Precinct Plan and text.
2. In relation to floor space mix; Chapter 8 Caringbah Medical Precinct be amended Clause 7.2.2 as follows:

The preferred location of the Health Services Facilities in a mixed use development is on the first floor (ground level) and the second floor of the building, in order to activate the street and to optimise solar access for the residential parts of the development.

3. In relation to health facilities entrances; Chapter 8 Caringbah Medical Precinct amend Clause 9.2.3 as follows:

Where a development ~~site~~ with Health Services Facilities has a frontage to the Kingsway the development should have an active street front.

4. In relation to parking; Chapter 8 Caringbah Medical Precinct be amended to set parking requirements for medical centres at 1 space per 30 sq m GFA.

E. **With respect to the issues addressed in Chapter 6: Waterways**

1. In relation to surface area; Chapter 10 Recreational Waterways be amended to include the following note to Clause 1.4.3:

Note: As a traditional mooring pen, comprising an arrangement of freestanding piles does not have a built surface area, the area occupied by such a mooring pen is not included in the maximum surface area calculation.

2. In relation to boatsheds; Chapter 10 Recreational Waterways be amended to add the following clause to 1.2 Controls for Boatsheds:

Where a proposed boatshed will straddle the MHWL, the boatshed must be setback a minimum of 2.5m from the side boundary and the prolongation of the common lot boundary

3. In relation to floor levels; Chapter 9 W1 Natural Waterways and Chapter 10 W2 Recreational Waterways be amended as follows:

The maximum floor level of the boatshed must be 1.44m AHD

4. In relation to landscaping in the foreshore area; Chapter 9 W1 Natural Waterways and Chapter 10 W2 Recreational Waterways be amended as follows:

1.8.1 Landscaping works including *retaining walls*, stairs, paths and driveways are not permitted below the deemed MHWL.

1.8.2 Natural features within the foreshore *such as rock ledges and outcrops* ~~are to~~ *must* be retained and the removal of natural rock, trees and vegetation to enable the construction of ~~landscaping terraces~~ will not be supported.

1.8.3 Natural ground levels are to be retained with minimal use of retaining walls. Where retaining walls are constructed *the maximum wall height is 1m* and materials, *methods* and colours that blend ~~into~~ *with* the character and *natural* landscape of the area shall be used, *such as dry sandstone walls or gabions filled with sandstone*

1.8.4 ~~Endemic native~~ *Indigenous plant* species ~~should~~ *must* be used in areas where native vegetation is present or has the potential to be regenerated

1.8.5 Exotic species that have the potential to spread into surrounding bushland ~~should be avoided~~ *are not permitted*.

1.8.6 Existing mature trees should be retained where possible and incorporated into the design of *the* new developments

1.8.7 *A minimum of 2 indigenous canopy trees that will obtain a mature*

height of 5m must be planted within the foreshore area.

1.8.8 Landscaping should be undertaken in line with council's Greenweb map which is a tool to manage natural resources by identifying key areas of habitat and strengthening linkages between these areas.

Note: *All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the specific address of the site locality. ~~Plants selected are indigenous species only.~~ The tool is available online at http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector*

For additional guidance on landscape design and implementation refer to the Sutherland Shire Environmental Specifications - Landscape 1-5. Applicants should also refer to the Greenweb map and controls in Chapter 38 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.

F. With respect to the issues addressed in Chapter 7: B1 Neighbourhood Centres

1. In relation to Bundeena; a Locality Strategy for Bundeena be prepared and included as a future DCP amendment.
2. In relation to street tree planting, amend clauses in Chapter 11- B1 Neighbourhood Centres, and Chapter 34 (Neighbourhood Shops and Shop Top Housing in R3 and R4) as shown below:

Clause 1.2.13 (now Clause 1.2.12) *"Development should contribute to a comfortable pedestrian environment with improvement to signage, lighting, planting, awning cover and seating, where appropriate." ~~A minimum number of one indigenous canopy tree that will attain a minimum mature height of 6m, must be planted at 15m intervals at a minimum distance of 1 metre from the kerb and/or footpath.~~*

3. In relation to street tree planting, add Section 2 in Chapter 11- B1 Neighbourhood Centres, add Section 2. *Landscape Design* with objectives and controls consistent with Chapters 12-16 for B2 Local Centre and Clause 2.2.1 shown below:

Existing street trees in good health are to be retained and protected. Additional street trees must be planted at 10m intervals within the street reservation. Street trees must be selected from the Native Plant Selector available on Council's website. The species selected must be capable of attaining a height of at least 6m at maturity, unless they are located under wires. Planting is to be undertaken in accordance with Council's Public Domain Manual.

4. In relation to cross ventilation, amend clause in Chapter 11- B1 Neighbourhood Centres, Chapters 12-16 relating to centres and Chapter 34 Other Uses (Neighbourhood Shops and Shop top housing in R3 and R4)

*Incorporate passive solar building design including **cross ventilation**, the*

optimisation of sunlight access and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.

5. In relation to solar collectors; Chapter 11 B1 Neighbourhood Centres Clause 4.2.2 be amended as follows:

*Wherever possible, provide for the potential use of solar energy collectors **for example** by incorporating pitched roofs facing north.*

G. With respect to the issues addressed in Chapter 8: B2 Local Centres

1. In relation to site width; Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee, Chapter 17 Caringbah, Chapter 18 Cronulla, Chapter 19 Engadine, Chapter 20 Menai, Chapter 21 Miranda, Chapter 22 Southgate and Chapter 23 be amended as follows:

*Lots must be of sufficient width to accommodate development. A site of minimum width of 20m is appropriate for **larger** scale centre development.*

Where development of a narrower site is proposed the development must:

- a. *provide required parking on the site, usually in an underground car park, that allows for vehicles to leave in a forward direction*
- b. *provide appropriate access and servicing facilities, loading, storage and waste management areas;*
- c. *respond to the local context.*

Development sites with site frontage width less than 20m may not allow for the full FSR to be realised.

2. In relation to accessibility; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 B2 Local Centre B4 Mixed Use Kirrawee, Chapter 20 Menai, Chapter 24 B5 Business Development, Chapter 25 B6 Enterprise Corridor, Chapter 26 B7 Business Park, Chapter 27 IN1 General Industrial, Chapter 28 IN2 Light Industrial, Chapter 29 IN3 Heavy Industrial and Chapter 34 Other Uses be amended to delete the following:

~~*To ensure development complies with the requirements of the Disability-Discrimination Act 1992.*~~

~~*Development must comply with Australian Standards for accessibility.*~~

3. In relation to landscape design; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 B2 Local Centre B4 Mixed Use Kirrawee be amended to insert a landscape section including a landscape strategy in Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee and add the following for Chapters 12-16:

Indigenous trees are to be planted to shade and visually enhance surface car parking areas and screen any blank elevations or service areas.

Indigenous trees should be planted to minimise building bulk and improve the transition between the centre and residential/adjacent uses.

Landscaping should be used to enhance the extent of any remnant trees and the indigenous canopies in the locality.

4. In relation to street setbacks; Chapter 13 GyMEA, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

The first two storeys of new development must have a nil setback to the street, with a wall height of approximately 8m to an active street frontage. If single storey development is proposed, parapets are to be employed to reinforce the established scale of the streetscape.

Where existing buildings are setback behind the street boundary and the space adds to the quality of the streetscape, development shall maintain the streetscape.

For development of more than two storeys, the upper storeys should be setback at least 4m and solar access to the public domain in mid-winter is to be maintained.

5. In relation to solar access; Chapter 16 Kirrawee be amended to move control from 4.2 and be incorporated into the Jannali Centre Strategy as follows:

Future development should encourage active uses at ground level and provide continuity in the streetscape. Any redevelopment of the centre should maintain winter solar access to footpath on the southern side of Box Rd, to protect the amenity of centres for pedestrians and to make ground floor shops and cafes more appealing.

6. In relation to side and rear setbacks; Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to include the following note:

Note: Side setbacks are taken to include secondary and tertiary street frontages where a site adjoins or is across the road from a residential site

7. In relation to loading docks; Chapter 11 B1 Neighbourhood Centres, Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 Kirrawee, Chapter 17 Caringbah, Chapter 18 Cronulla, Chapter 19 Engadine, Chapter 20 Menai, Chapter 21 Miranda, Chapter 22 Southgate, Chapter 23 Sutherland and Chapter 34 Other Uses (Neighbourhood Shops) be amended as follows:

*All loading, unloading and manoeuvring of vehicles shall take place within the curtilage of the site, and vehicles are to enter and exit the site **from a rear laneway wherever possible**, and in a forward direction at all times.*

Where other arrangements for loading and unloading of vehicles are proposed, they will be assessed on merit and may be accepted where:

- a. *There is a low intensity of commercial use;*

- b. *The proposed arrangement maintains a safe and convenient pedestrian and traffic environment.*

8. In relation to SEPP65 and Apartment Design Guide; Chapter 13 Gymea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

*Residential flat buildings and shop top housing should achieve the design quality principles of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and the **Apartment Design Guide**. This includes buildings that are two storeys or less, and/or contain less than four dwellings.*

9. In relation to side and rear setbacks; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gymea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to delete references to storeys and insert a note as follows:

Notes:

Highlight windows have a sill height of at least 1.6m above the respective floor level.

Side and rear setbacks are measured perpendicular from the side or rear boundary to the closest extent of the building, including balconies, awnings, sunscreens and the like (excluding eaves).

**For buildings up to 25m, the ADG allows 9m building separation between non-habitable rooms.*

Where a new development is adjacent to an existing building with non-habitable rooms facing the side boundary, the side setback of a new development could be reduced as specified in the ADG.

10. In relation to side and rear setbacks; Chapter 11 Neighbourhood Centre, Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gymea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to insert an assessment criteria for variations as follows:

Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that:

1. *provides adequate resident amenity- including privacy, solar access, and ventilation*
2. *responds to the local context and streetscape, providing adequate separation from existing and future adjoining development*
3. *does not prevent a neighbouring site from achieving its full development potential and optimal orientation*
4. *has architectural merit*

11. In relation to direct sunlight access; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gymea, Chapter 14 Heathcote, Chapter 15 Jannali

and Chapter 16 Kirrawee be amended as follows:

Living rooms and private open spaces for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in midwinter.

12. In relation to private open space; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Each dwelling must be provided with a primary balcony/patio with direct access from the living area, with sizes as follows:

Studio apartment – Minimum area: 4 m² and no minimum depth

1 bedroom apartments – Minimum area 8 m² and minimum depth 2m

2 bedroom apartments – Minimum area 10 m² and minimum depth 2m

3+ bedroom apartments – Minimum area 12 m² and minimum depth 2.4m

Apartment at ground level or podium – Minimum area 15 m² and minimum depth 3m

13. In relation to storage; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Secure space must be provided for each dwelling in accordance with the following table:

Dwelling type - Storage size volume

Studio – 4 m³

1 bedroom apartments - 6 m³

2 bedroom apartments - 8 m³

3+ bedroom apartments - 10 m³

At least 50% of the required storage is to be located within the dwelling and accessible from circulation or living spaces

14. In relation to communal open space; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining

residents.

15. In relation to active frontages; Chapter 13 GyMEA be amended to extend the active frontage along the Kingsway to Chapman Street and indicate Chapman Street between the Kingsway and Chapman Lane as a 'semi-active frontage' on the Active Street Frontages Map.
16. In relation to amalgamation requirements; Chapter 15 B2 Local Centre Jannali be amended to delete Clause 8.2.3 and Clause 8.2.4 as follows:

Unless identified on the amalgamation plan, development sites must be of sufficient width to accommodate development. A site of minimum width of 20m is appropriate for large scale centre development. This width will accommodate a development that:

- a. *provides for required parking on the site, usually in an underground car park, that allows for vehicles to leave in a forward direction*
- b. *provides appropriate access and servicing facilities,, loading, storage and waste management areas*
- c. *responds to the local context*

A smaller or narrower site width may not allow for the full FSR to be realised.

17. In relation to streetscape and built form; Chapter 16 Kirrawee be amended to delete Clause 4.1.10 as follows:

To improve the visual amenity of the public domain.

18. In relation to Veno Street; Chapter 14 Heathcote be amended to reduce the street setback to 6m for the properties along Veno Street and the B2 Local Centre zoned land on Rosebery Street, Heathcote in the Heathcote Centre Strategy Map.

19. In relation to street setbacks; Chapter 14 Heathcote be amended to insert the following:

- x. *The following matters will be considered in allowing a reduced street setback:*
 - a. *whether the proposed variation would have adverse impacts on adjacent properties in terms of solar access visual intrusion, view loss or privacy, and*
 - b. *whether the bulk and scale of the proposed development as a result of the variation, in particular that part of the development adjacent to the street frontage, would adversely affect the existing character of the streetscape, and*
 - c. *whether the proposed variation would adversely affect the spatial and landscape qualities of the streetscape, and*
 - d. *the ability of the development to enhance the tree canopy and support the endangered ecological community of Sydney Turpentine Ironbark Forest, and*

- e. *whether the architecture and landscaping solution will provide adequate privacy and outlook to ground floor units despite the reduced setback, and the contribution the development makes to the landscaped setting of the street, and*
- f. *whether the design achieves an acceptable transition in scale and form to adjoining development.*

20. In relation to Heathcote; Chapter 14 Heathcote be amended to show the endangered ecological community of Sydney Turpentine Ironbark Forest on the Heathcote Strategy Map.

H. With respect to the issues addressed in Chapter 9: B3 Commercial Core – General

1. In relation to setbacks to edge of centres; Chapter 11 Neighbourhood Centre, Chapter 12 Bangor, Illawong, Kareela and Woolooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 Kirrawee, Chapter 17 - B3 Commercial Core Caringbah, Chapter 18 - B3 Commercial Core Cronulla, Chapter 19 - B3 Commercial Core Engadine, Chapter 20 – B3 Commercial Core Menai, Chapter 21 – B3 Commercial Core Miranda, Chapter 22 – B3 Commercial Core Southgate, Chapter 23 – B3 Commercial Core Sutherland be amended as follows:

However, where new development adjoins or is across the road from a residential zone, ~~open space or school or in a peripheral location~~ where it is likely to remain as a standalone building ~~in its local context~~, side and rear setbacks will be assessed on merit, having regard to the impacts on residential amenity of both the neighbouring buildings and the future residents of the proposed building, and the ~~architectural quality of the design solution~~ design quality of the building. A setback and or a reduction in the height and scale will be necessary to achieve acceptable transition in building forms where amenity would be unreasonably compromised by a nil setback and a blank façade. Applications will be assessed depending on the specific context of the site. The early presentation of a design to ARAP is recommended in such circumstances.

~~Development shall be designed to achieve an appropriate transition to the edge of centres, including public open space, community uses, schools and low density residential land uses.~~

I. With respect to the issues addressed in Chapter 10: B3 Commercial Core – Caringbah

1. In relation to the site controls for Specific Site at corner Kingsway and President Avenue amalgamated site (5 President Avenue, 1 Park Lane, 304-318 Kingsway, 320 Kingsway) amend the map shown in Chapter 17- B3 Commercial Core Caringbah, Section 5 Guidelines for Specific Sites, Item (g) Specific Site at corner Kingsway and President Avenue by replacing map with amended map as shown in the detailed report.
2. In relation to the site controls for Specific site at corner Kingsway and Port Hacking Road Caringbah Hotel amalgamated site (345, 347-357 Port Hacking Road) amend

the map shown in Chapter 17- B3 Commercial Core Caringbah, Section 5 Guidelines for Specific Sites, Item (e) Specific Site Caringbah Hotel amalgamated site: 345, 347-357 Port Hacking Road by replacing map with amended map as shown in the detailed report.

3. In relation to the site controls for Specific site: Hay Avenue site: 7 Mackay Street amend the map shown in Chapter 17 – B3 Commercial Core Caringbah, by correcting the text where it nominates height limit for Hay Avenue site (7 Mackay Street) to 30m.
4. In relation to site controls for Caringbah Potential Built Form Plan shown in shown in Chapter 17 – B3 Commercial Core Caringbah amend the map for Specific site: Hay Avenue to show the building height only for the Hay Avenue site (no built form).
5. In relation to the Caringbah Strategy map shown in Chapter 17- B3 Commercial Core Caringbah, amend the Caringbah Centre Strategy Map to show existing pedestrian pathway from the council car park and women's rest centre to the Kingsway.

J. With respect to the issues addressed in Chapter 11: B3 Commercial Core – Cronulla

1. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla for the property bounded by Surf Lane, Beach Park Avenue and Cronulla Street, the maps and text be amended indicate a street frontage height increase from 5m to 10m.
2. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla for the properties facing Gerrale Street and Surf Lane, the map and text be amended to indicate a street frontage height increase from 5m to 10m.
3. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla delete the following control within the Streetscape and Built Form section of the Cronulla Centre Chapter:

Building design must give human scale to the building at street level.

4. In relation to the setbacks shown in Chapter 11: B3 Commercial Core – Cronulla, amend the upper level setback diagram to show no setback requirement for the land on the western side of Croydon Street, Cronulla.

K. With respect to the issues addressed in Chapter 13: IN1 General Industrial – Kurnell

1. In relation to subdivision requirements shown in Chapter 27 IN1 General Industrial for 238-258 Captain Cook Drive Kurnell, remove the requirement for a minimum lot size of 2,500m², by replacing *Map 1: Kurnell Industrial Areas IN1 (part) Subdivision Requirements* with the map shown in the detailed report
2. In relation to subdivision requirements shown in Chapter 27 IN1 General Industrial add an objective to Section 1 Subdivision as shown below to ensure that development is compatible with the unique ecological and landscape attributes of the

Kurnell Peninsula, especially the wetland areas and their environs, as follows:

Clause 1.1.4 *“Ensure that subdivision and subsequent development on the Kurnell Peninsula is compatible with the unique ecological and landscape attributes of the area, especially the wetland areas and their environs”*

L. With respect to the issues addressed in Chapter 14: SP3 Tourist – Prince Street

1. In relation to landscaping requirements shown in Chapter 14: SP3 Tourist – Prince Street the following objective (5.5.1.1) relating to the existing tree canopy be replaced with:

To ensure new development incorporates landscaping which strengthens the indigenous foreshore vegetation.

M. With respect to the issues addressed in Chapter 15: Ancillary Development (Fencing)

1. In relation to front fences; Chapter 33 Ancillary Development Section 3.2 Fencing Controls be amended to insert the following:

Fencing for dual occupancies and multi-dwelling development should be of a similar character and height as already exists in the streetscape.

High courtyard fencing is not permitted, except where it is common in the street.

2. In relation to front fences; Chapter 33 Ancillary Development Section 3.2 Fencing Controls be amended as follows:

Clause 2.3.1.4 The maximum height of front yard common fences ~~forward of the street setback~~ at any point shall be 1.2m from natural ground level.

Clause 2.3.1.5 The maximum height permitted for a front fence ~~behind the street setback~~ at any point shall be 1.5m from natural ground level. Where a portion of the front fence is a retaining wall, 1.5m shall be the total maximum height permitted, as shown in diagram 1 below.

Clause 2.3.1.11 Open-form timber or metal front fences may be located without any boundary setbacks. *Privacy is to be obtained through advanced screen planting.*

Clause 2.3.1.12 Clearance between all ~~vertical~~ members of open-form timber or metal front fences shall be equal to or greater than the width of the member, with a minimum spacing of 50mm.

3. In relation to front fences; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended to insert the following note in Streetscape and Building Form sections:

Note: *Specific controls for fencing are provided in Chapter 33.*

4. In relation to fencing on flood prone land; Chapter 33 Ancillary Development Section 1. General Ancillary Development - Objectives be amended as follows:

7. To minimise interruption and alteration of groundwater and surface water flows.

x. To ensure that fencing does not become unsafe during floods and potentially becomes moving debris which threatens the integrity of structures or the safety of people.

5. In relation to fencing on flood prone land; Chapter 33 Ancillary Development be amended to insert the following:

2.3.2 Additional Controls for Fencing on Flood Prone Land:

- 1. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally increase flood affection on surrounding land.*
- 2. An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters.*

Note: *Appropriate fences include an open collapsible hinged fence structure or pool type fence*

- 3. An engineer's report shall be provided to certify that the proposed fence will be constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.*
- 4. Fencing within a High Flood Risk Precinct is to be designed to minimize the potential for any adverse impacts on human life or property having regard to the degree of flood risk affecting a site. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters.*

Note: *This requirement may be secured by a Section 88B instrument burdening the title of the land.*

N. With respect to the issues addressed in Chapter 16: Other Uses

1. In relation to signage; Chapter 34 Other Uses be amended to delete the following:

No more than three business identification signs for buildings with only one commercial tenant, with only one sign per elevation of the building.

No more than six business identification signs for buildings with multiple commercial tenants.

2. In relation to signage; Chapter 34 Other Uses be amended as follows:

Add identifying name "Figure 1" to illustration.

Clause 6 "Signage must be integrated with the design of the building, having regard to the design and architectural merit of the building and the streetscape and not obscuring architectural features (windows, decorative mouldings etc) of the supporting building". *A poor example and a preferred example are illustrated in Figure 1".*

Clause 9 "In commercial areas, signage should where possible achieve visual continuity with neighbouring buildings. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. *A poor example and a preferred example are illustrated in Figure 1".*

3. In relation to signage; Chapter 34 Other Uses be amended to add label "Figure 2" to grid analysis illustration and add two more diagrams as shown in the report.
4. In relation to bed and breakfast accommodation; Chapter 34 Other Uses be amended as follows:

Guests shall reside at the establishment for not less than one (1) ~~day~~ night and not more than fourteen (14) days in any month.

5. In relation to passive solar design; Chapter 34 Other Uses be amended to delete the following in relation to shop top housing:

New development shall incorporate passive solar building design including the optimisation of sunlight access, and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.

6. In relation to setbacks; Chapter 34 Other Uses be amended in relation to shop top housing as follows:

Despite clause 1, Front, side and rear setbacks may vary according to the specific context of each development and will be assessed on merit.

O. **With respect to the issues addressed in Chapter 17: Vehicular Access Traffic Parking and Bicycles**

1. In relation to parking for residential flat buildings; Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23, Chapter 31, Chapter 34 and Chapter 35 Clause Car Parking Numbers be amended as follows:

Residential Flat Buildings/Shop Top Housing

Zones R4, B1, B2, B3 & B4

*A minimum of
0.6 space per 1 bedroom unit; plus,
0.9 space per 2 bedroom unit; plus,
1.4 space per 3 bedroom unit; plus,*

1 visitor space per 5 units; plus,

1 motorbike space per 15 units

1 bike space per 10 units

Developments with 10 or more dwelling require one designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings .

2. In relation to tourist and visitor accommodation; Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23, Chapter 31 and Chapter 35 be amended to reflect the following rates:

Hotel or Motel Accommodation: 1 space per 4 rooms; plus 1 space per 2 employees

Serviced Apartments: 1 space per 2 units; plus 1 space per 2 employees

3. In relation to visitor parking; Chapter 12 - B2 Local Centres car parking table be amended to read 'shop top housing' instead of residential flat buildings.
4. In relation to adaptable housing car parking; Chapter 4 Multi Dwelling Housing for the R2 Low Density Residential zone be amended as follows:

At grade car parking must not be located within the primary setback to the street. An exception will only be accepted by Council where:

1. *It is directly associated with an adaptable/liveable dwelling and no reasonable alternative is possible; and*
 2. *The landscape design for the proposed development will still achieve a predominately landscaped setting that is compatible with the established streetscape*
5. In relation to adaptable housing car parking; Chapter 35 Roads, Vehicular Access, Traffic, Parking and Bicycles be amended by deleting the following clause and adding the second clause:

Parking spaces for adaptable dwellings shall have a minimum clearance of 2.5 m from the finished floor level of a parking space to any structure over a parking space.

The minimum internal width for a double garage for an Adaptable Unit shall be 6.52 metres.

6. In relation to parking requirements for two or more uses and non-aligned peak demand; Chapter 35 Roads, Vehicular Access, Traffic, Parking and Bicycles Clause 1.2.4 be amended to allow the reduction to the total parking amount, and to allow for non-aligned peak parking demand, where supported by a study by a suitably qualified traffic engineer.

P. **With respect to the issues addressed in Chapter 18: Waste Management Requirements**

1. In relation to waste management requirements, amend clauses in Chapter 4 Multi Dwellings, Chapter 5 Residential Flat Buildings, Chapter 6 Caringbah North Precinct, Chapter 7 R4 Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 34 Other Uses, Chapter 11 B1 Neighbourhood Centres, Chapter 12 B2 Local Centre – Bangor, Illawong, Kareela and Woolooware Bay, Chapter 13 B2 Local Centre – Gymea, Chapter 14 B2 Local Centre – Heathcote, Chapter 15 B2 Local Centre – Jannali, Chapter 16 B2 Local Centre and B4 Mixed Use – Kirrawee, Chapter 17 B3 Commercial Core- Caringbah, Chapter 18 B3 Commercial Core- Cronulla, Chapter 19 B3 Commercial Core- Engadine, Chapter 20 B3 Commercial Core- Menai, Chapter 21 B3 Commercial Core- Miranda, Chapter 22 B3 Commercial Core- Southgate, and Chapter 23 B3 Commercial Core- Sutherland, as follows:

- a. Add an Explanatory Note to objectives as detailed in report
- b. Add the following objectives:

Discourage illegal dumping by providing on site storage and removal services for hard waste. Hard waste consists of discarded items of bulky household waste which are awaiting removal.

Enable the servicing of the waste management system on site, and the efficient collection of waste and recyclables by collection service providers, with minimum disruption and impact on the community.

- c. Add the following controls:

A waste storage area is to be provided for all developments to store bins for general waste and recyclables. The area must have sufficient space for the storage of garbage, recycling and green waste generated by the development as indicated in Table 1 below.

The residential waste generation rate per dwelling is 120 litres per week of general waste plus 120 litres per week of recycling.

The general waste and recycling needs per dwelling in multi-unit developments with 20 or more apartments can be reduced in accordance with the waste generation rates in Table 1 below. Bin dimensions are shown in Figure 1 and Table 2.

Twice weekly collections of 240L bins by Council (by arrangement with Council) can reduce the number of bins required.

Dwelling Size – Garbage - Recycling

Individual Dwelling - 120L - 120L

3 bedroom apartment or greater - 120L - 120L

2 bedroom apartment - 100L - 120L

1 bedroom apartment or studio apartment - 80L - 80L

Table 1 Waste Generation Rates

Bin Type(L) - Width (m) - Depth (m) - Height (m)

120 - 0.5 - 0.6 - 1.0

660 - 1.4 - 0.7 - 1.2

1100 - 1.4 - 1.3 - 1.5

Table 2: Standard Bin Dimensions

In the case of large residential flat and mixed use developments, multiple bin storage areas may be required. Each waste stream must be separated and clearly labelled. Residential waste must be kept separate from commercial waste. Adequate space must be allowed for manoeuvring bins within the bin store.

For wheeled bins, a kerbside garbage collection point must be nominated that has sufficient space where they will not pose a traffic hazard. Wheeled bins should not be placed near intersections, roundabouts, slow points or busy arterial roads, or take up more than 50% of the street frontage when presented in single file to the kerbside for collection, with adequate space between the bins to allow for collection (approximately 300mm). See Figure 1 for 240L bin size.

Where a private waste contractor is required to service a development, the site and driveway must be designed to accommodate waste collection vehicles used by the private contractor.

It is preferable for waste trucks to enter the site in a forward direction, but it is permitted for waste trucks to reverse onto a site, where design and site conditions make it safe to do so. It is never acceptable for a truck to reverse out of a site.

The design, location and size of bin storage areas/rooms are to be in accordance with the requirements set out in the Better Practice Guide for Waste Management in Multi-Unit Dwellings. The preferred location for storage areas/rooms at ground level is behind the building setback. The storage area must:

- i. be integrated into the overall building design and constructed of materials compatible with the new development;*
- ii. be located in an area so as not to compromise the amenity of the occupants of the development and of adjacent properties in terms of noise, odour and aesthetic impact, such as on a rear land frontage, near windowless walls, away from pedestrian areas and in the least visually obtrusive position; and*
- iii. be screened from view from the street with built form and landscaping so as to not detract from the streetscape.*

For developments containing up to 50 dwellings one of the following options for waste collection must be nominated:

- (i) Waste collection by Council's Waste Services where the waste is in 240L bins and the required number of 240L bins does not take up more than 50% of the site street frontage when presented in single file to the kerbside for collection. Bins must be spaced to allow for ease of*

collection (approximately 300mm). The bins are to be stored in the basement or in a designated bin enclosure set; or

- (ii) *Waste collection by private contractor (or Council by special arrangement) where larger bins are required for garbage, recycling and green waste. Bulk waste shall be stored in a basement or in an enclosure within 10m of the street. Where it is necessary to move the bins for collection, the bins must be moved by an employee of the body corporate from the storage area to a level area which can be serviced from the driveway to allow for ease of collection. It may be acceptable for the waste truck to straddle private and public property during collection, subject to Council's approval of the arrangement. If the development proposes to rely on Council for collection of waste, prior agreement from Council's Waste Operations Controller must be obtained. A Waste Management Plan for the development must be approved by Council's Waste Operations Controller prior to DA lodgement.*

For developments containing 50 or more dwellings, general waste and recycling must be stored in a basement or a bin storage enclosure at ground level and must be collected by private contractors. Where collection is from a basement, clearance heights must be sufficient to accommodate the private contractor's collection vehicle (typically 4m).

For residential developments containing 20 or more dwellings a hard waste storage area with minimum area 14 sq m must be provided. Hard waste consists of discarded items of bulky household waste which are awaiting removal.

2. In relation to waste management requirements, amend clauses in Chapter 5 Residential Flat Buildings as follows:

The waste storage area must not be located forward of the building line and must not detract from the streetscape. Bin storage located forward of the building line should have a 3m landscaped front setback and be well designed.

3. In relation to waste management requirements, amend clauses in Chapter 3 Dual Occupancy and Chapter 4 Multi Dwellings, as follows:

The waste storage area must not be located forward of the building line and must not detract from the streetscape.

4. In relation to waste management requirements, amend clauses in Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, and Chapter 3 Dual Occupancy, Chapter B5 Business Development, Chapter B6 Enterprise Corridor, Chapter B7 Business Park, Chapter IN1 General Industrial, Chapter IN2 Light Industrial, Chapter IN3 Heavy Industrial, and Chapter IN4 Working Waterfront, to delete the control requiring a maximum bin carting grade of 1:14.

Q. With respect to the issues addressed in Chapter 19: Child Care Centres

1. In relation to car parking rates; Chapter 34 Other Uses be amended as follows:

On-site parking is to be provided at the rate of 1 space/4 children for drop off and pick up; ~~and 1 space per 2 staff.~~

2. In relation to the location of outdoor play areas; Chapter 34 Other Uses be amended as follows:
 - a. *located to provide clear access to toilets and indoor play areas.*

R. With respect to the issues addressed in Chapter 20: Adaptable Housing

1. In relation to access for people with a disability; Chapter 4 - Multi Dwelling Housing, Chapter 5 - Residential Flat Buildings, Chapter 6 - Caringbah North Residential Flat Precinct, Chapter 7 - Pinnacle Street Precinct, Chapter 8 - Caringbah Medical Precinct, Chapter 11- B1 Neighbourhood Centre, Chapter 12 – B2 Local Centre Bangor Illawong Kareela Woollooware, Chapter 13 – Local Centre Gynea, Chapter 14 – Local Centre Heathcote, Chapter 15 – Local Centre Jannali, Chapter 16 – B2 Local Centre B4 Mixed Use Kirrawee, Chapter 17 – B3 Commercial Core Caringbah, Chapter 18 – B3 Commercial Core Cronulla, Chapter 19 – Commercial Core Engadine, Chapter 20 – B3 Commercial Core Menai, Chapter 21 – Commercial Core Miranda, Chapter 22 - Commercial Core Southgate, Chapter 23 – Commercial Core Sutherland and Chapter 31 - Tourist Prince Street be amended to remove the section on access.
2. In relation to adaptable housing; Chapter 4 , Chapter 5, Chapter 6, Chapter 7, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23 and Chapter 31 be amended to adopt the following rates for adaptable and livable housing as follows:

For developments of 3-5 units:

- *Nil Adaptable Housing units required*
- *1 Livable Housing unit required.*

For development of 6 or more units:

- *20% Adaptable Housing units*
- *10% Livable Housing units.*

3. In relation to adaptable housing; Chapters 4, Chapter 5, Chapter 6, Chapter 7, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23 and Chapter 31 to be amended to replace existing references to 'Access' and 'Adaptable Housing' and replace them with the new set of 'Adaptable and Livable Housing' objectives and controls.

4. In relation to adaptable housing; Chapter 34: Other Uses Clause 9.1.2 (10) be amended to replace reference to “Adaptable and Livable Housing’ objectives and controls in the R3 and R4 zones.

S. With respect to the issues addressed in Chapter 21: Late Night Trading

1. In relation to late night trading; a DA Guide to late night trading be prepared by relevant units within Council.
2. In relation to late night trading: Chapter 36 Late Night Trading be amended to remove reference to the *Liquor Act 2007* in the table that forms 3.2.2.
3. In relation to changes to maps; Late Night Trading Activity Area Maps for Kirrawee, Cronulla and Sylvania centres be amended as outlined in the report.
4. In relation to location of maps within the DCP; that the relevant late night trading activity area maps be provided in each of the ‘centre’ chapters, and that the complete set of late night trading activity area maps is incorporated into Chapter 36 Late Night Trading.
5. In relation to premises which trade exclusively at night; Chapter 36 Late Night Trading be amended to delete the following:

~~*Premises which trade exclusively at night are discouraged*~~

6. In relation to premises which trade exclusively at night; Chapter 36 Late Night Trading be amended to insert the following in Clause 8.1.1 (c)

Premises which operate during the day and not exclusively at night are preferred

7. In relation to CCTV; Chapter 36 Late Night Trading, Safety and Security clause 6.2 be amended to insert the following:

All licensed premises and late night trading venues must be equipped with a functioning CCTV system which complies with Australian Standard 4806.1—2006 - Closed circuit television (CCTV).

8. In relation to CCTV; Chapter 36 Late Night Trading, Management Plans clause 7.2.3 be amended to insert the following:

a. CCTV Plan

T. With respect to the issues addressed in Chapter 22: Environmental Risk

1. In relation to bush fire; Chapter 39 Environmental Risk be amended to delete reference to Clause 6.27 from the introductory section of the Bush Fire section.
2. In relation to flood risk management land use categories; Chapter 39 Environmental Risk be amended to replace the term ‘Critical Uses and Facilities’ with ‘Essential Community Facilities’ in Tables 5.3, 5.4 and 5.5.

3. In relation to floor risk definitions; Chapter 39 Environmental Risk be amended to include the following definition of low flood risk as a note in Section 5.3:

Low Flood Risk is all other land that could potentially be inundated (i.e. within the extent of the probable maximum flood) but not identified as either a high flood risk or a medium flood risk precinct. The low flood risk precinct is that area above the 100 year flood and most land uses would be permitted within this precinct.

4. In relation to flood risk definitions; Chapter 39 Environmental Risk be amended to replace the definition of medium flood risk in Section 5.4 with the following:

Medium Flood Risk is the area below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. In this precinct there would still be a significant risk of flood damage or risk to life, but these damages and risks can be minimised by the application of appropriate development controls.

5. In relation to planning considerations; Chapter 39 Environmental Risk Evacuation in Section 5.6 be amended as follows:

1. *Reliable access for pedestrians or vehicles shall be provided during a 1% AEP flood.*
2. *Reliable access for pedestrians or vehicles shall be provided from the building commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level.*
3. *Adequate exits shall be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.*
4. *Adequate flood warning systems, signage and exits shall be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.*
5. *The development shall be consistent with any relevant flood strategy, Floodplain Risk Management Plan adopted by Council or similar plan.*
6. *An engineer's report shall be provided to certify that an area of refuge is available if circumstances are possible where the evacuation of persons might not be achieved within an effective warning time*
7. *Applicant shall demonstrate that evacuation in accordance with the requirements of the DCP is available for potential development flowing from the subdivision proposal.*

6. In relation to table numbering; Chapter 39 Environmental Risk Table 5.3, Table 5.4 and Table 5.5 be amended to correct the numbering in as shown in the report.

U. With respect to the issues addressed in Chapter 23: Stormwater and Groundwater Management

1. In relation to offsets; Chapter 37 Stormwater and Groundwater Management Section 5.2 Controls for Residential Accommodation be replaced with the following:

For single dwellings, no on-site detention is required where a rainwater tank of minimum 5000 Litres is to be provided and the rainwater tank is connected to toilets, laundry, irrigation and used for other beneficial uses. Alternatively, the on-site detention requirement as calculated in subclause (4) is to be met.

For dual occupancy, an offset of 1m^3 of the required on-site detention is permitted for every 3m^3 of rainwater tank installed and the rainwater tank is connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

For all other residential development, an offset of 1m^3 of the required on-site detention is permitted for every 3m^3 of rainwater tank installed, providing the final OSD volume does not fall below 50% of the original design volume. This must be provided as a single rainwater tank connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

Note to 2 and 3: As an example, to offset 3m^3 of on-site detention, the applicant would be required to provide 9m^3 of rainwater retention. This rainwater tank can also be used to satisfy the BASIX assessment

The volume of stormwater to be detained on-site shall be calculated from the volume of water from a 5% AEP event less the volume of runoff established by Clause 1.2, less any volume infiltrated on-site and a third of the volume of any tanks used for rainwater reuse.

2. In relation to offsets; Chapter 37 Stormwater and Groundwater Management Section 5.3 Controls for All Other Built Development be replaced with the following:

For all other development, an offset of 1m^3 of the required on-site detention is permitted for every 3m^3 of rainwater tank installed, providing the final OSD volume does not fall below 50% of the original design volume. This must be provided as a single rainwater tank connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

Note

As an example, to offset 3m^3 of on-site detention, the applicant would be required to provide 9m^3 of rainwater retention. This rainwater tank can also be used to satisfy BASIX.

The volume of stormwater to be detained on-site shall be calculated from the volume of water from a 1% AEP event less the volume of runoff established by Clause 1.2, less any volume infiltrated on-site and a third of the volume of any tanks used for rainwater reuse.

3. In relation to BASIX requirements; Chapter 37 Stormwater and Groundwater Management On-site detention requirements be amended to insert the following:

Where a rainwater tank is proposed to offset an on-site detention

requirement, the size of the rainwater tank required is the greater of the BASIX retention requirement and the proposed detention offset requirement.

Note: As an example, where 2m³ retention is required for BASIX and the retention offset requirement is 9m³, the requirement would be 9m³ in total.

V. With respect to the issues addressed in Chapter 24: Natural Resource Management

1. In relation to Greenweb referencing; Chapter 38 Natural Resource Management Section 1 Biodiversity Strategy – Greenweb be amended as follows:

*All indigenous **plant** species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the locality. Plants selected are **indigenous to Sutherland Shire**. The tool is available online at:
http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector*

2. In relation to Greenweb map series; amendments be made to limit the extent of the desalination plant site identified as Greenweb Core to the area of the site remaining undeveloped, with the remainder of the site identified as Greenweb Support.
3. In relation to Species and Communities of High Conservation Significance Map; amendments be made as follows:
 - a. to update the mapping to include the up-to-date data for protected species and communities indicated on the 'Sydney Metropolitan Vegetation Map' prepared by OEH
 - b. include the Endangered Population – *Posidonia australis* and mangroves protected by the NSW Fisheries Management Act
 - c. to reflect the title Protected Species and Communities of High Conservation Significance Map'
 - d. to reflect the reviewed EEC buffer zones prepared by the Environmental Science and Policy Unit
4. In relation to Species and Communities of High Conservation Significance; Chapter 38 Natural Resource Management Part 3 Threatened Species be amended to read as follows:

*Development in areas which contain threatened species, populations or ecological communities or in adjoining buffer areas which may impact on these species, **populations or ecological communities**, require special consideration under the Threatened Species Conservation Act 1995 (as amended), **the NSW Fisheries Management Act 1994, the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)** and the Environmental Planning and Assessment Act 1979 (EP&A Act).*

5. In relation to Wetlands and Waterways map series; amendments be made to:
 - a. Mirror the relevant changes to be made to the Species and Communities of High Conservation Significance' map series
6. In relation to wetlands and waterways; Chapter 38 Natural Resource Management Section 2 Wetlands and Waterways be amended as follows:

Coastal Saltmarsh and Sydney Freshwater Wetlands are listed as endangered ecological communities under the NSW Threatened Species Act. A 50m buffer zone applies to these endangered ecological communities. This 50m buffer provides for a transitional zone between vegetation communities where the two communities blend into one another, and where wetlands change in size due to drought and flooding e.g. ephemeral wetlands and further provides a necessary buffer from the impacts due to developments and changes to drainage patterns.

Mangroves are protected under the NSW Fisheries Act and are mostly found in fourth and third order waterways in Sutherland Shire. A 40 metre buffer applies to mangrove wetlands which is consistent with the Georges River REP and the Department of Primary Industries Office of Water – Guidelines for riparian corridors on waterfront land.

The buffer zones for non natural wetlands depend on the size of the water body. The land which immediately adjoins a waterway and which is influenced by the waterway is known as the riparian zone. The width of the riparian zone, measured from the bank of the water, is determined by its category from first to fourth order. A fourth order river such as the Georges, Woronora and Hacking Rivers would require a buffer of 40 metres which is consistent with Georges River REP and the Department of Primary Industries Office of Water – Guidelines for riparian corridors on waterfront land. As the waterway category decreases (fourth order to first order) so does the ecosystem complexity and the requirement for wider buffer zones to protect these waterways.

7. In relation to exempt species list; Chapter 38 Natural Resource Management be amended as follows:
 - a. include the proper common names of Sawara Cypress for *Chamaecyparis pisifera* spp.
 - b. include *Ligustrum lucidum* and *Ligustrum sinense* in both the trees and weeds groupings.
 - c. delete *Cupressus arizonica* (Arizona Cypress) and *Hakea salicifolia* (Willow Leaved Hakea).
8. In relation to suitably qualified and experienced persons; Chapter 38 Natural Resource Management Clause 4.4.1 be amended as follows:

Removal of a tree that poses an immediate and obvious danger, provided that the tree's instability is obvious and that there is immediate danger and/or

hazard to life and/or property. In such instances, a landowner is required to be able to support the immediacy of the danger by the risk being witnessed by a Council Officer, Police Officer or other Emergency Services Officer. Alternatively, a report by ~~a person who has obtained an AQF level 4 or higher qualification in Arboriculture (Horticulture) a suitably qualified and experienced person~~, or photographic evidence and Statutory Declarations from third parties should be obtained. Circumstances where the use of this exemption is appropriate include trees with structurally split trunks; trees or limbs felled by storms that are damaging buildings or blocking access ways; or

9. In relation to suitably qualified and experienced persons; Chapter 38 Natural Resource Management Clause 4.5.2.4 be amended as follows:

In determining the risk posed by a tree, Council will take into consideration the advice of trained Council officers; alternatively Council will consider a report prepared by ~~an Arborist who is a member of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life member, or alternatively~~, a person who has obtained an AQF level 4 or higher qualification in Arboriculture (Horticulture). ~~a TAFE Certificate in Horticulture (Arboriculture) level 4 or higher.~~

10. In relation to the removal of non-indigenous species; Chapter 38 Natural Resource Management Clause be amended to delete the following:

~~Removal of any non-indigenous species growing within bushland.~~

11. In relation to trees which contribute to scenic and visual quality; Chapter 38 Natural Resource Management Assessment Principles for Special Considerations for Trees which Contribute to Scenic and Visual Quality be amended to insert the following::

~~Council will not permit the removal of a tree for the installation of a boundary fence where all other alternative construction methods have been considered and explored.~~

12. In relation to trees which contribute to scenic and visual quality; Chapter 38 Natural Resource Management Clause 4.8.2.6 be amended as follows:

The retention of trees in foreshore areas offsets the bulk and scale of development and makes a significant contribution to scenic and visual quality of the Shire. The objective of retaining trees for their wider value is often in conflict with residents' desires to achieve views from their properties. Council will not permit tree removal purely to enhance views. Council may consent to the thinning of tree canopies or other works to trees on ~~private property~~ to enhance views from private properties.

13. In relation to special consideration for trees in greenweb areas; Chapter 38 Natural Resource Management Clause 4.9.2.5 be amended as follows:

An exotic species without habitat value ~~may be permitted to be removed and~~

the required replacement planting will be required to meet the following criteria:

- a. *It will generally improve the potential of the site to meet the objectives of the clause, and*
- b. *The replacement planting will reinstate privacy to neighbouring properties where removal of the tree will result in overlooking of neighbouring windows or outdoor living areas.*

14. In relation to definition of established tree; Chapter 38 Natural Resource Management Clause 4.15.3 be amended as follows:

Replacement trees are to be cared for by the land owner until established to a size which is covered by the controls for tree and bushland vegetation i.e. diameter of 100mm or more measured at 500mm above ground level.

15. In relation to tree protection zone during construction; Chapter 38 Natural Resource Management Clause 4.16.3 be amended as follows:

All construction works (including the installation of services, site sheds, buildings and stockpile materials and rubbish) shall be located outside the tree protection zone (in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites) of the trees and bushland areas to be retained. This requirement also applies to street trees and trees on adjoining land.

W. With respect to the issues addressed in Chapter 25: Social Impact

1. In relation to social impact; Chapter 40 Social Impact be deleted from the DCP.

X. With respect to the issues addressed in Chapter 26: Administrative Provisions

- 1. In relation to notification provisions; Chapter 41 Administrative Provisions be amended as outlined in the report.
- 4. That minor edits be made to the draft plan to correct typographical errors, drafting errors, various minor technical anomalies and edits for consistency.
- 5. That a public notice of the adoption of SSDCP2015 be given in the St George and Sutherland Shire Leader within 28 days of adoption of the plan. The plan will come into force on the date of the advertisement.
- 6. That the amended SSDCP2015 be adopted as policy for the purposes of assessing any development applications lodged under the new LEP until the plan comes into effect.
- 7. That the Department of Planning be forwarded a copy of the Sutherland Shire Development Control Plan 2015.

COMMITTEE RECOMMENDATION

1. That SSDCP2006 be repealed for land now subject to SSLEP2015. SSDCP2006 will be retained for land still subject to SSLEP2006.
2. That SSDCP2006 be adopted as policy to guide assessment of development applications lodged under SSLEP2006, but not yet determined.
3. That an amended Sutherland Shire Development Control Plan 2015 be adopted pursuant to Section 72 of the EP&A Act 1979, with amendments as detailed below:

A. **With respect to the issues addressed in Chapter 1: Residential Development in the Low and Medium Density Zones**

1. In relation to minimum frontages for basements; Chapter 1 - Single Dwellings, Chapter 3 – Dual Occupancies and Chapter 4 Multi Dwelling housing be amended to delete the controls requiring a 20m frontage for a basement in the R2 Low Density Residential zone.
2. In relation to two storey controls; Chapter 1 – Single Dwellings, Chapter 2 – Secondary Dwellings and Chapter 3 – Dual Occupancies be amended to replace the controls in E3 Environmental Management, E4 Environmental Living and R2 Low Density Residential with the following:
 1. *Development must be limited to two storeys in height above existing ground level and basements are not permitted. Dwellings may be stepped down a steep site.*
 2. *Despite 1, Council will permit a variation to the two storey limit (whether that be a basement or third storey above natural ground as the additional floor level) where Council is satisfied that:*
 - *The third storey or basement does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and,*
 - *The basement or third storey above existing ground level does not result in a building that is incompatible with the established scale or character of the immediate locality or adversely affect the amenity, streetscape and landscape setting; and*
 - *The alternative to a basement or third storey above existing ground would result in the loss of bushland, existing trees or other natural features, where such exist on the site.*
3. In relation to three storey controls; Chapter 1 – Single Dwellings and Chapter 3 - Dual Occupancies be amended for R3 Medium Density Residential and R4 High Density Residential as follows:

Development must be limited to three storeys in height including any basement. Dwellings may be stepped down a steep site.

4. In relation to three storey controls; Chapter 4 – Multi Dwelling Housing be amended for the R3 Medium Density Residential and R4 High Density Residential as follows:

Development for multiple dwellings may consist of 3 storeys above existing ground level in addition to any basement.

5. In relation to cut and fill; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings and Chapter 3 Dual Occupancies be amended as follows:

The depth of cut or fill must not exceed 1m from existing ground level, except where the excavation is for a basement. Council will consider cut or fill greater than 1m only where:

- a. *alternative design solutions have been explored and presented to Council showing no feasible alternative solution is available, and*
- b. *there is unlikely to be disruption, or detrimental effects on existing drainage patterns, vegetation, sedimentation and soil stability in the locality, and*
- c. *the design is a sensitive solution to the constraints of the site that does not exacerbate amenity impacts on neighbouring dwellings.*

6. In relation to minimum site width; Chapter 4 Multi Dwelling Housing be amended as follows:

A minimum site width of 20m is required for multi dwelling development. Where a variation is proposed Council must be satisfied that:

- o *The development provides safe and efficient vehicle and pedestrian access and allows vehicles to leave the site in a forward direction, and*
- o *The development provides adequate vehicular parking, storage space and waste storage areas, and*
- o *The development achieves a high standard of resident amenity and would have no greater impact on adjoining development than would otherwise be the case, and*
- o *The development is compatible with the streetscape and the landscape setting of the locality.*

7. In relation to landscaped setback to basements; Chapter 4 Multi Dwelling Housing be amended as follows:

A 1m deep soil landscaped setback to neighbouring properties is to be provided along the driveways to basement car parks.

8. In relation to excavation; Chapter 4 Multi Dwelling Housing be amended to delete the following control:

Excavation for basements should not extend beyond the building footprint

9. In relation to 3m side setback control for basements; Chapter 4 Multi Dwelling Housing be amended to replace the existing control with the following:

x. Any basement that extends beyond the foot print of the building must be setback a minimum of 3 metres from side boundaries unless it can be designed to mitigate overlooking between adjoining properties and make provision for landscaping at the side boundaries

x. Basement walls and roofs and associated vehicular entries must not dominate the overall design of the building or streetscape and are to be integrated into the finished building design and landscaped treatment of the site.

10. In relation to private open space; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Each dwelling is to provide an area of Private Open Space at or near ground level that has a minimum area of 36m² (with a minimum dimension of 6m), of which 9m² must be paved.

11. In relation to front setbacks; Chapter 1 Dwelling House, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Street Setback - 7.5m or the established street setback*

** The established street setback is the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected.*

x. A variation to the established street setback may be approved where:

- i. the setback proposed does not have adverse consequences for the landscape quality of the streetscape, and*
- ii. the proposed variation does not have adverse impacts on adjacent properties in terms of solar access, visual intrusion, view loss or privacy.*

12. In relation to front courtyards; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended to insert as follows:

Private open space may be located within the front setback. In such instances a combination of fencing and hedging is to provide privacy for residents while also ensuring that the site makes a positive contribution to the landscaped character of the street. High solid fencing is unacceptable. Residents seeking to rely on the front setback for private open space must accept a lower level of privacy until landscaping matures. Front fencing must be in accordance with the provisions specified in Chapter 33 Ancillary Development: Fences.

13. In relation to front courtyards Chapter 4 Multi Dwelling Housing be amended to delete the following:

For fences forming an enclosure to courtyards in the front setback - 3.0m from

street boundary.

14. In relation to side entries for dual occupancies; Chapter 3 Dual Occupancy be amended to insert the following:

x. Side entries to dwellings will only be permitted where no other suitable alternative exists. In these cases garages must not dominant the street and a side setback of 1.5m is required to make the entry point more visible and accessible..

15. In relation to second storey side setbacks; Chapter 1 Dwelling Houses and Chapter 3 Dual Occupancies be amended to increase second storey side setback from 0.9m to 1.5m in zones R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre and SP3 Tourist Zones.
16. In relation to second storey wall; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended as follows:

Where a second storey wall adjacent to a side boundary exceeds 15m in continuous length, the side setback shall be increased by a further 500mm minimum for that part of the wall. Where the scale of the side elevation results in significant overshadowing and/or visual intrusion due to building bulk to an adjoining dwelling, an increased building setback is to be employed.

17. In relation to side setbacks; Chapter 4 Multi Dwelling Housing in the R2 Low Density Residential zone be amended as follows:

The side setback may be reduced to 1.5m in the rear 40% of the site if the development is constructed to a maximum single storey height in this rear 40% of the site .

18. In relation to side setbacks; Chapter 4 Multi Dwelling Housing in the R2 Low Density Residential zone be amended to insert the following:

Second storey - 4.0m for rear 40% of site

19. In relation to corner lot dual occupancy setbacks; Chapter 3 Dual Occupancy be amended as follows:

8. *In the case of a corner dual occupancy, one boundary must be nominated as the rear boundary of the property and comply with the minimum required setbacks identified in clause 2. This is to be depicted in the images inserted in the text.*

9. *Despite any other clause, for dual occupancy development on corner allotments, a variation to the rear setback may be considered by Council, but only where it can be demonstrated that a variation would achieve a better outcome than would strict compliance with the standard setback controls because of site constraints, implications stemming from the existing allotment pattern, building design, retention of existing significant vegetation, solar access or positioning of useable open*

~~space. compliance with the mandatory setback distance cannot be reasonably achieved due to site constraints and/or where lot pattern, building design, solar access and/or positioning of required useable open space presents better use of areas elsewhere on the nominated site. Any variation should achieve a better outcome than would strict compliance with the standard~~

20. In relation to corner lot multi dwelling housing; Chapter 4 Multi Dwelling Housing be amended to insert the following:

x. Despite any other clause, for multi dwelling housing on corner allotments, a variation to the rear setback may be considered by Council, but only where it can be demonstrated that a variation would achieve a better outcome than would strict compliance with the standard setback controls because of site constraints, implications stemming from the existing allotment pattern, building design, retention of existing significant vegetation, solar access or positioning of useable open space.

21. In relation to rear setbacks for secondary dwellings; Chapter 2 Secondary Dwellings be amended to insert the following:

x. Where a proposed secondary dwelling exceeds a height of 5.4m, a rear setback of 6m is required.

22. In relation to depth of two storey development; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings and Chapter 3 Dual Occupancies be amended to insert the following:

x. Two or three storey development is only permitted on the front of an allotment and may extend to a maximum of 60% of the depth of the site measured from the property boundary.

xx. Despite x, where the topography, orientation or context of the site would allow for a better outcome to be achieved through accommodating two storey developments in the rear portion of the allotment, a variation may be considered if this solution will not result in a significant loss in the privacy or amenity of adjoining properties.

23. In relation to the articulation zones; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended as follows:

Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one third of the area of the façade, forming an articulation zone.

Built form encroachments into the articulation zone can include open structure elements such as balconies and hoods, as well as elements which contribute to floor space ratio such as bay windows and room projections.

Built form encroachments into the articulation zone must not include:

- *Garages, or*
- *Lift shafts*

Built form encroachments into the articulation zone must improve the design quality of the development with good façade articulation.

24. In relation to landscaping; Chapter 1 Dwelling Houses in zones R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP3 Tourist and B1 Neighbourhood Centre be amended to insert the following objective:

x. Retain and enhance existing mature trees.

25. In relation to landscaping; replace the word endemic with indigenous wherever occurring throughout all DCP chapters.
26. In relation to landscaping; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended to increase minimum mature height of trees from 4m to 5m.

x. A minimum of 4 trees are to be provided on all lots, including internal lots where access is by right of carriageway. A minimum of 2 indigenous canopy trees that will attain a minimum mature height of ~~4m~~ 5m must be planted within 3m of the front boundary and a minimum of 2 indigenous canopy trees that will attain a minimum mature height of ~~4m~~ 5m must be planted within 2m of the rear boundary or within the foreshore area (whichever is applicable). All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website

27. In relation to landscaping; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended as follows:

x. Street trees are only required on the side of the road where there are no continuous overhead power lines. A minimum number of one indigenous canopy tree that will attain a minimum mature height of 6m, must be planted at ~~15m intervals~~ maximum spacing of 10m, at a minimum distance of 1 metre from the kerb and/or footpath, ~~and/or masonry fence or retaining wall.~~

28. In relation to landscaping; Chapter 1 Dwelling Houses in zone SP3 Tourist be amended as follows:

A minimum of 4 trees are to be provided on all lots, including internal lots where access is by right of carriageway. A minimum of 2 indigenous canopy trees that will attain a minimum mature height of 4m must be planted within 3m of the front boundary (~~measured from the front building line~~) and a minimum of 2 indigenous canopy trees that will attain a minimum mature height of 4m must be planted within 2m of the rear boundary. All indigenous tree species must be selected from Council's Native Plant Selector available

on Council's website.

29. In relation to landscaping; Chapter 4 Multi Dwellings and Chapter 5 R4 Residential Flat Buildings be amended to insert the following clause, for Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street be amended as follows:

Appropriate paving must be provided to driveways, walkways, entries, fire egress points, garbage bin enclosures, letter boxes, clothes lines and under pergolas.

30. In relation to landscaping; Chapter 4 Multi Dwelling Housing in zones R3 Medium Density Residential and R4 High Density Residential be amended to retain delete the following clause:

For developments of 20 or more dwellings a minimum of 100m² of communal open space is required. This space must have a minimum dimension of 10m, have shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space should be designed to optimise privacy for occupants and adjoining residents.

31. In relation to solar access; Chapter 1 Dwelling Houses, Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling housing be amended as follows:

For the proposed dwelling:

- a. *orientate the area of private open space to take advantage of the northern solar access,*
- b. *ensure 10m² of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June),*
- c. *overshadowing by vegetation should be ignored,*
- d. *overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*

For the neighbouring dwellings:

- a. *ensure 10m² of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).*
- b. *ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).*
- c. *consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.*
- d. *overshadowing by vegetation should be ignored,*
- e. *overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*

32. In relation to solar access; Chapter 2 Secondary Dwellings be amended as follows:

For the neighbouring dwellings:

- a. *ensure 10m² of private open space has 3 hours of solar access*

- ~~b. ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).~~
- ~~c. consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.~~
- ~~d. overshadowing by vegetation should be ignored,~~
- ~~e. overshadowing by fences, roof overhangs and changes in level should be taken into consideration.~~

x. For at least 75% of dwellings residential units in a development, living rooms and private open spaces should receive a minimum of 4 hours direct sunlight between 9am and 3pm in midwinter.

xi. For the proposed [insert type of development] development:

- a. Orientate the area of private open space to take advantage of the northern solar access.
- b. Ensure 10m² of private open space has 4 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).
- c. Overshadowing by vegetation should be ignored,
- d. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration.

xii. For the neighbouring dwellings:

- a. Ensure 10m² of private open space has 4 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).
- b. Ensure windows of living areas have 4 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June).
- c. Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.
- d. Overshadowing by vegetation should be ignored,
- e. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration.

33. In relation to external service areas for dual occupancy; Chapter 3 Dual Occupancies be amended as follows:

Each dwelling is to provide an external service area set aside for accommodating garbage bins, air conditioning units etc.

34. In relation to the roads and rail noise buffer map; the Road and Rail Noise Buffer Map be updated to reflect the updated traffic volumes on the 'Traffic Volume Maps for Noise Assessment to Building on Land Adjacent to Busy Roads' as prepared by the RTA (dated Monday November 24, 2008) and amend to correct the legend.

35. In relation to dual occupancy garage and driveway access; Chapter 3 Dual Occupancy be amended as follows:

*Dual occupancies proposed on corner lots must ensure that driveways are approached from separate streets **where appropriate**.*

36. In relation to vehicle crossing and driveway widths; Chapter 4 Multi Dwelling Housing be amended to insert the following:

The minimum vehicular crossing and driveway for a combined vehicular crossing (entry/exit) is 5.5m and 4m for a separate vehicular crossing with a minimum spacing between driveways of 3m.

37. In relation to vehicle crossing and driveway widths; Chapter 3 Dual Occupancies and Chapter 4 Multi Dwelling Housing be amended to insert the following:

Only one single driveway access per frontage is to be provided to dual occupancy development. Where a variation is proposed Council must be satisfied that:

- *each access driveway provides safe access, and*
- *the availability of on street car parking is not diminished, particularly where on street car parking demand is high, and*
- *access facilitates retention of existing street trees, rock outcrops or natural features where they occur, and*
- *site design facilitates greater resident amenity and solar access, and*
- *development is consistent with the spatial and landscape qualities of the streetscape - in this regard wider lots are appropriate, and*
- *car parking and garages do not dominate the streetscape*

38. In relation to tandem spaces for dual occupancies; Chapter 3 Dual Occupancies be amended as follows:

A minimum of one parking space per dual occupancy dwelling house is required. Up to 2 parking spaces per dual occupancy dwellings may be permitted provided such spaces do not excessively add to the overall bulk and scale of the development and diminish the streetscape quality. These spaces shall be behind the building line.

39. In relation to garage sizes; Chapter 1 Dwelling Houses be amended to insert the following:

Each garage and storage area is to be a maximum of 40m².

40. In relation to garage sizes; Chapter 3 Dual Occupancies be amended as follows:

Each garage and storage area is to be a maximum of 25 20m² (e.g., 7m x 3.5m).

41. In relation to parking requirements; Chapter 1 Dwelling houses be amended as follows:

~~A minimum of~~ Two parking spaces per dwelling house ~~is are~~ required. These

spaces shall be behind the building line.

B. With respect to the issues addressed in Chapter 2: Residential Flat Buildings

1. In relation to site width for residential flat development, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, and Chapter 31 SP3 Tourist-Prince Street, as follows

Lots must be of sufficient width to accommodate development. A site of minimum frontage width of 26m is appropriate for residential flat development. Where development of a narrower site is proposed the development must:

- a. *provide safe and efficient access and servicing facilities- particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste;*
- b. *provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation and the provision of outlooks to landscaped setbacks;*
- c. *respond to the local context, including providing adequate separation from existing and future adjoining development.*

Development sites with site frontage width less than 26m may not allow for the full FSR to be realised.

2. In relation to site width for residential flat development, add a clause to Chapter 7 R4 Pinnacle Street Precinct and Chapter 8 Caringbah Medical Precinct as follows:

If an application proposes a development that does not comply with the amalgamation plan, a minimum street frontage of 26 metres should be achieved. Where development of a narrower site is proposed the development must:

- a. *provide safe and efficient access and servicing facilities- particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste. ;*
- b. *provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation and the provision of outlooks to landscaped setbacks;*
- c. *respond to the local context, including providing adequate separation from existing and future adjoining development.*

Development sites with site frontage width less than 26m may not allow for the full FSR to be realised.

3. In relation to entries for ground floor residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Development must be designed and sited so that it addresses the street and

must have a clearly identifiable entry. Where possible, ground floor units facing the street should have street access.

4. In relation to the use of the term “podium”, in all chapters remove references to “podiums”, and replace with reference to “basement roofs and walls” or “basement construction”.
5. In relation to the finished roof levels of basements, amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street with the addition of clause as follows:

The finished roof levels of basements are to be located at or near ground level.

6. In relation to a landscaped setback to basement driveways, amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street with the addition of clause as follows:

A 1m landscaped setback to neighbouring properties is to be provided along the driveways to basement car parks

7. In relation to basements which protrude above ground level, amend Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy, Chapter 4 Multi Dwellings, Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapters 11-34 which apply to centres and industrial zones, with the addition of note as follows:

***Note:** If a basement construction protrudes more than 1m above ground level, it is no longer considered a basement so its floor space is counted as part of gross floor area.*

8. In relation to the clause referring to “human scale” amend Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapters 11- 23 which relate to centres, by deleting the clause requiring “human scale”
9. In relation to the under grounding of power lines, amend clause in Chapter 5 R4 Residential Flat Buildings, and Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 30 which relate to centres, business and industrial zones, as follows:

*For developments with a capital investment value greater than \$20 million and/or with a street frontage greater than 26m, frontage works **must include the replacement of existing low voltage overhead utilities with subsurface utilities and the provision of new street lighting to meet the requirements of the SSC Public Domain Design Manual.***

10. In relation to the under grounding of power lines, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 30 which relate to centres, business and industrial zones, as follows:

For developments beneath the threshold noted above, frontage works must include the ~~bundling of power lines and street lighting~~ provision of insulated

aerial bundled cables (ABC) and the provision of street lighting to meet the requirements of the SSC Public Domain Design Manual.

11. In relation to building height and lift overruns, amend clauses in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, and Chapters 11- 23 which relate to centres, as follows:

Lift overruns and service plants must be concealed within well designed roof structures architectural elements which are an integral part of the building design.

12. In relation to building height where access to common open space on rooftops is provided, a specific delegation be granted to the General Manager to permit a variation to SSLEP2015 4.3 *Building Height* Clause (2), provided Clause 4.6 *Exceptions to Development Standards* is satisfied.
13. In relation to the articulation zone for residential flat buildings, add objective to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Encourage design with good façade articulation

14. In relation to the articulation zone for residential flat buildings, amend clauses in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one third of the area of the façade, forming an articulation zone. Built form encroachments into the articulation zone can include open structure elements such as balconies and hoods, as well as elements which contribute to floor space ratio such as bay window and room projections.

Built form encroachments into the articulation zone must not include:

- *Garages, or*
- *Lift shafts*

Built form encroachments into the articulation zone must improve the design quality of the development with good façade articulation

15. In relation to the articulation zone for residential flat buildings, add diagram as shown in the DCP Submissions Report illustrating an example of the articulation zone where one third of the façade intrudes into the front setback.
16. In relation to front courtyard setbacks of residential flat buildings, amend clauses in

Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Where private courtyards are located in the front setback, the outdoor living space must be set back a minimum of 3m from the front boundary to allow a landscape strip at the street frontage, which should be planted with trees and landscaping that complement the scale of the development. Where the front setback is to be used as private open space for a ground floor unit, it should include both paving and planting.

17. In relation to minimum side and rear setbacks for residential flat buildings, amend the side and rear setback table by removing references to storeys, adding an asterisk to the table for buildings up to 25m and a corresponding note below the table as follows: Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 which relate to centres

For buildings up to 25m, the ADG allows 9m building separation between non-habitable rooms. Where a new development is adjacent to an existing residential flat building with non-habitable rooms facing the side boundary, the side setback of a new development could be reduced as specified in the ADG.

18. In relation to allowing variations on side setbacks for residential flat buildings, add a clause to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 which relate to centres, as follows:

Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that:

1. *provides adequate resident amenity- including privacy, solar access, ventilation, and landscaped setbacks where appropriate*
 2. *responds to the local context and streetscape, providing adequate separation from existing and future adjoining development*
 3. *does not prevent a neighbouring site from achieving its full development potential and optimal orientation*
 4. *has architectural merit*
19. In relation to basement construction which extends beyond the building footprint, add clause to use for the assessment of non-compliance with the required 3m setback in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, as follows:

Variations to basement construction side boundary setback control may be

acceptable if:

- a. *The basement construction does not protrude from the natural ground level, so potential overlooking of the neighbouring property is not increased by the development.*
- b. *Opportunities for the planting of trees are provided in the setback area.*

20. In relation to trees in setbacks amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

The landscape design must include indigenous canopy trees that will achieve a minimum 8 metres height at maturity within setback areas. Where setbacks allow, the trees must be planted more than 3 metres from adjoining structures.

21. In relation to trees in setbacks amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

The landscape design should achieve opportunities for deep soil landscape planting between buildings that provide a deep soil separation of more than 3m between trees and structures. Planting beds should be a minimum of 900mm wide to support shrubs and small trees.

22. In relation to street tree planting under wires, add clause to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, Chapters 11- 30 which relate to centres, business and industrial zones and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

Where there are powerlines which are not being undergrounded, street tree planting will only be required if they can be located 2m away from the edge of the wires.

23. In relation to communal open space for residential flat buildings, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.

24. In relation to landscaping over basements, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4

Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapter 4 Multi Dwellings as follows:

Planting is required on that part of a basement which extends beyond the building footprint. Planting in this area is to have sufficient soil depth to support the species selected and should constitute a minimum of 30% of the area of the exposed basement. This planting is intended:

- a. *to offset the potential for excessive paved areas;*
- b. *to provide residents with attractive outlooks from dwellings;*
- c. *to assist in the creation of privacy between dwellings, and between dwellings and common areas.*

Note: The shallow planting required on top of basement structures described in clause 4.2.11 is shallow soil landscaping. This is in addition to the required deep soil landscaping for 30% of the site.

25. In relation to landscaping on structures, amend clause in landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings, Chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4), as follows:

Where planting is proposed on ~~podiums~~, that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain a minimum soil depth of:

- *450mm for grass and ground covers*
- *600mm for shrubs*
- *900mm for small trees*
- *1200mm for large trees*

Species selection must be suited to the future microclimate. Landscaping on ~~podium levels~~ basement roofs and planter boxes must be accessible for maintenance access.

26. In relation to landscaping on structures add clause to landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings and Chapters 11-23 relating to centres, as follows:

Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm .

27. In relation to paving in open space, amend or add clause in landscaping section of Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 4 Multi Dwellings, chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

*Appropriate paving must be provided to driveways, walkways, entries, **fire egress points**, garbage bin enclosures, letter boxes, clothes lines **and under pergolas***

28. In relation to rainwater tank and irrigation system, amend clause in landscaping section in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street and Chapter 4 Multi Dwellings as follows:

~~*Adequate rainwater storage and a water efficient irrigation system are to be installed in all landscaped areas which comply with the Australian Standard.*~~
A communal rainwater tank and pump should be located underground in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space at ground level must be provided with a tap connected to the rainwater tank.

29. In relation to rainwater tank and irrigation system, add clause to landscaping section in chapters 11-23 relating to centres and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) as follows:

A communal rainwater tank and pump should be located in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space at ground level must be provided with a tap connected to the rainwater tank.

30. In relation to tree selection, amend note on landscaping wherever it appears in the DCP.

Note:

All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the specific address of the site locality. ~~Plants selected are Australian natives only.~~ The tool is available online at http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector

*For additional guidance on landscape design and implementation refer to the Sutherland Shire Environmental Specifications - Landscape 1-5. **Applicants should also refer to the Greenweb map and controls in Chapter 38 Natural Resource Management.** For development application submission requirements refer to Council's DA Guide.*

31. In relation to a pervious surface treatment for driveways, add clause to the landscape section of Chapter 5 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 4 Multi Dwellings as follows:

Internal driveways within the drip zone of existing trees should have a pervious surface treatment.

32. In relation to ventilation, amend clause in Chapter 5 R4 Residential Flat Buildings, to Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street as follows:

Design all development so that all rooms benefit from good ventilation. ~~and living rooms benefit from cross ventilation.~~

33. In relation to the provision of balconies to residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4) to reproduce the balcony minimum areas as set out in the Apartment Design Guide.

34. In relation to storage in basements, delete the clause below where it appears in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct and Chapter 31 SP3 Tourist-Prince Street, Chapters 11-23 relating to centres, and Chapter 34 (Neighbourhood shops and shop top housing in R3 and R4)

A secure space per dwelling of 6m² (minimum dimension 1m²) set aside exclusively for storage as part of the basement or garage should be provided. Storage areas must be adequately lit and secure.

35. In relation to daylight access for bathrooms, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street as follows:

To ensure that daylight access is provided to all habitable rooms ~~and bathrooms~~

36. In relation to daylight access to residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapters 11-23 relating to centres, and Chapter 34 Other Uses (Neighbourhood shops and shop top housing in R3 and R4) as follows:

Living rooms and private open spaces for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between

9am and 3pm in midwinter.

37. In relation to neighbour's solar access, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 34 Other Uses (Shop top housing), Chapter 31 SP3 Tourist-Prince Street and Chapters 11-23 relating to centres, as follows:

For neighbouring dwellings:

- a. *Direct sunlight to north facing windows of habitable rooms and 10m² of useable private open space areas of adjacent dwellings should not be reduced to less than 2 hours between 9.00am and 3.00pm on 21 June.*
 - b. *Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.*
 - c. *overshadowing by vegetation should be ignored,*
 - d. *overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*
38. In relation to neighbour's solar access, add assessment principle to Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 31 SP3 Tourist-Prince Street as follows:

Assessment Principle

1. *The numerical guidelines for overshadowing will be applied with the NSW Land and Environment Court Planning Principle for sunlight (NSW LEC 1082) in mind where relevant:*
 - (i) *The ease with which sunlight access can be protected is inversely proportional to the density of development. At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*
 - (ii) *The amount of sunlight lost should be taken into account as well as the amount of sunlight retained.*
 - (iii) *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines.*
 - (iv) *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

39. In relation to privacy in the case of residential flat buildings adjacent to school yards, amend Section on Visual and Acoustic Privacy in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapters 11- 23 which relate to centres, and Chapter 34 Other Uses (Neighbourhood shops and shop top housing in R3 and R4) by amending or adding an objective and control as follows.

Minimise direct overlooking of windows and private open space so that the amenity of adjoining school yards, neighbours and intended occupants is respected.

New Control: Minimise the potential for overlooking of adjacent school yards through the careful orientation of balconies and windows, coupled with screening devices.

40. In relation to balcony balustrades for residential flats, amend clause in Chapter 5 R4 Residential Flat Buildings, Chapter 6 R4 Caringbah North Precinct, Chapter 7 R4 Miranda Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, and Chapter 31 SP3 Tourist-Prince Street, Chapter 11-23 relating to centres and Chapter 34 Other uses (Neighbourhood shops and shop top housing in R3 and R4), as follows:

Balcony balustrades should respond to the location, being designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.

C. With respect to the issues addressed in Chapter 4: Miranda Pinnacle Street Precinct

1. In relation to Chapter 7 Miranda Pinnacle Street Precinct, amend the Amalgamation Plan to match the Building Envelope Plan, so that Amalgamated Site 10 includes 4, 6, 8, 10 and 12 University Road and Amalgamated Site 13 does not include 12 University Road, but does include 14, 16, 18, 20 and 22 University Road.
2. In relation to Chapter 7 Miranda Pinnacle Street Precinct, Chapter 8 Caringbah Medical Precinct, Chapter 15 B2 Local Centre Jannali, Chapter 17 B3 Commercial Core Caringbah, Chapter 18 B3 Commercial Core Cronulla, Chapter 19 B3 Commercial Core Engadine, Chapter 21 B3 Commercial Core Miranda and Chapter 23 B3 Commercial core Sutherland Amalgamation Requirements be amended as follows:

Development must be carried out in an orderly manner.

If an application proposes a residential flat redevelopment that does not comply with the amalgamation plan, the applicant must demonstrate that development of an alternative amalgamation pattern can be achieved where all sites can achieve their full development potential (FSR 2:1).

A schematic design must show that development of land under an alternative amalgamation pattern complies with SEPP 65 and the Apartment Design Guide standards and allows for building forms of varied height across the precinct, as shown in the Building Envelope Plan.

The assessment of any proposal to vary the amalgamation pattern will include

consideration of the impact of the proposed development on the future development capacity of lots left isolated.

Note: *Applications seeking to vary the amalgamation plan must include copies of correspondence between the proponent and the owners of any sites not incorporated in the designated amalgamation pattern or the owner of any site that would be isolated by the proposed development. The correspondence must clearly indicate that a fair financial offer has been made to that owner for incorporation into the development proposal (based on 3 valuation reports provided with the submission) and any response to these offers. Applicants must make this correspondence available to all landowners in the original amalgamation plan. The information will also be publicly available at Council.*

A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on 3 independent valuation reports and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Where it has been shown that reasonable efforts have been undertaken to facilitate amalgamation of the isolated properties, and where no resolution can be reached between the parties, applicants must include with their development application a plan of adjoining lots excluded from the amalgamation which shows a schematic design of how the site/s may be developed. In such instances isolated lots are not expected to achieve the full FSR permissible in the zone."

3. In relation to the public domain plan; amend the Miranda Pinnacle Precinct Public Domain Plan Draft the plan to match the detail public domain section shown in Chapter 7 Miranda Pinnacle Precinct.
4. In relation to the under grounding of power lines in the Miranda Pinnacle Precinct, amend the clause wording as follows:

Development of residential flat buildings in the Miranda Pinnacle Street Precinct must include the replacement of existing low voltage overhead utilities with subsurface utilities and the provision of street lighting to meet the requirements of the SSC Public Domain Design Manual.

5. In relation to the deep soil landscape trenches, delete Clause 11.2.4 and replace with note as follows.

Note: *Deep soil landscaping can include deep soil trenches with minimum area of 6m x 4m which are extensions of the side or rear setbacks, and allow opportunities for large trees to be planted in the courtyard areas of developments. These are illustrated in the Miranda Pinnacle Precinct Deep Soil Landscape and Setback Plan below. Underground car park design would*

need to accommodate these areas.

D. With respect to the issues addressed in Chapter 5: Caringbah Medical Precinct

1. In relation to the proposed pedestrian path; Chapter 8 Caringbah Medical Precinct be amended to remove requirement for through- block pedestrian path to the Sutherland Hospital in the Caringbah Medical Precinct Plan and text.
2. In relation to floor space mix; Chapter 8 Caringbah Medical Precinct be amended Clause 7.2.2 as follows:

The preferred location of the Health Services Facilities in a mixed use development is on the first floor (ground level) and the second floor of the building, in order to activate the street and to optimise solar access for the residential parts of the development.

3. In relation to health facilities entrances; Chapter 8 Caringbah Medical Precinct amend Clause 9.2.3 as follows:

Where a development ~~site~~ with Health Services Facilities has a frontage to the Kingsway the development should have an active street front.

4. In relation to parking; Chapter 8 Caringbah Medical Precinct be amended to set parking requirements for ~~medical centres at 1 space per 30 sq m GFA.~~

Health Services Facility and Medical Centre be amended to read 1 space per 35m² GFA.

E. With respect to the issues addressed in Chapter 6: Waterways

1. In relation to surface area; Chapter 10 Recreational Waterways be amended to include the following note to Clause 1.4.3:

Note: As a traditional mooring pen, comprising an arrangement of freestanding piles does not have a built surface area, the area occupied by such a mooring pen is not included in the maximum surface area calculation.

2. In relation to boatsheds; Chapter 10 Recreational Waterways be amended to add the following clause to 1.2 Controls for Boatsheds:

Where a proposed boatshed will straddle the MHWL, the boatshed must be setback a minimum of 2.5m from the side boundary and the prolongation of the common lot boundary

3. In relation to floor levels; Chapter 9 W1 Natural Waterways and Chapter 10 W2 Recreational Waterways be amended as follows:

The maximum floor level of the boatshed must be 1.44m AHD

4. In relation to landscaping in the foreshore area; Chapter 9 W1 Natural Waterways and Chapter 10 W2 Recreational Waterways be amended as follows:

1.8.1 *Landscaping works including retaining walls, stairs, paths and*

driveways are not permitted below the deemed MHWM.

1.8.2 Natural features within the foreshore ~~such as rock ledges and outcrops are to~~ **must** be retained and the removal of natural rock, trees and vegetation to enable the construction of ~~landscaping terraces~~ will not be supported.

1.8.3 Natural ground levels are to be retained with minimal use of retaining walls. Where retaining walls are constructed ~~the maximum wall height is 1m~~ and materials, ~~methods~~ and colours that blend ~~into~~ with the character and ~~natural~~ landscape of the area shall be used, ~~such as dry sandstone walls or gabions filled with sandstone~~

1.8.4 ~~Endemic native~~ Indigenous plant species ~~should~~ **must** be used in areas where native vegetation is present or has the potential to be regenerated

1.8.5 Exotic species that have the potential to spread into surrounding bushland ~~should be avoided~~ **are not permitted**.

1.8.6 Existing mature trees should be retained where possible and incorporated into the design of ~~the~~ new developments

1.8.7 A minimum of 2 indigenous canopy trees that will obtain a mature height of 5m ~~must be planted within the foreshore area~~.

1.8.8 Landscaping should be undertaken in line with council's Greenweb map which is a tool to manage natural resources by identifying key areas of habitat and strengthening linkages between these areas.

Note: All indigenous tree species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the specific address of the site locality. ~~Plants selected are indigenous-species only.~~ The tool is available online at http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector

For additional guidance on landscape design and implementation refer to the Sutherland Shire Environmental Specifications - Landscape 1-5. Applicants should also refer to the Greenweb map and controls in Chapter 38 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.

5. In relation to water recreation structures, DCP Chapters 9 W1 Natural Waterways and 10 W2 Recreational Waterways, be amended as follows:

- x. A fixed jetty is not to exceed a length of ~~9m~~ 20m from deemed mean high water mark including any reclamations.
- x. A suspended ramp and pontoon extension to a jetty may be permitted provided that the total length of the ramp, pontoon and jetty does not exceed ~~15m~~ 20m from deemed mean high water mark.

x. Regardless of the previous 2 subclauses, the length of the structure is to be confined to the minimum needed to reach useable water which is taken to be 600mm depth at 00 low tide (-1.53m AHD).

F. With respect to the issues addressed in Chapter 7: B1 Neighbourhood Centres

1. In relation to Bundeena; a Locality Strategy for Bundeena be prepared and included as a future DCP amendment.
2. In relation to street tree planting, amend clauses in Chapter 11- B1 Neighbourhood Centres, and Chapter 34 (Neighbourhood Shops and Shop Top Housing in R3 and R4) as shown below:

Clause 1.2.13 (now Clause 1.2.12) *“Development should contribute to a comfortable pedestrian environment with improvement to signage, lighting, planting, awning cover and seating, where appropriate.” ~~A minimum number of one indigenous canopy tree that will attain a minimum mature height of 6m, must be planted at 15m intervals at a minimum distance of 1 metre from the kerb and/or footpath.~~*

3. In relation to street tree planting, add Section 2 in Chapter 11- B1 Neighbourhood Centres, add Section 2. *Landscape Design* with objectives and controls consistent with Chapters 12-16 for B2 Local Centre and Clause 2.2.1 shown below:

Existing street trees in good health are to be retained and protected. Additional street trees must be planted at 10m intervals within the street reservation. Street trees must be selected from the Native Plant Selector available on Council's website. The species selected must be capable of attaining a height of at least 6m at maturity, unless they are located under wires. Planting is to be undertaken in accordance with Council's Public Domain Manual.

4. In relation to cross ventilation, amend clause in Chapter 11- B1 Neighbourhood Centres, Chapters 12-16 relating to centres and Chapter 34 Other Uses (Neighbourhood Shops and Shop top housing in R3 and R4)

*Incorporate passive solar building design including **cross ventilation**, the optimisation of sunlight access and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.*

5. In relation to solar collectors; Chapter 11 B1 Neighbourhood Centres Clause 4.2.2 be amended as follows:

*Wherever possible, provide for the potential use of solar energy collectors **for example** by incorporating pitched roofs facing north.*

G. With respect to the issues addressed in Chapter 8: B2 Local Centres

1. In relation to site width; Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee, Chapter 17 Caringbah, Chapter 18 Cronulla, Chapter 19 Engadine, Chapter 20 Menai, Chapter 21 Miranda, Chapter 22 Southgate and Chapter 23 be amended as follows:

Lots must be of sufficient width to accommodate development. A site of

*minimum width of 20m is appropriate for **larger** scale centre development. Where development of a narrower site is proposed the development must:*

- a. *provide required parking on the site, usually in an underground car park, that allows for vehicles to leave in a forward direction*
- b. *provide appropriate access and servicing facilities, loading, storage and waste management areas;*
- c. *respond to the local context.*

Development sites with site frontage width less than 20m may not allow for the full FSR to be realised.

2. In relation to accessibility; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 B2 Local Centre B4 Mixed Use Kirrawee, Chapter 20 Menai, Chapter 24 B5 Business Development, Chapter 25 B6 Enterprise Corridor, Chapter 26 B7 Business Park, Chapter 27 IN1 General Industrial, Chapter 28 IN2 Light Industrial, Chapter 29 IN3 Heavy Industrial and Chapter 34 Other Uses be amended to delete the following:

~~*To ensure development complies with the requirements of the Disability Discrimination Act 1992.*~~

~~*Development must comply with Australian Standards for accessibility.*~~

3. In relation to landscape design; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 B2 Local Centre B4 Mixed Use Kirrawee be amended to insert a landscape section including a landscape strategy in Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee and add the following for Chapters 12-16:

Indigenous trees are to be planted to shade and visually enhance surface car parking areas and screen any blank elevations or service areas.

Indigenous trees should be planted to minimise building bulk and improve the transition between the centre and residential/adjacent uses.

Landscaping should be used to enhance the extent of any remnant trees and the indigenous canopies in the locality.

4. In relation to street setbacks; Chapter 13 Gynea, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

The first two storeys of new development must have a nil setback to the street, with a wall height of approximately 8m to an active street frontage. If single storey development is proposed, parapets are to be employed to reinforce the established scale of the streetscape.

Where existing buildings are setback behind the street boundary and the space adds to the quality of the streetscape, development shall maintain the streetscape.

For development of more than two storeys, the upper storeys should be setback at least 4m and solar access to the public domain in mid-winter is to

be maintained.

5. In relation to solar access; Chapter 16 Kirrawee be amended to move control from 4.2 and be incorporated into the Jannali Centre Strategy as follows:

Future development should encourage active uses at ground level and provide continuity in the streetscape. Any redevelopment of the centre should maintain winter solar access to footpath on the southern side of Box Rd, to protect the amenity of centres for pedestrians and to make ground floor shops and cafes more appealing.

6. In relation to side and rear setbacks; Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to include the following note:

Note: Side setbacks are taken to include secondary and tertiary street frontages where a site adjoins or is across the road from a residential site

7. In relation to loading docks; Chapter 11 B1 Neighbourhood Centres, Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 Kirrawee, Chapter 17 Caringbah, Chapter 18 Cronulla, Chapter 19 Engadine, Chapter 20 Menai, Chapter 21 Miranda, Chapter 22 Southgate, Chapter 23 Sutherland and Chapter 34 Other Uses (Neighbourhood Shops) be amended as follows:

*All loading, unloading and manoeuvring of vehicles shall take place within the curtilage of the site, and vehicles are to enter and exit the site **from a rear laneway wherever possible**, and in a forward direction at all times.*

Where other arrangements for loading and unloading of vehicles are proposed, they will be assessed on merit and may be accepted where:

- a. *There is a low intensity of commercial use;*
 - b. *The proposed arrangement maintains a safe and convenient pedestrian and traffic environment.*
8. In relation to SEPP65 and Apartment Design Guide; Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

*Residential flat buildings and shop top housing should achieve the design quality principles of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and the **Apartment Design Guide**. This includes buildings that are two storeys or less, and/or contain less than four dwellings.*
 9. In relation to side and rear setbacks; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to delete references to storeys and insert a note as follows:

Notes:

Highlight windows have a sill height of at least 1.6m above the respective floor level.

Side and rear setbacks are measured perpendicular from the side or rear boundary to the closest extent of the building, including balconies, awnings, sunscreens and the like (excluding eaves).

**For buildings up to 25m, the ADG allows 9m building separation between non-habitable rooms.*

Where a new development is adjacent to an existing building with non-habitable rooms facing the side boundary, the side setback of a new development could be reduced as specified in the ADG.

10. In relation to side and rear setbacks; Chapter 11 Neighbourhood Centre, Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended to insert an assessment criteria for variations as follows:

Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that:

1. *provides adequate resident amenity- including privacy, solar access, and ventilation*
2. *responds to the local context and streetscape, providing adequate separation from existing and future adjoining development*
3. *does not prevent a neighbouring site from achieving its full development potential and optimal orientation*
4. *has architectural merit*

11. In relation to direct sunlight access; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Living rooms and private open spaces for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in midwinter.

12. In relation to private open space; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Each dwelling must be provided with a primary balcony/patio with direct access from the living area, with sizes as follows:

Studio apartment – Minimum area: 4 m² and no minimum depth

1 bedroom apartments – Minimum area 8 m² and minimum depth 2m

2 bedroom apartments – Minimum area 10 m² and minimum depth 2m

3+ bedroom apartments – Minimum area 12 m² and minimum depth 2.4m

Apartment at ground level or podium – Minimum area 15 m² and minimum depth 3m

13. In relation to storage; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Secure space must be provided for each dwelling in accordance with the following table:

Dwelling type - Storage size volume

Studio – 4 m³

1 bedroom apartments - 6 m³

2 bedroom apartments - 8 m³

3+ bedroom apartments - 10 m³

At least 50% of the required storage is to be located within the dwelling and accessible from circulation or living spaces

14. In relation to communal open space; Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 Gynea, Chapter 14 Heathcote, Chapter 15 Jannali and Chapter 16 Kirrawee be amended as follows:

Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.

15. In relation to active frontages; Chapter 13 Gynea be amended to extend the active frontage along the Kingsway to Chapman Street and indicate Chapman Street between the Kingsway and Chapman Lane as a 'semi-active frontage' on the Active Street Frontages Map.
16. In relation to amalgamation requirements; Chapter 15 B2 Local Centre Jannali be amended to delete Clause 8.2.3 and Clause 8.2.4 as follows:

Unless identified on the amalgamation plan, development sites must be of sufficient width to accommodate development. A site of minimum width of 20m is appropriate for large scale centre development. This width will accommodate a development that:

- a. *provides for required parking on the site, usually in an underground car*

park, that allows for vehicles to leave in a forward direction

- b. provides appropriate access and servicing facilities,, loading, storage and waste management areas
- c. responds to the local context

A smaller or narrower site width may not allow for the full FSR to be realised.

17. In relation to streetscape and built form; Chapter 16 Kirrawee be amended to delete Clause 4.1.10 as follows:

To improve the visual amenity of the public domain.

18. In relation to Veno Street; Chapter 14 Heathcote be amended to reduce the street setback to 6m for the properties along Veno Street and the B2 Local Centre zoned land on Rosebery Street, Heathcote in the Heathcote Centre Strategy Map.

19. In relation to street setbacks; Chapter 14 Heathcote be amended to insert the following:

- x. *The following matters will be considered in allowing a reduced street setback:*
 - a. *whether the proposed variation would have adverse impacts on adjacent properties in terms of solar access visual intrusion, view loss or privacy, and*
 - b. *whether the bulk and scale of the proposed development as a result of the variation, in particular that part of the development adjacent to the street frontage, would adversely affect the existing character of the streetscape, and*
 - c. *whether the proposed variation would adversely affect the spatial and landscape qualities of the streetscape, and*
 - d. *the ability of the development to enhance the tree canopy and support the endangered ecological community of Sydney Turpentine Ironbark Forest, and*
 - e. *whether the architecture and landscaping solution will provide adequate privacy and outlook to ground floor units despite the reduced setback, and the contribution the development makes to the landscaped setting of the street, and*
 - f. *whether the design achieves an acceptable transition in scale and form to adjoining development.*

20. In relation to Heathcote; Chapter 14 Heathcote be amended to show the endangered ecological community of Sydney Turpentine Ironbark Forest on the Heathcote Strategy Map.

H. **With respect to the issues addressed in Chapter 9: B3 Commercial Core – General**

1. In relation to setbacks to edge of centres; Chapter 11 Neighbourhood Centre,

Chapter 12 Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 GyMEA, Chapter 14 Heathcote, Chapter 15 Jannali, Chapter 16 Kirrawee, Chapter 17 - B3 Commercial Core Caringbah, Chapter 18 - B3 Commercial Core Cronulla, Chapter 19 - B3 Commercial Core Engadine, Chapter 20 – B3 Commercial Core Menai, Chapter 21 – B3 Commercial Core Miranda, Chapter 22 – B3 Commercial Core Southgate, Chapter 23 – B3 Commercial Core Sutherland be amended as follows:

However, where new development adjoins or is across the road from a residential zone, ~~open space or school or in a peripheral location~~ where it is likely to remain as a standalone building ~~in its local context~~, side and rear setbacks will be assessed on merit, having regard to the impacts on residential amenity of both the neighbouring buildings and the future residents of the proposed building, and the ~~architectural quality of the design solution~~ ~~design quality of the building~~. A setback and or a reduction in the height and scale will be necessary to achieve acceptable transition in building forms where amenity would be unreasonably compromised by a nil setback and a blank façade. Applications will be assessed depending on the specific context of the site. The early presentation of a design to ARAP is recommended in such circumstances.

~~Development shall be designed to achieve an appropriate transition to the edge of centres, including public open space, community uses, schools and low density residential land uses.~~

I. **With respect to the issues addressed in Chapter 10: B3 Commercial Core – Caringbah**

1. In relation to the site controls for Specific Site at corner Kingsway and President Avenue amalgamated site (5 President Avenue, 1 Park Lane, 304-318 Kingsway, 320 Kingsway) amend the map shown in Chapter 17- B3 Commercial Core Caringbah, Section 5 Guidelines for Specific Sites, Item (g) Specific Site at corner Kingsway and President Avenue by replacing map with amended map as shown in the detailed report.
2. In relation to the site controls for Specific site at corner Kingsway and Port Hacking Road Caringbah Hotel amalgamated site (345, 347-357 Port Hacking Road) amend the map shown in Chapter 17- B3 Commercial Core Caringbah, Section 5 Guidelines for Specific Sites, Item (e) Specific Site Caringbah Hotel amalgamated site: 345, 347-357 Port Hacking Road by replacing map with amended map as shown in the detailed report.
3. In relation to the site controls for Specific site: Hay Avenue site: 7 Mackay Street amend the map shown in Chapter 17 – B3 Commercial Core Caringbah, by correcting the text where it nominates height limit for Hay Avenue site (7 Mackay Street) to 30m.
4. In relation to site controls for Caringbah Potential Built Form Plan shown in shown in Chapter 17 – B3 Commercial Core Caringbah amend the map for Specific site: Hay Avenue to show the building height only for the Hay Avenue site (no built form).
5. In relation to the Caringbah Strategy map shown in Chapter 17- B3 Commercial

Core Caringbah, amend the Caringbah Centre Strategy Map to show existing pedestrian pathway from the council car park and women's rest centre to the Kingsway.

J. With respect to the issues addressed in Chapter 11: B3 Commercial Core – Cronulla

1. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla for the property bounded by Surf Lane, Beach Park Avenue and Cronulla Street, the maps and text be amended indicate a street frontage height increase from 5m to 10m.
2. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla for the properties facing Gerrale Street and Surf Lane, the map and text be amended to indicate a street frontage height increase from 5m to 10m.
3. In relation to the street frontage height shown in Chapter 11: B3 Commercial Core – Cronulla delete the following control within the Streetscape and Built Form section of the Cronulla Centre Chapter:

Building design must give human scale to the building at street level.

4. In relation to the setbacks shown in Chapter 11: B3 Commercial Core – Cronulla, amend the upper level setback diagram to show no setback requirement for the land on the western side of Croydon Street, Cronulla.

K. With respect to the issues addressed in Chapter 13: IN1 General Industrial – Kurnell

1. In relation to subdivision requirements shown in Chapter 27 IN1 General Industrial for 238-258 Captain Cook Drive Kurnell, remove the requirement for a minimum lot size of 2,500m², by replacing *Map 1: Kurnell Industrial Areas IN1 (part) Subdivision Requirements* with the map shown in the detailed report
2. In relation to subdivision requirements shown in Chapter 27 IN1 General Industrial add an objective to Section 1 Subdivision as shown below to ensure that development is compatible with the unique ecological and landscape attributes of the Kurnell Peninsula, especially the wetland areas and their environs, as follows:

Clause 1.1.4 *“Ensure that subdivision and subsequent development on the Kurnell Peninsula is compatible with the unique ecological and landscape attributes of the area, especially the wetland areas and their environs”*

L. With respect to the issues addressed in Chapter 14: SP3 Tourist – Prince Street

1. In relation to landscaping requirements shown in Chapter 14: SP3 Tourist – Prince Street the following objective (5.5.1.1) relating to the existing tree canopy be replaced with:

To ensure new development incorporates landscaping which strengthens the indigenous foreshore vegetation.

M. **With respect to the issues addressed in Chapter 15: Ancillary Development (Fencing)**

1. In relation to front fences; Chapter 33 Ancillary Development Section 3.2 Fencing Controls be amended to insert the following:

Fencing for dual occupancies and multi-dwelling development should be of a similar character and height as already exists in the streetscape.

High courtyard fencing is not permitted, except where it is common in the street.

2. In relation to front fences; Chapter 33 Ancillary Development Section 3.2 Fencing Controls be amended as follows:

Clause 2.3.1.4 The maximum height of front yard common fences ~~forward of the street setback~~ at any point shall be 1.2m from natural ground level.

Clause 2.3.1.5 The maximum height permitted for a front fence ~~behind the street setback~~ at any point shall be 1.5m from natural ground level. Where a portion of the front fence is a retaining wall, 1.5m shall be the total maximum height permitted, as shown in diagram 1 below.

Clause 2.3.1.11 Open-form timber or metal front fences may be located without any boundary setbacks. *Privacy is to be obtained through advanced screen planting.*

Clause 2.3.1.12 Clearance between all ~~vertical~~ members of open-form timber or metal front fences shall be equal to or greater than the width of the member, with a minimum spacing of 50mm.

3. In relation to front fences; Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, Chapter 3 Dual Occupancy and Chapter 4 Multi Dwelling Housing be amended to insert the following note in Streetscape and Building Form sections:

Note: *Specific controls for fencing are provided in Chapter 33.*

4. In relation to fencing on flood prone land; Chapter 33 Ancillary Development Section 1. General Ancillary Development - Objectives be amended as follows:

7. To minimise interruption and alteration of groundwater and surface water flows.

x. *To ensure that fencing does not become unsafe during floods and potentially becomes moving debris which threatens the integrity of structures or the safety of people.*

5. In relation to fencing on flood prone land; Chapter 33 Ancillary Development be amended to insert the following:

2.3.2 Additional Controls for Fencing on Flood Prone Land:

1. *Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally increase flood affection on surrounding land.*
2. *An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters.*

Note: *Appropriate fences include an open collapsible hinged fence structure or pool type fence*

3. *An engineer's report shall be provided to certify that the proposed fence will be constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.*
4. *Fencing within a High Flood Risk Precinct is to be designed to minimize the potential for any adverse impacts on human life or property having regard to the degree of flood risk affecting a site. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters.*

Note: *This requirement may be secured by a Section 88B instrument burdening the title of the land.*

N. With respect to the issues addressed in Chapter 16: Other Uses

1. In relation to signage; Chapter 34 Other Uses be amended to delete the following:

No more than three business identification signs for buildings with only one commercial tenant, with only one sign per elevation of the building.

No more than six business identification signs for buildings with multiple commercial tenants.

2. In relation to signage; Chapter 34 Other Uses be amended as follows:

Add identifying name "Figure 1" to illustration.

Clause 6 *"Signage must be integrated with the design of the building, having regard to the design and architectural merit of the building and the streetscape and not obscuring architectural features (windows, decorative mouldings etc) of the supporting building". A poor example and a preferred example are illustrated in Figure 1".*

Clause 9 *"In commercial areas, signage should where possible achieve visual continuity with neighbouring buildings. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. A poor example and a preferred example are illustrated in Figure 1".*

3. In relation to signage; Chapter 34 Other Uses be amended to add label "Figure 2" to grid analysis illustration and add two more diagrams as shown in the report.

4. In relation to bed and breakfast accommodation; Chapter 34 Other Uses be amended as follows:

Guests shall reside at the establishment for not less than one (1) ~~day~~ night and not more than fourteen (14) days in any month.

5. In relation to passive solar design; Chapter 34 Other Uses be amended to delete the following in relation to shop top housing:

New development shall incorporate passive solar building design including the optimisation of sunlight access, and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.

6. In relation to setbacks; Chapter 34 Other Uses be amended in relation to shop top housing as follows:

Despite clause 1, Front, side and rear setbacks may vary according to the specific context of each development and will be assessed on merit.

O. **With respect to the issues addressed in Chapter 17: Vehicular Access Traffic Parking and Bicycles**

1. In relation to parking for residential flat buildings; Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23, Chapter 31, Chapter 34 and Chapter 35 Clause *Car Parking Numbers* be amended as follows:

the car parking rates for residential flat buildings be retained as exhibited, with the rates being described as minimum rates.

Residential Flat Buildings/Shop Top Housing

Zones R4, B1, B2, B3 & B4

*A minimum of
0.6 space per 1 bedroom unit; plus,
0.9 space per 2 bedroom unit; plus,
1.4 space per 3 bedroom unit; plus,
1 visitor space per 5 units; plus,*

1 motorbike space per 15 units

1 bike space per 10 units

Developments with 10 or more dwelling require one designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings -

2. In relation to tourist and visitor accommodation; Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter

20, Chapter 21, Chapter 22, Chapter 23, Chapter 31 and Chapter 35 be amended to reflect the following rates:

Hotel or Motel Accommodation: 1 space per 4 rooms; plus 1 space per 2 employees

Serviced Apartments: 1 space per 2 units; plus 1 space per 2 employees

3. In relation to visitor parking; Chapter 12 - B2 Local Centres car parking table be amended to read 'shop top housing' instead of residential flat buildings.
4. In relation to adaptable housing car parking; Chapter 4 Multi Dwelling Housing for the R2 Low Density Residential zone be amended as follows:

At grade car parking must not be located within the primary setback to the street. An exception will only be accepted by Council where:

1. *It is directly associated with an adaptable/liveable dwelling and no reasonable alternative is possible; and*
 2. *The landscape design for the proposed development will still achieve a predominately landscaped setting that is compatible with the established streetscape*
5. In relation to adaptable housing car parking; Chapter 35 Roads, Vehicular Access, Traffic, Parking and Bicycles be amended by deleting the following clause and adding the second clause:

Parking spaces for adaptable dwellings shall have a minimum clearance of 2.5 m from the finished floor level of a parking space to any structure over a parking space.

The minimum internal width for a double garage for an Adaptable Unit shall be 6.52 metres.
 6. In relation to parking requirements for two or more uses and non-aligned peak demand; Chapter 35 Roads, Vehicular Access, Traffic, Parking and Bicycles Clause 1.2.4 be amended to allow the reduction to the total parking amount, and to allow for non-aligned peak parking demand, where supported by a study by a suitably qualified traffic engineer.

P. **With respect to the issues addressed in Chapter 18: Waste Management Requirements**

1. In relation to waste management requirements, amend clauses in Chapter 4 Multi Dwellings, Chapter 5 Residential Flat Buildings, Chapter 6 Caringbah North Precinct, Chapter 7 R4 Pinnacle Street Precinct, Chapter 8 R4 Caringbah Medical Precinct, Chapter 31 SP3 Tourist-Prince Street, Chapter 34 Other Uses, Chapter 11 B1 Neighbourhood Centres, Chapter 12 B2 Local Centre – Bangor, Illawong, Kareela and Woollooware Bay, Chapter 13 B2 Local Centre – GyMEA, Chapter 14 B2 Local Centre – Heathcote, Chapter 15 B2 Local Centre – Jannali, Chapter 16 B2 Local Centre and B4 Mixed Use – Kirrawee, Chapter 17 B3 Commercial Core- Caringbah,

Chapter 18 B3 Commercial Core- Cronulla, Chapter 19 B3 Commercial Core- Engadine, Chapter 20 B3 Commercial Core- Menai, Chapter 21 B3 Commercial Core- Miranda, Chapter 22 B3 Commercial Core- Southgate, and Chapter 23 B3 Commercial Core- Sutherland, as follows:

- a. Add an Explanatory Note to objectives as detailed in report
- b. Add the following objectives:

Discourage illegal dumping by providing on site storage and removal services for hard waste. Hard waste consists of discarded items of bulky household waste which are awaiting removal.

Enable the servicing of the waste management system on site, and the efficient collection of waste and recyclables by collection service providers, with minimum disruption and impact on the community.

- c. Add the following controls:

A waste storage area is to be provided for all developments to store bins for general waste and recyclables. The area must have sufficient space for the storage of garbage, recycling and green waste generated by the development as indicated in Table 1 below.

The residential waste generation rate per dwelling is 120 litres per week of general waste plus 120 litres per week of recycling.

The general waste and recycling needs per dwelling in multi-unit developments with 20 or more apartments can be reduced in accordance with the waste generation rates in Table 1 below. Bin dimensions are shown in Figure 1 and Table 2.

Twice weekly collections of 240L bins by Council (by arrangement with Council) can reduce the number of bins required.

Dwelling Size – Garbage - Recycling

Individual Dwelling - 120L - 120L

3 bedroom apartment or greater - 120L - 120L

2 bedroom apartment - 100L - 120L

1 bedroom apartment or studio apartment - 80L - 80L

Table 1 Waste Generation Rates

Bin Type(L) - Width (m) - Depth (m) - Height (m)

120 - 0.5 - 0.6 - 1.0

660 - 1.4 - 0.7 - 1.2

1100 - 1.4 - 1.3 - 1.5

Table 2: Standard Bin Dimensions

In the case of large residential flat and mixed use developments, multiple bin storage areas may be required. Each waste stream must be separated and clearly labelled. Residential waste must be kept separate from commercial waste. Adequate space must be allowed for manoeuvring bins within the bin

store.

For wheeled bins, a kerbside garbage collection point must be nominated that has sufficient space where they will not pose a traffic hazard. Wheeled bins should not be placed near intersections, roundabouts, slow points or busy arterial roads, or take up more than 50% of the street frontage when presented in single file to the kerbside for collection, with adequate space between the bins to allow for collection (approximately 300mm). See Figure 1 for 240L bin size.

Where a private waste contractor is required to service a development, the site and driveway must be designed to accommodate waste collection vehicles used by the private contractor.

It is preferable for waste trucks to enter the site in a forward direction, but it is permitted for waste trucks to reverse onto a site, where design and site conditions make it safe to do so. It is never acceptable for a truck to reverse out of a site.

The design, location and size of bin storage areas/rooms are to be in accordance with the requirements set out in the Better Practice Guide for Waste Management in Multi-Unit Dwellings. The preferred location for storage areas/rooms at ground level is behind the building setback. The storage area must:

- i. be integrated into the overall building design and constructed of materials compatible with the new development;*
- ii. be located in an area so as not to compromise the amenity of the occupants of the development and of adjacent properties in terms of noise, odour and aesthetic impact, such as on a rear land frontage, near windowless walls, away from pedestrian areas and in the least visually obtrusive position; and*
- iii. be screened from view from the street with built form and landscaping so as to not detract from the streetscape.*

For developments containing up to 50 dwellings one of the following options for waste collection must be nominated:

- (i) Waste collection by Council's Waste Services where the waste is in 240L bins and the required number of 240L bins does not take up more than 50% of the site street frontage when presented in single file to the kerbside for collection. Bins must be spaced to allow for ease of collection (approximately 300mm). The bins are to be stored in the basement or in a designated bin enclosure set; or*
- (ii) Waste collection by private contractor (or Council by special arrangement) where larger bins are required for garbage, recycling and green waste. Bulk waste shall be stored in a basement or in an enclosure within 10m of the street. Where it is necessary to move the bins for collection, the bins must be moved by an employee of the body corporate from the storage area to a level area which can be serviced from the driveway to allow for ease of collection. It may be acceptable for the waste truck to straddle private and public property during collection, subject to Council's approval of the arrangement. If the*

development proposes to rely on Council for collection of waste, prior agreement from Council's Waste Operations Controller must be obtained. A Waste Management Plan for the development must be approved by Council's Waste Operations Controller prior to DA lodgement.

For developments containing 50 or more dwellings, general waste and recycling must be stored in a basement or a bin storage enclosure at ground level and must be collected by private contractors. Where collection is from a basement, clearance heights must be sufficient to accommodate the private contractor's collection vehicle (typically 4m).

For residential developments containing 20 or more dwellings a hard waste storage area with minimum area 14 sq m must be provided. Hard waste consists of discarded items of bulky household waste which are awaiting removal.

2. In relation to waste management requirements, amend clauses in Chapter 5 Residential Flat Buildings as follows:

The waste storage area must not be located forward of the building line and must not detract from the streetscape. Bin storage located forward of the building line should have a 3m landscaped front setback and be well designed.

3. In relation to waste management requirements, amend clauses in Chapter 3 Dual Occupancy and Chapter 4 Multi Dwellings, as follows:

The waste storage area must not be located forward of the building line and must not detract from the streetscape.

4. In relation to waste management requirements, amend clauses in Chapter 1 Dwelling Houses, Chapter 2 Secondary Dwellings, and Chapter 3 Dual Occupancy, Chapter B5 Business Development, Chapter B6 Enterprise Corridor, Chapter B7 Business Park, Chapter IN1 General Industrial, Chapter IN2 Light Industrial, Chapter IN3 Heavy Industrial, and Chapter IN4 Working Waterfront, to delete the control requiring a maximum bin carting grade of 1:14.

Q. With respect to the issues addressed in Chapter 19: Child Care Centres

1. In relation to car parking rates; Chapter 34 Other Uses be amended as follows:

On-site parking is to be provided at the rate of 1 space/4 children for drop off and pick up; ~~and 1 space per 2 staff.~~

2. In relation to the location of outdoor play areas; Chapter 34 Other Uses be amended as follows:

a. located ~~to provide clear access~~ to toilets ~~and indoor play areas.~~

R. With respect to the issues addressed in Chapter 20: Adaptable Housing

1. In relation to access for people with a disability; Chapter 4 - Multi Dwelling Housing, Chapter 5 - Residential Flat Buildings, Chapter 6 - Caringbah North Residential Flat Precinct, Chapter 7 - Pinnacle Street Precinct, Chapter 8 - Caringbah Medical Precinct, Chapter 11- B1 Neighbourhood Centre, Chapter 12 – B2 Local Centre Bangor Illawong Kareela Woollooware, Chapter 13 – Local Centre Gynea, Chapter 14 – Local Centre Heathcote, Chapter 15 – Local Centre Jannali, Chapter 16 – B2 Local Centre B4 Mixed Use Kirrawee, Chapter 17 – B3 Commercial Core Caringbah, Chapter 18 – B3 Commercial Core Cronulla, Chapter 19 – Commercial Core Engadine, Chapter 20 – B3 Commercial Core Menai, Chapter 21 – Commercial Core Miranda, Chapter 22 - Commercial Core Southgate, Chapter 23 – Commercial Core Sutherland and Chapter 31 - Tourist Prince Street be amended to remove the section on access.
2. In relation to adaptable housing; Chapter 4 , Chapter 5, Chapter 6, Chapter 7, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23 and Chapter 31 be amended to adopt the following rates for adaptable and livable housing as follows:

For developments of 3-5 units:

 - *Nil Adaptable Housing units required*
 - *1 Livable Housing unit required.*

For development of 6 or more units:

 - *20% Adaptable Housing units*
 - *10% Livable Housing units.*
3. In relation to adaptable housing; Chapters 4, Chapter 5, Chapter 6, Chapter 7, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16, Chapter 17, Chapter 18, Chapter 19, Chapter 20, Chapter 21, Chapter 22, Chapter 23 and Chapter 31 to be amended to replace existing references to 'Access' and 'Adaptable Housing' and replace them with the new set of 'Adaptable and Livable Housing' objectives and controls.
4. In relation to adaptable housing; Chapter 34: Other Uses Clause 9.1.2 (10) be amended to replace reference to "Adaptable and Livable Housing' objectives and controls in the R3 and R4 zones.

S. With respect to the issues addressed in Chapter 21: Late Night Trading

1. In relation to late night trading; a DA Guide to late night trading be prepared by relevant units within Council.
2. In relation to late night trading; Chapter 36 Late Night Trading be amended to remove reference to the *Liquor Act 2007* in the table that forms 3.2.2.
3. In relation to changes to maps; Late Night Trading Activity Area Maps for Kirrawee,

Cronulla and Sylvania centres be amended as outlined in the report.

4. In relation to location of maps within the DCP; that the relevant late night trading activity area maps be provided in each of the 'centre' chapters, and that the complete set of late night trading activity area maps is incorporated into Chapter 36 Late Night Trading.
5. In relation to premises which trade exclusively at night; Chapter 36 Late Night Trading be amended to delete the following:

~~*Premises which trade exclusively at night are discouraged*~~

6. In relation to premises which trade exclusively at night; Chapter 36 Late Night Trading be amended to insert the following in Clause 8.1.1 (c)

Premises which operate during the day and not exclusively at night are preferred

7. In relation to CCTV; Chapter 36 Late Night Trading, Safety and Security clause 6.2 be amended to insert the following:

All licensed premises and late night trading venues must be equipped with a functioning CCTV system which complies with Australian Standard 4806.1—2006 - Closed circuit television (CCTV).

8. In relation to CCTV; Chapter 36 Late Night Trading, Management Plans clause 7.2.3 be amended to insert the following:

a. CCTV Plan

T. With respect to the issues addressed in Chapter 22: Environmental Risk

1. In relation to bush fire; Chapter 39 Environmental Risk be amended to delete reference to Clause 6.27 from the introductory section of the Bush Fire section.
2. In relation to flood risk management land use categories; Chapter 39 Environmental Risk be amended to replace the term 'Critical Uses and Facilities' with 'Essential Community Facilities' in Tables 5.3, 5.4 and 5.5.
3. In relation to flood risk definitions; Chapter 39 Environmental Risk be amended to include the following definition of low flood risk as a note in Section 5.3:

Low Flood Risk is all other land that could potentially be inundated (i.e. within the extent of the probable maximum flood) but not identified as either a high flood risk or a medium flood risk precinct. The low flood risk precinct is that area above the 100 year flood and most land uses would be permitted within this precinct.

4. In relation to flood risk definitions; Chapter 39 Environmental Risk be amended to replace the definition of medium flood risk in Section 5.4 with the following:

Medium Flood Risk is the area below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. In this precinct there would still be a significant risk of flood damage or risk to life, but these damages and risks can be minimised by the application of appropriate development controls.

5. In relation to planning considerations; Chapter 39 Environmental Risk Evacuation in Section 5.6 be amended as follows:

1. *Reliable access for pedestrians or vehicles shall be provided during a 1% AEP flood.*
2. *Reliable access for pedestrians or vehicles shall be provided from the building commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level.*
3. *Adequate exits shall be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.*
4. *Adequate flood warning systems, signage and exits shall be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.*
5. *The development shall be consistent with any relevant flood strategy, Floodplain Risk Management Plan adopted by Council or similar plan.*
6. *An engineer's report shall be provided to certify that an area of refuge is available if circumstances are possible where the evacuation of persons might not be achieved within an effective warning time*
7. *Applicant shall demonstrate that evacuation in accordance with the requirements of the DCP is available for potential development flowing from the subdivision proposal.*

6. In relation to table numbering; Chapter 39 Environmental Risk Table 5.3, Table 5.4 and Table 5.5 be amended to correct the numbering in as shown in the report.

U. **With respect to the issues addressed in Chapter 23: Stormwater and Groundwater Management**

1. In relation to offsets; Chapter 37 Stormwater and Groundwater Management Section 5.2 Controls for Residential Accommodation be replaced with the following:

For single dwellings, no on-site detention is required where a rainwater tank of minimum 5000 Litres is to be provided and the rainwater tank is connected to toilets, laundry, irrigation and used for other beneficial uses. Alternatively, the on-site detention requirement as calculated in subclause (4) is to be met.

For dual occupancy, an offset of 1m³ of the required on-site detention is permitted for every 3m³ of rainwater tank installed and the rainwater tank is connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

For all other residential development, an offset of 1m³ of the required on-site detention is permitted for every 3m³ of rainwater tank installed, providing the

final OSD volume does not fall below 50% of the original design volume. This must be provided as a single rainwater tank connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

Note to 2 and 3: As an example, to offset 3m³ of on-site detention, the applicant would be required to provide 9m³ of rainwater retention. This rainwater tank can also be used to satisfy the BASIX assessment

The volume of stormwater to be detained on-site shall be calculated from the volume of water from a 5% AEP event less the volume of runoff established by Clause 1.2, less any volume infiltrated on-site and a third of the volume of any tanks used for rainwater reuse.

2. In relation to offsets; Chapter 37 Stormwater and Groundwater Management Section 5.3 Controls for All Other Built Development be replaced with the following:

For all other development, an offset of 1m³ of the required on-site detention is permitted for every 3m³ of rainwater tank installed, providing the final OSD volume does not fall below 50% of the original design volume. This must be provided as a single rainwater tank connected to toilets, laundry, irrigation and used for other beneficial uses. The on-site detention requirement is to be calculated in accordance with subclause (4).

Note

As an example, to offset 3m³ of on-site detention, the applicant would be required to provide 9m³ of rainwater retention. This rainwater tank can also be used to satisfy BASIX.

The volume of stormwater to be detained on-site shall be calculated from the volume of water from a 1% AEP event less the volume of runoff established by Clause 1.2, less any volume infiltrated on-site and a third of the volume of any tanks used for rainwater reuse.

3. In relation to BASIX requirements; Chapter 37 Stormwater and Groundwater Management On-site detention requirements be amended to insert the following:

Where a rainwater tank is proposed to offset an on-site detention requirement, the size of the rainwater tank required is the greater of the BASIX retention requirement and the proposed detention offset requirement.

Note: As an example, where 2m³ retention is required for BASIX and the retention offset requirement is 9m³, the requirement would be 9m³ in total.

V. With respect to the issues addressed in Chapter 24: Natural Resource Management

1. In relation to Greenweb referencing; Chapter 38 Natural Resource Management Section 1 Biodiversity Strategy – Greenweb be amended as follows:

*All indigenous **plant** species must be selected from Council's Native Plant Selector available on Council's website. The Native Plant Selector is a tool*

that recommends plants suitable for Sutherland Shire's ecosystems based on the locality. Plants selected are *indigenous to Sutherland Shire*. The tool is available online at:

http://www.sutherlandshire.nsw.gov.au/My_Place/Trees/Native_Plant_Selector

2. In relation to Greenweb map series; amendments be made to limit the extent of the desalination plant site identified as Greenweb Core to the area of the site remaining undeveloped, with the remainder of the site identified as Greenweb Support.
3. In relation to Species and Communities of High Conservation Significance Map; amendments be made as follows:
 - a. to update the mapping to include the up-to-date data for protected species and communities indicated on the 'Sydney Metropolitan Vegetation Map' prepared by OEH
 - b. include the Endangered Population – *Posidonia australis* and mangroves protected by the NSW Fisheries Management Act
 - c. to reflect the title Protected Species and Communities of High Conservation Significance Map'
 - d. to reflect the reviewed EEC buffer zones prepared by the Environmental Science and Policy Unit
4. In relation to Species and Communities of High Conservation Significance; Chapter 38 Natural Resource Management Part 3 Threatened Species be amended to read as follows:

*Development in areas which contain threatened species, populations or ecological communities or in adjoining buffer areas which may impact on these species, **populations or ecological communities**, require special consideration under the Threatened Species Conservation Act 1995 (as amended), **the NSW Fisheries Management Act 1994, the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)** and the Environmental Planning and Assessment Act 1979 (EP&A Act).*
5. In relation to Wetlands and Waterways map series; amendments be made to:
 - a. Mirror the relevant changes to be made to the Species and Communities of High Conservation Significance' map series
6. In relation to wetlands and waterways; Chapter 38 Natural Resource Management Section 2 Wetlands and Waterways be amended as follows:

*Coastal Saltmarsh and Sydney Freshwater Wetlands are listed as endangered ecological communities under the NSW Threatened Species Act. A **50m** buffer zone applies to these endangered ecological communities. This **50m** buffer provides for a transitional zone between vegetation communities where the two communities blend into one another, and where wetlands change in size due to drought and flooding e.g. ephemeral wetlands and further provides a necessary buffer from the impacts due to developments and changes to*

drainage patterns.

Mangroves are protected under the NSW Fisheries Act and are mostly found in fourth and third order waterways in Sutherland Shire. A 40 metre buffer applies to mangrove wetlands which is consistent with the Georges River REP and the *Department of Primary Industries Office of Water – Guidelines for riparian corridors on waterfront land*.

The buffer zones for non natural wetlands depend on the size of the water body. The land which immediately adjoins a waterway and which is influenced by the waterway is known as the riparian zone. The width of the riparian zone, measured from the bank of the water, is determined by its category from first to fourth order. A fourth order river such as the Georges, Woronora and Hacking Rivers would require a buffer of 40 metres which is consistent with Georges River REP and the *Department of Primary Industries Office of Water – Guidelines for riparian corridors on waterfront land*. As the waterway category decreases (fourth order to first order) so does the ecosystem complexity and the requirement for wider buffer zones to protect these waterways.

7. In relation to exempt species list; Chapter 38 Natural Resource Management be amended as follows:
 - a. include the proper common names of Sawara Cypress for *Chamaecyparis pisifera* spp.
 - b. include *Ligustrum lucidum* and *Ligustrum sinense* in both the trees and weeds groupings.
 - c. delete *Cupressus arizonica* (Arizona Cypress) and *Hakea salicifolia* (Willow Leaved Hakea).
8. In relation to suitably qualified and experienced persons; Chapter 38 Natural Resource Management Clause 4.4.1 be amended as follows:

Removal of a tree that poses an immediate and obvious danger, provided that the tree's instability is obvious and that there is immediate danger and/or hazard to life and/or property. In such instances, a landowner is required to be able to support the immediacy of the danger by the risk being witnessed by a Council Officer, Police Officer or other Emergency Services Officer. Alternatively, a report by a person who has obtained an AQF level 4 or higher qualification in Arboriculture (Horticulture) ~~a suitably qualified and experienced person~~, or photographic evidence and Statutory Declarations from third parties should be obtained. Circumstances where the use of this exemption is appropriate include trees with structurally split trunks; trees or limbs felled by storms that are damaging buildings or blocking access ways; or

9. In relation to suitably qualified and experienced persons; Chapter 38 Natural

Resource Management Clause 4.5.2.4 be amended as follows:

In determining the risk posed by a tree, Council will take into consideration the advice of trained Council officers; alternatively Council will consider a report prepared by ~~an Arborist who is a member of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life member, or alternatively,~~ a person who has obtained an AQF level 4 or higher qualification in Arboriculture (Horticulture). ~~a TAFE Certificate in Horticulture (Arboriculture) level 4 or higher.~~

10. In relation to the removal of non-indigenous species; Chapter 38 Natural Resource Management Clause be amended to delete the following:

Removal of any non-indigenous species growing within bushland.

11. In relation to trees which contribute to scenic and visual quality; Chapter 38 Natural Resource Management Assessment Principles for Special Considerations for Trees which Contribute to Scenic and Visual Quality be amended to insert the following::

Council will not permit the removal of a tree for the installation of a boundary fence where all other alternative construction methods have been considered and explored.

12. In relation to trees which contribute to scenic and visual quality; Chapter 38 Natural Resource Management Clause 4.8.2.6 be amended as follows:

*The retention of trees in foreshore areas offsets the bulk and scale of development and makes a significant contribution to scenic and visual quality of the Shire. The objective of retaining trees for their wider value is often in conflict with residents' desires to achieve views from their properties. Council will not permit tree removal purely to enhance views. Council may consent to the thinning of tree canopies or other works to trees on **private property** to enhance views from private properties.*

13. In relation to special consideration for trees in greenweb areas; Chapter 38 Natural Resource Management Clause 4.9.2.5 be amended as follows:

*An exotic species without habitat value **may be permitted to be removed and the required replacement planting will be required to meet** the following criteria:*

- a. *It will generally improve the potential of the site to meet the objectives of the clause, and*
- b. *The replacement planting will reinstate privacy to neighbouring properties where removal of the tree will result in overlooking of neighbouring windows or outdoor living areas.*

14. In relation to definition of established tree; Chapter 38 Natural Resource Management Clause 4.15.3 be amended as follows:

Replacement trees are to be cared for by the land owner until established to a size which is covered by the controls for tree and bushland vegetation i.e. diameter of 100mm or more measured at 500mm above ground level.

15. In relation to tree protection zone during construction; Chapter 38 Natural Resource Management Clause 4.16.3 be amended as follows:

*All construction works (including the installation of services, site sheds, buildings and stockpile materials and rubbish) shall be located outside the tree protection zone (in accordance with **Australian Standard AS 4970-2009 Protection of Trees on Development Sites**) of the trees and bushland areas to be retained. This requirement also applies to street trees and trees on adjoining land.*

16. In relation to DCP Chapter 38 Natural Resource Management (Tree and Bushland Vegetation) Clause 4.10 Special Considerations for Trees which are Growing in Close Proximity to Buildings – Assessment Principles be amended as follows:

2. Council may permit removal of a tree located within three five metres of a dwelling or swimming pool. For the purpose of this subclause the distance is to be measured from the outer face of the external enclosing wall of the dwelling or from the edge of any concrete slab forming part of the foundations of the dwelling to the trunk of the tree at its closest point. The distance is to be measured at a height 500mm above ground level. This clause does not apply to trees within three metres of decks, garages, out buildings, fences or ancillary structures.

W. With respect to the issues addressed in Chapter 25: Social Impact

1. In relation to social impact; Chapter 40 Social Impact be deleted from the DCP.

X. With respect to the issues addressed in Chapter 26: Administrative Provisions

1. In relation to notification provisions; Chapter 41 Administrative Provisions be amended as outlined in the report.
4. That minor edits be made to the draft plan to correct typographical errors, drafting errors, various minor technical anomalies and edits for consistency.
5. That a public notice of the adoption of SSDCP2015 be given in the St George and Sutherland Shire Leader within 28 days of adoption of the plan. The plan will come into force on the date of the advertisement.
6. That the amended SSDCP2015 be adopted as policy for the purposes of assessing any development applications lodged under the new LEP until the plan comes into effect.
7. That the Department of Planning be forwarded a copy of the Sutherland Shire Development Control Plan 2015.

(The Mayor, Councillor Johns / Councillor Williams)

COUNCIL RESOLUTION

That consideration of the report “Draft Development Control Plan 2015 Submissions Report” be deferred to the next round of Council.

(Councillor Pesce / Councillor Williams)

APPENDIX

Draft Development Control Plan 2015 Submissions Report

Appendices are available electronically only.

Appendix 1: Introduction



Introduction.pdf

Appendix 2: Table A



Appendix A - Summary Table.pdf

Appendix 3: Table B



Appendix B - Architects Issues.pdf

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Appendix 5: Chapter 2: Residential Flat Buildings



02 Residential Flat Buildings.pdf

Appendix 6: Chapter 3: Caringbah North Precinct



03 Caringbah North Residential Flat Precinct.pdf

Appendix 7: Chapter 4: Miranda Pinnacle Street Precinct



04 Miranda Pinnacle Street Precinct.pdf

Appendix 8: Chapter 5: Caringbah Medical Precinct



05 Caringbah Medical Precinct.pdf

Appendix 9: Chapter 6: Waterways



06 Waterways..pdf

Appendix 10: Chapter 7: B1 Neighbourhood Centres



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Appendix 11: Chapter 8: B2 Local Centres



08 B2 Local Centres.pdf

Appendix 12: Chapter 9: B3 Commercial Core – General



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Appendix 13: Chapter 10: B3 Commercial Core – Caringbah



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Appendix 14: Chapter 11: B3 Commercial Core – Cronulla



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Appendix 15: Chapter 12: B3 Commercial Core – Miranda



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Appendix 16: Chapter 13: IN1 General Industrial – Kurnell



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Appendix 17: Chapter 14: SP3 Tourist – Prince Street



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Appendix 18: Chapter 15: Ancillary Development



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Appendix 19: Chapter 16: Other Uses (Bed & Breakfast, Signage, Neighbourhood Shops/Shop Top Housing)



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Appendix 29: Chapter 26: Administrative Provisions



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