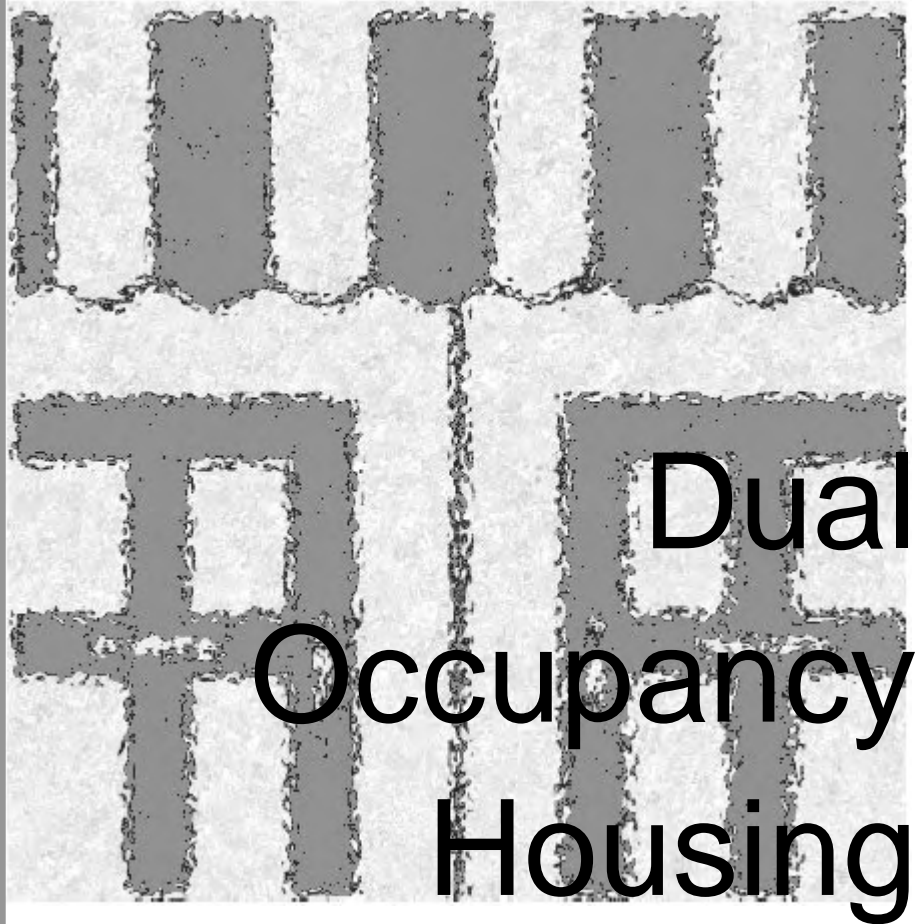


# Development Control Plan



Sutherland  
Shire  
Council



9.1/04  
edition 4

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## 1. Where does this Plan Apply?

This plan applies to all land zoned Residential in Sutherland Shire, excluding Menai Town Centre. It applies to all development applications for dual occupancy housing.

*Dual occupancy housing means two dwellings on one allotment.*

## 2. What is the Purpose of the Plan?

The purpose of this plan is to provide planning guidelines to ensure that dual occupancy housing developments are compatible with other housing in the locality and meet community expectations.

## 3. What are the Objectives of this Plan?

The objectives of this plan are:

1. to ensure that dual occupancy housing is compatible with existing housing and does not adversely affect the local environment or the amenity of adjacent residents.
2. to encourage an increased housing choice for Shire residents.
3. to complement the statutory requirements of Sutherland Shire Local Environmental Plan 2000 (SSLEP 2000).
4. To ensure that the character of existing single dwelling areas is not compromised by new development.

## 4. How does this Plan Relate to other Plans?

SSLEP 2000 provides the objectives, land use controls and development standards for development in the Shire. The basis for the LEP includes the Housing Strategy and Heritage Study.

Extracts from SSLEP 2000 are shown in *italics*.

Other provisions in this DCP may only be varied with a statement, supporting the application, which demonstrates how the objectives are satisfied.

This DCP provides detailed guidelines for dual occupancy housing in addition to the provisions contained in SSLEP 2000.

Together with this DCP there are other DCPs that apply to dual occupancy developments on land zoned residential.

- ◆ Duration of development consents
- ◆ Notification of development applications
- ◆ Landscape
- ◆ Swimming pools
- ◆ Private tennis courts\
- ◆ Bush Fire
- ◆ Waterfront development

You should contact Council's Customer Service Centre for more information.

## 5. Can the Plan be Varied?

This plan contains two types of planning controls – development standards and controls:

**Development Standards** are contained in the Sutherland Shire Local Environmental Plan 2000.(SSLEP2000) as amended.Any proposal to vary those standards from the local environmental plan must be accompanied by a formal objection to the standard under the provisions of the State Environmental Planning Policy No. 1.

More detailed provisions for consisting of objectives and controls have been set for all aspects of this plan. Each application will be considered on the individual circumstances and merits of the case in terms of the achievement of the objective.

The **Controls** that are set out in this plan are generally more detailed than the Sutherland Shire Local Environmental Plan 2000. Any variation to these controls must be supported by a statement demonstrating how the objectives are fully satisfied. Any submission in support of a variation to a standard or control must be in writing and demonstrate how the objectives will be achieved.

## 6. Does your proposal need approval?

You need to submit a development application to obtain consent from Council for most development proposals involving new buildings or subdivision.

Other proposals may be exempt or complying development as set out in the SSLEP 2000. Exempt development does not require approval. Complying development can be approved by Council or a private accredited certifier.

## 7. Making an Application

After researching this document it is recommended that intending applicants consult directly with Council's Environmental Assessment staff prior to preparing detailed development plans.

Pre-application consultation with staff can assist in the time taken to assess applications and reduce amendments required to plans. A prerequisite of consultation is the preparation of a Site Analysis and possibly a Development Concept Plan.

To submit a development application you need to complete a Development Application form together with the following plans (5 copies) and information:

**Site plan** – illustrating the location of all structures both proposed and retained on site. It must include a north point.

**Site analysis** – identifies existing natural elements of the site, such as existing vegetation, property dimensions, footpath crossing levels and alignments, slope and topography and all structures on neighbouring properties, including location of windows, doors, balconies, entertainment areas and including photos of the site frontage and streetscape.

Refer to Section 8 for more detail.

**Survey** – needs to include existing site levels at the corners of the proposed site, the site contours at 1 metre intervals and the proposed floor levels using a fixed benchmark related to the Australian Height Datum. The plan should also indicate the location of existing structures, easements and services, trees and general site features, as well as north point, existing levels and improvements within the public road to the frontage of the site. If the site is a water front property, it must include the location of the Foreshore Building Line and Mean High Water Mark relative to the Certificate of Title/Deposited Plan registered as at 24 April 1980.

The survey for a strata subdivision shall comply with the Strata Scheme (Freehold Development) Act, 1973

**Footpath crossing levels and alignment application** - an application for levels and alignments needs to be lodged with Council, prior to setting proposed levels within the site and prior to lodging a Development Application.

**Floor plan & FSR calculation** - is a fully dimensioned plan which identifies the major use of each of the internal structures within a building, ie balconies, bedrooms, living area, kitchen facilities, bathrooms, doors and windows etc.

Where a floor plan is required, it must include the floor space ratio calculation through either hatching, highlight or colour.

**Elevations** - illustrates all profiles of the proposed development, and includes dimensions of the proposed development, location of windows, doors, roof pitch and eave overhang. It must also include details of surface finishes and construction materials. It should also indicate the existing and finished ground levels and all finished floor, ceiling and ridge levels to AHD.

**Sections** - illustrates a cross section through the proposed structure, indicating building materials and construction method from the footings right through to the roof.

**A4 Notification Plans** – (included in letters of notification of a proposed development to neighbours.) Must include a complete floor, site and elevation plan reduced to an A4 page/s.

**Landscape area calculations** - where required, the site plan must also indicate landscape area through hatching, highlight or colour.

**Landscape details** - plans or drawings that demonstrate the basic ideas and principles of the intended works. The plan should highlight all the proposed landscape area, and the proposed treatment, ie mass planting, paving, lawn etc. The plan should also explain the landscaping principles, purpose and rationale. The location and species of all existing trees on the site should be identified, and it must be indicated whether it is proposed to retain or remove each tree. (Where drainage details are also required, they must be integrated with the proposed landscape concept.)

**Drainage Details** – plans or drawings which illustrate stormwater management from the site to the council drainage system and include a detailed site survey. (Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design.)

**Erosion & Sedimentation Control Details** - plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site, may be included with the Construction Management Details.

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**Shadow Diagram** - (Shadow diagrams are compulsory for any two storey or higher sections of a development.) A diagram demonstrating the extent of over shadowing caused by the proposed development on adjoining properties as measured at 10am and 2pm on 21 June and 21 December (not including daylight saving time). The diagram must indicate the progressive impacts on the adjoining property/s.

**Construction Management Details** – a concept plan that includes the following:

- Locations and types of sediment control fencing
- All weather vehicle egress, including cattle grid or similar
- Hardstand areas for loading and unloading materials including location of crane and concrete pumps
- Location of material storage on site
- Location of any site sheds
- Location of underground services and over head wires
- Location of hoardings and site fence

**Frontage Works** – a plan that illustrates the proposed location of a footpath crossing for driveway access, footpath paving, kerb and gutter, kerb ramps and road shoulder.

**Energy Rating Certificate**- Certification from an accredited assessor on the energy rating for the proposed building envelope, hot water system and any clothes drier to be installed .

**Statement of Environmental Effects** – a description of how the application addresses and satisfies the objectives and standards of SSLEP 2000 and relevant Development Control Plans of Council & S.79(c) of the Environmental Planning and Assessment Act, 1997.

Applicants are advised to use the services of an architect to prepare plans. The Development Application should take into account identified site constraints and objectives of the Development Control Plan.

Applicants should be aware that compliance with the guidelines within this development control plan will not guarantee approval of development applications. The objectives of the plan must be met.

**Note:**

**A development application will not be publicly exhibited until all information required as part of the application is submitted. Incomplete applications will not be publicly exhibited.**

## 8. Site Analysis

All development requires perceptive and effective site planning. Good site analysis and design skills are therefore essential in achieving a pleasant living environment for occupants and minimising the impact on neighbours.

A site analysis establishes the development context by showing graphically the constraints and opportunities on the site in relation to natural elements and existing buildings in the immediate surroundings. It should influence the design and minimise negative impacts on the amenity of adjoining developments and to complement neighbourhood character.

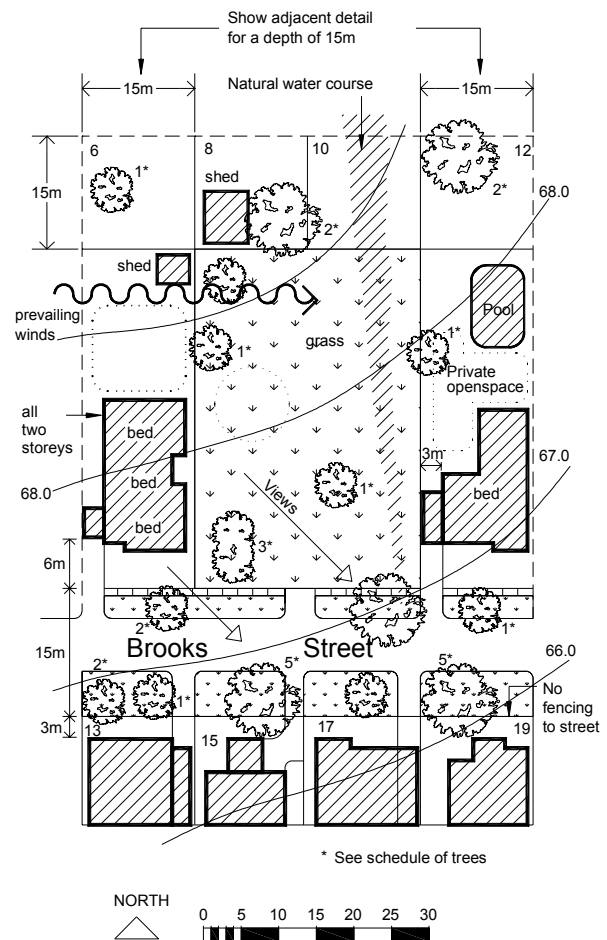
A site analysis is to be submitted with a development application and should indicate (where relevant) **in relation to the site:**

1. **contours** – at 1m intervals and related to Australian Height Datum
2. **existing vegetation** – in particular major trees on the site and street trees, identified by size and botanical names or common names.
3. **Buildings** – location and uses of existing buildings
4. **Views** to and from the site
5. Location of **utility services** and stormwater drainage lines and street crossings.
6. **Orientation**, microclimate and noise sources
7. Any **contaminated soils** and filled areas
8. Fences, **boundaries** and easements
9. Any **other significant site features** eg rock outcrops;

And in relation to the surrounding area

1. Location, use and height of adjacent and opposite **buildings** – locating window openings facing the site boundary, and private open space
2. **Views and solar access** enjoyed by adjacent residents
3. **Major trees** on adjacent properties
4. The **built form and character** of adjacent and nearby development
5. The **difference in levels** between the site and adjacent properties

The site analysis can be hand drawn but must be to scale, and must be accompanied by a declaration that the information provided is correct and true in every detail. A written statement should also be prepared explaining how the development design has responded to the site analysis and should include an assessment of the bush fire hazard on the site and/or the adjoining site.



Site analysis can improve design responses. This is an example of site analysis information for a small infill site.



## 9. Public Notification

All development applications will be publicly notified in accordance with Council's Notification of Development Applications Development Control Plan.

## 10. Minimum Allotment Sizes and Subdivision

### Objective:

The efficient use of residential land, having regard to the existing allotment sizes across each zone, the expectations of the community and the environmental capacity of the various zones.

## Controls

### 10.1 Minimum allotment sizes

Developments should meet the objectives and minimum standards for allotment sizes, and allotment dimensions, in Clauses 37 & 38 in SSLEP 2000.

The minimum allotment sizes contained in SSLEP 2000 are as follows:

Zone	Minimum allotment size
2(a1)	600m <sup>2</sup>
2(a2)	850m <sup>2</sup>
2(b)	600m <sup>2</sup>
2(c)	Not permissible
2(e1)	600m <sup>2</sup>
2(e2)	900m <sup>2</sup>

### 10.2 Minimum allotment dimensions

*No minimum allotment width or depth requirement applies for the site of a dual occupancy development if it is an existing allotment.*

Note: Lots with a width of less than 18m may be unsuitable for many forms of dual occupancy because the narrowness of the site increases the likelihood of overshadowing, loss of privacy and inappropriate streetscape appearance.

### 10.3 Subdivision of dual occupancy

Subdivision, including Strata Subdivision, of dual occupancy housing is not permissible under the provisions of Clause 40 of SSLEP 2000.

### 10.4 Internal allotments

Dual occupancy housing is not permitted on internal allotments under SSLEP 2000.

Note: *SSLEP 2000 defines an internal allotment as an allotment within a residential zone where there is no practical vehicular access to any existing or proposed building on the allotment, or where the only practical vehicular access to any existing or proposed building on the allotment is by way of an access corridor (a hatchet shaped allotment) or a right-of-carriageway over another allotment.*

## 11. Siting & Scale

### Objectives:

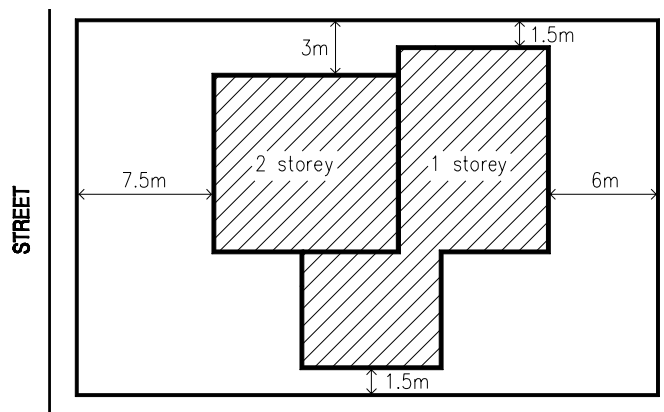
1. Development that is compatible with the scale, height and siting of existing buildings.
2. Minimal impact of dual occupancy housing in areas where there is substantially dwelling houses.
3. Sufficient separation between buildings to protect privacy and sunlight access to neighbours.
4. Adequate space for landscaping, privacy, solar access, private open space and an attractive and consistent streetscape by requiring buildings to be set back from the street and adjacent properties.
5. Significant existing vegetation, both indigenous and exotic, retained and enhanced where new development is proposed.
6. The impact of development on the environment minimised and significant site features preserved.
7. The predominantly single dwelling character of a neighbourhood is not diminished by the cumulative impact of successive dual occupancy developments.

### Controls

#### 11.1 Setbacks

##### Minimum setbacks:

<b>Front</b>	7.5m
<b>Rear</b>	6.0m
<b>Side</b>	1.5m for single storey 3m for two storey



For developments on corner sites the secondary frontage must have a minimum setback of 3.5m. (For courtyards see section on Private Open Space.)

Where a Foreshore Building Line applies development must comply with the required setback..

#### Tree Cover

The site analysis will identify any significant existing trees on the site. Development must be designed around the existing significant trees. Generally a 3m setback from structures is required for trees to be retained. A bond or bank guarantee will be taken on significant trees to be retained, to be refunded after final inspection if trees are kept in good condition. If a tree has been removed or damaged, Council will not refund the money and two similar trees will be planted.

Any money not refunded will be used for canopy tree planting on public land in the same locality.

#### Foreshore Building Line

Any property affected by a Foreshore Building Line (FBL) must comply with SSLEP 2000. Check with council's customer service centre if your property has a FBL.

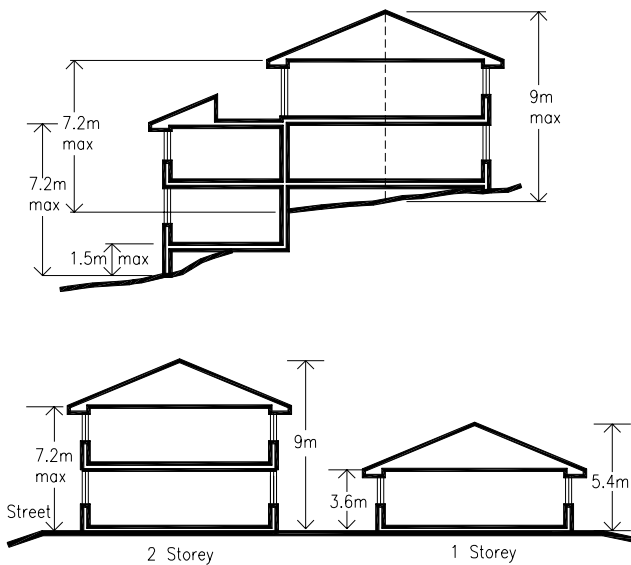
#### Bushfire Setbacks

Where a bush fire setback applies, development must comply with the required setbacks. Refer to the Bush Fire DCP for bush fire setback requirements.

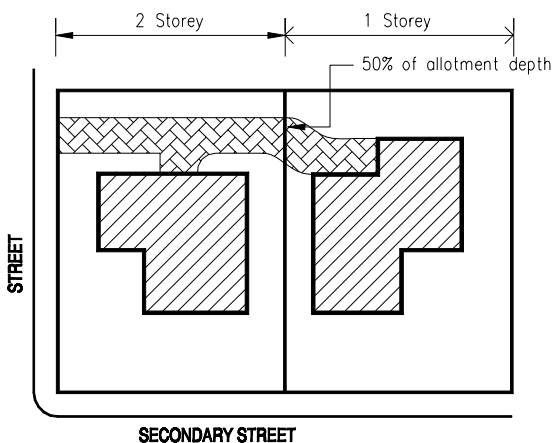
## 11.2 Height

Developments must comply with the height limits that apply in residential zones in Clause 34 of SSLEP 2000 as follows:

*A building must not exceed a height of 7.2m to any point on the uppermost ceiling; and 9m to the highest point of the roof.*



Two storey development is only permitted at the front of an allotment. On corner lots the front of the lot is the smaller frontage. Two storey development may extend to a maximum of 50% of the depth of the site if there are no adverse impacts on adjoining land in terms of privacy, solar access to recreation areas or facilities, or primary views.



Single storey development at the rear of a site is limited to a maximum height of 3.6m to any point on the uppermost ceiling, and 5.4m to the highest point of the roof, measured from ground level.

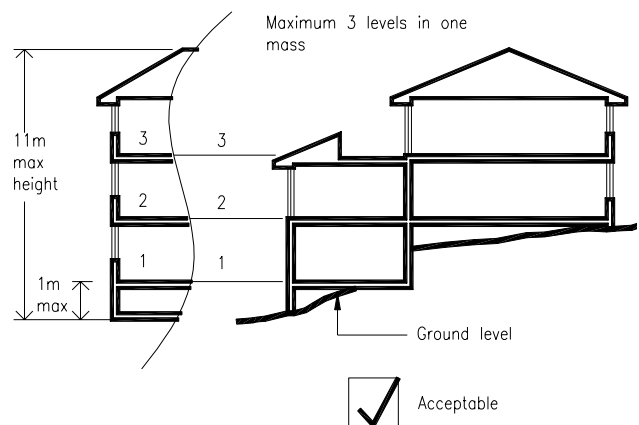
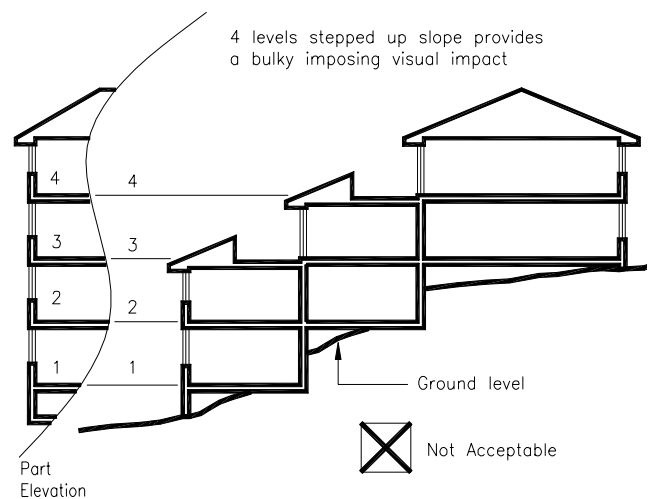
## Number of storeys

Development is limited to a maximum of 2 storeys.

*A storey includes foundation areas, garages, workshops, storerooms and the like, where the height between ground level and the top of the floor above is 1.5 metres or more.*

## Number of levels

Development on sloping sites is limited to a maximum of three levels, or 11m in elevation height from the lower point of the building to the highest ridgepoint, with no development exceeding two storeys at any one point. Maximum height in any elevation is to be 11m from ground level at the lowest point of the elevation. Any garaging, even if below ground level, is considered a level.



Development is limited to a maximum of 2 storeys

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### 11.3 Floor Space Ratio

*Floor space ratio means the ratio of the gross floor area of all buildings on a site to the area of the site.*

The definition of gross floor area in SSLEP 2000 lists the areas excluded from gross floor area calculations, including *car parking needed to meet requirements of the council, up to 20m<sup>2</sup> per space and any internal designated vehicular or pedestrian access to it.*

Maximum floor space ratios are as indicated in the following table:

<b>Zone</b>	<b>Maximum FSR</b>
<i>2(a1)</i>	<i>0.45:1</i>
<i>2(a2)</i>	<i>0.4:1</i>
<i>2(b)</i>	<i>0.45:1</i>
<b>2(c)</b>	Not permissible
<i>2(e1)</i>	<i>0.4:1</i>
<i>2(e2)</i>	<i>0.4:1</i>

### 11.4 Environmental Impact

Development must minimise any risks associated with its location.

Design your development with a minimum of cut and fill.

Preserve existing trees.

Construct silt traps and other control structures to prevent soil erosion during and after construction.

Provide additional setbacks and fire control measures as set out in the Department of Urban Affairs and Planning Circular No. 10, if your site is near bushland.

Council will not approve a development unless adequate water and sewerage are available.

## 12. Landscaping & Private Open Space

### Objectives:

1. Existing mature trees and bushland vegetation retained within, and adjacent to, development sites.
2. Landscape treatment which integrates the development into the streetscape.
3. Landscape design which includes large trees for visual amenity.
4. Landscaping that provides screening and filtering to ensure privacy and reduce overlooking.
5. Vegetative linkages to habitat areas preserved, reinstated or provided, for wildlife movement.
6. Private open space for dwellings is clearly defined, useable and meets the requirements of privacy, access, outdoor activity and planting.

### SSLEP 2000 Standards

#### 12.1 Landscaped Area

Development must provide a minimum unbuilt upon area as a landscaped area. Landscaped area is defined in SSLEP 2000 as *the area of a site that contributes to achieving the objectives of the landscaped area development standards* of the LEP.

Landscaped area generally includes areas used for gardens, lawns, shrubs or trees, but would not include buildings, driveways, parking areas, communal drying yards and garbage storage areas, swimming pools, balconies or decks.

The requirement is expressed as a percentage of the site area. The table below indicates the minimum landscaped area required.

(FSPA means Foreshore Scenic Protection Area. Refer to Clause 19 of SSLEP 2000)

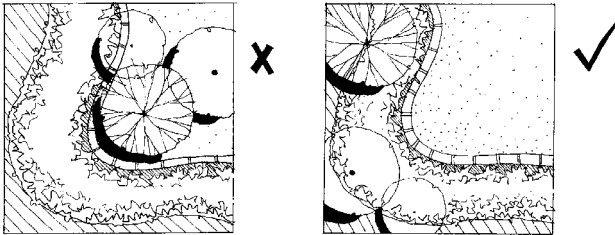
<b>Zone</b>	<b>Outside FSPA</b>	<b>Within FSPA</b>
<b>2(a1)</b>	45%	50%
<b>2(a2)</b>	50%	55%
<b>2(b)</b>	45%	50%
<b>2(c)</b>	Not permissible	Not permissible
<b>2(e1)</b>	50%*	50%*
<b>2(e2)</b>	N/A	55%*

\* For allotments burdened by a right-of-carriageway, 25% of the area of the right-of-carriageway may be included as landscaped area.

## Controls

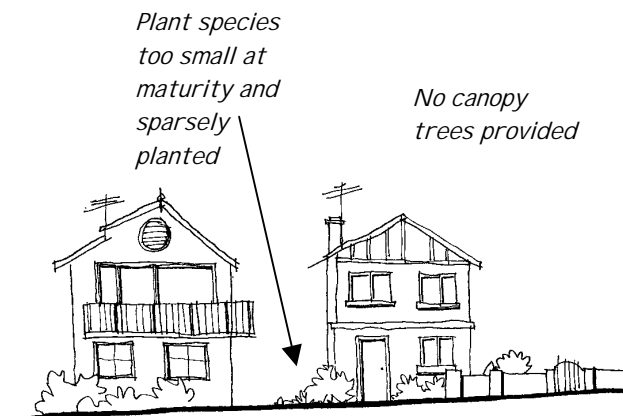
Note: Special landscaping requirements apply to the bush fire setback area. Refer to Landscape DCP for details.

- a. Existing trees, bushland and other natural features are to be retained and incorporated into the development proposal.
- b. Landscape planting should be principally comprised of native species, however, Council will consider the use of deciduous trees in courtyard areas.



**Tree planting in lawn areas often result in failure. Tree planting should be undertaken within garden beds. Tree establishment and long term success is increased.**

- c. The planting scheme must display a full range of general planting forms, eg large trees, medium trees, shrubs and ground covers.
- d. Landscaping in publicly visible areas is to comprise not more than 30% turfing and not less than 70% mass planting.
- e. Landscaping is to be provided within the front setback to assist in achieving the streetscape objectives particularly with regard to issues of scale and character. (See below).



**Landscape does not relate to building scale or offer microclimate protection.**

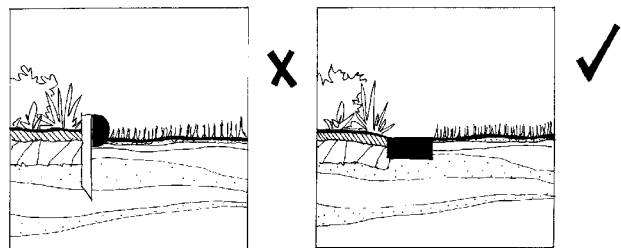


**Landscape relates to building scale and assists integration into street.**

- f. Driveways are to be curved or splayed, where possible, to avoid a “gun barrel” effect.
- g. Landscaping in the vicinity of the driveway(s) entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.
- h. Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 1.8 metres at maturity.
- i. All grassed areas adjacent to garden beds are to be bounded by a mowing strip, preferably concrete or brick.

*Elevated timber edging is difficult to maintain and quickly*

*Brick and concrete edging is long lasting*



**Edges are to be provided to prevent lawn encroaching into the garden areas. The mowing edges are to be flush within the adjoining lawn.**

- j. In developments that provide communal open space, all landscape areas are to be provided with a water efficient irrigation system.
- k. Specimen trees (ie trees which are to be used for key elements within the landscape) shall be of a minimum 75 litre stock size.

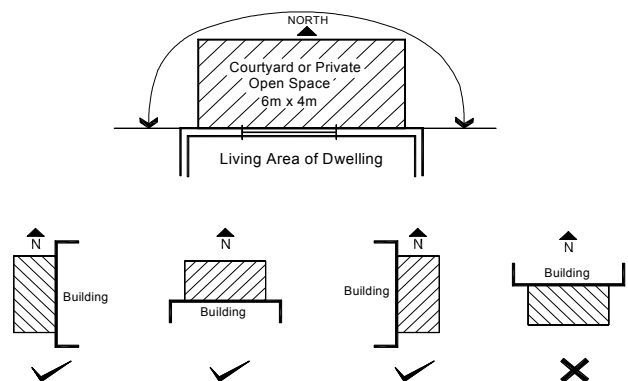
- l. Surface stormwater storage detention basins are able to be landscaped provided that the area is densely planted and mulched. The organic mulch is to be stabilised with biodegradable netting material or alternatively gravels may be used. Landscaped detention basins are to be designed in conjunction with the drainage engineer and landscape architect.
- m. An external energy efficient lighting system is recommended for pedestrian access and driveways located within communal open space.
- n. On level sites adjacent to major roadways, the provision of low earth mounds will enhance the development considerably at ground level and provide visual and noise buffering (Mounding must consider any impacts on storm water flow.)
- o. Street trees are required along street frontages within the footpath area in accordance with Council's Urban Tree Policy (1992), or any applicable Development Control Plan.

In addition to satisfying the above controls - more specific landscape objectives and design controls are provided for Foreshore development and Waterfront development in the Landscape DCP.

## 12.2 Private Open Space

Courtyards or Private Open Space is required for all dwellings, as follows:-

- a) A minimum area of 6 metres by 4 metres must be provided for each dwelling.
- b) Direct access from the living area must be provided from each dwelling to the courtyard or private open space area.
- c) The minimum area of the courtyard or private open space must be oriented to the north as shown in the diagram below. Where the street frontage of a development is to the north, south-facing courtyards may be permitted. In this case an alternative open space area, either common or private open space, must also be provided which is oriented to the north.



- d) Where courtyards are provided forward of the building line;
  - Fencing must be setback from the street by a distance equal to twice the maximum height of the fence and be consistent with the surrounding streetscape; and
  - The setback should be fully planted with native shrubs, trees and groundcovers
  - Drying areas must be located elsewhere on the site.
- e) Courtyards should be designed to provide reasonable privacy for occupants from overlooking by other dwellings.

## 13. Streetscape and Building Design

Streetscape is the way in which the buildings, landscape and road combine to give individual streets their identity. In order to retain this identity, new development needs to consider the character and scale of existing buildings in the street and maintain the character, scale and setbacks as far as possible.

The landscape and types of plantings in the street must also be considered. Much of the character of the existing suburbs in Sutherland Shire comes from the mature trees in the landscape. It is critical that any significant mature trees that contribute to the residential areas are kept to maintain the tree canopy.

### Objective:

Development that, when viewed from the street, is compatible with the character and scale of any existing buildings to be retained on the site and residential development in the immediate vicinity.

Streetscapes that are not dominated by garages, car parking and paving which would be out of character with the surrounding properties.

## Controls

### 13.1 Roofing

The roof of a new development should be similar to the angle of pitch, materials and colour of roofs in the adjoining area. This is to maintain the appearance and character of the street. This is not saying they should all look the same.

In areas visible from the foreshore, roofs must be designed to blend into the landscape; reflective colours and materials will not be permitted.

In order to provide for the potential use of solar energy collectors the development should incorporate pitched roofs facing north

### 13.2 Colour and Materials

The materials and/or colours of any new housing development in existing residential areas should reflect the general character of the area in which it is located. This is to maintain the existing character of Sutherland's residential areas.

In areas visible from the foreshore, colours and materials must blend with the natural landscape. Reflective materials are not acceptable for roof or wall cladding.

### 13.3 Presentation to the Street

New development should present windows in the street elevation, and similar proportions of the building to block width as presented by existing development in the street.

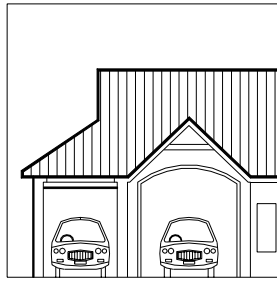
If two storey development is proposed in a street of single storey development, it should be designed to incorporate a single storey element on the street frontage by stepping the second storey. This will enable new development to relate more sympathetically to a single storey character.

If garages are proposed in the front elevation they should be set back beyond the front façade of the building, or be suitably screened or designed so as not to visually dominate the street façade.

Car parking layouts which do not have garage doors facing the street are preferred.



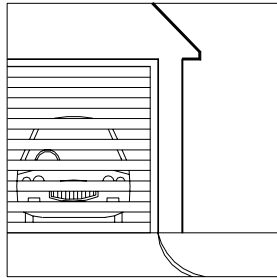
Treat as two single garages to reduce bulk



Detailing to door



Slatted door



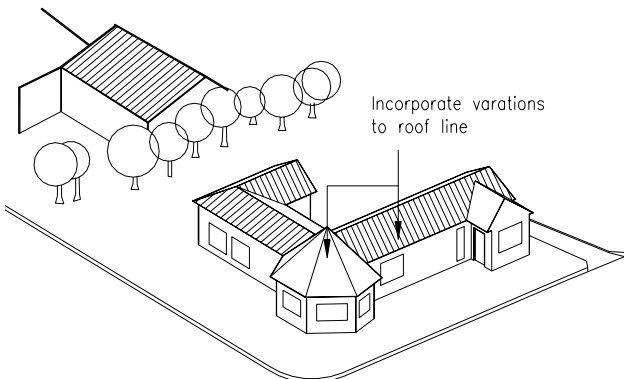
Garage detailing to soften visual impact and integrate into streetscape

### 13.4 Fencing

New development should propose fencing of similar character and height as is existing in the streetscape. High courtyard fencing, if not common in the street, will not be permitted.

### 13.5 Corner Sites

Blank walls should not be presented to either frontage. The building should be designed to relate architecturally to the corner position, to mark the corner. Long side boundaries should be articulated by punctuation with bay windows, verandahs, balconies or wall offsets.



Provide windows to street frontage.  
Avoid blank walls.

## 14. Carparking and Vehicular Access

### Objective:

Adequate, convenient and safe parking for residents and visitors which does not dominate the streetscape or cause congestion in nearby streets.

### Controls

#### 14.1 Number of spaces required

Dwellings up to 125m<sup>2</sup> gross floor area (excluding up to 20m<sup>2</sup> for garaging) must provide 1 car space. Larger dwellings must provide two spaces.

A maximum of one space per dwelling shall be provided as a garage, the second space, if required, shall be either a carport or uncovered car space.

#### 14.2 Location and dimensions of parking spaces and driveways

No spaces are to be provided forward of the building line for dual occupancy development.

On lots having a width of less than 18m the car parking shall not be arranged so that 4 car spaces adjoin and are spread across the lot. Such an arrangement presents excessive paving forward of the dwellings. Either car parking should be reduced or an alternative car parking layout formulated.

Car spaces may be uncovered or provided as tandem spaces as long as access to the second dwelling is unobstructed.

Long straight driveways are to be avoided and the use of decorative paving is encouraged. Footpath crossings can be offset from main access driveways to reduce the “gun-barrel” impact on streetscape.

A setback is required between driveways and side boundaries. This must average 1.2m along the boundary length and contain screen planting.

Parking spaces must be a minimum of 2.6m x 5.5m, and 3m wide for garages, or where the space is adjacent to a building or obstruction. Parking spaces for disabled people must be a minimum of 3.8m wide to allow for wheelchair access.

Driveways should not exceed 3m in width, except where provision is made for turning into car spaces or for necessary passing bays along driveways.

Where vehicular access is provided to the rear of a site or over an existing right-of-carriageway, vehicles must be capable of leaving and entering the site in a forward direction.

Basement carparking must not exceed 1.5 metres above ground level to the top of the slab.

## 15. Privacy and Noise

### Objectives:

1. Dwellings located and designed to provide a reasonable level of privacy and minimise overlooking of neighbours' windows and gardens.
2. Dwellings designed so that noise from outside sources, when measured within habitable rooms and in private open space, is kept to acceptable levels.
3. Noise levels within dwellings and in communal and private outdoor areas contained, as far as possible, so as to minimise unreasonable transmission to adjoining dwellings.

### Controls

#### 15.1 Privacy

Windows must be designed to maximise the privacy of adjoining and on-site residents for indoor and outdoor living spaces. Windows should not be placed directly opposite existing windows. One solution is to stagger window positions to avoid overlooking.

Overlooking from two storey development requires particular consideration of the first floor room layout, with windows oriented to private outdoor areas or the street. Provide high level windows to the second level where overlooking may occur. Screen planting can also be used to minimise overlooking.

The internal arrangement of rooms should ensure an adequate level of privacy for each dwelling in relation to adjoining dwellings.

Create private open space for each dwelling with courtyard walls and screen landscaping. The use of courtyards abutting blank walls of the other dwelling, offers opportunities for a high level of privacy and amenity.

Landscaping can assist in creating privacy but it is not a substitute for the dwelling design. The layout of the dwellings and their courtyards must be designed to create privacy for both the on-site residents and their neighbours.

#### 15.2 Noise

Noise can be a problem in residential areas. It can be from cars, parties or other houses generally. Measures to safeguard visual privacy will generally contribute to noise control as well.

The location of any serious noise sources in the locality should be considered. If the development is next to a major road (Princes Highway or The Kingsway) or a proposed freeway, design the dwellings to achieve ambient sound levels of:

- a) 40dB(A) in recreation and work areas
- b) 30dB(A) in sleeping areas

Ensure that noisy areas adjoin noisy areas, and quiet areas adjoin quiet areas.

Walls and buildings are the only really effective noise barriers and should be designed for this purpose.

The use of fin walls, projecting from the exterior of the building, reduces noise, increases privacy, and protects individual windows from noise.

## 16. Sunlight and Overshadowing

### Objectives:

1. Overshadowing of neighbouring or internal dwellings minimised, particularly solar collectors.
2. Control of summer sun and admission of winter sun to dwellings wherever practicable.
3. Reasonable access to sunlight for living spaces within buildings and open space around buildings.

### Controls

#### 16.1 New Dwellings

Living areas should be oriented to the north or north-east. Utilise deciduous trees, pergolas and wide eaves to control summer sun and admit winter sun.

Each new dwelling must have an outdoor area which is an extension of the living area of the dwelling. At least half of each outdoor area is to receive direct sunlight at ground level for the four hours between 10am and 2pm during mid winter.

Provide for the potential use of solar energy collectors by incorporating pitched roofs facing north.

#### 16.2 Neighbouring Properties

Avoid overshadowing of neighbouring properties, particularly northern walls and garden areas adjacent to houses.

New development must not eliminate more than one third of the existing sunlight, to windows of living areas and usable private open space, of an adjoining property measured at 10am and 2pm on 21 June.

No overshadowing of solar collectors will be permitted.

## 17. Views

### Objectives:

The views of existing residents maintained, where this is reasonable. Where possible, dwellings are designed with living areas facing the view.

### Controls

Identify existing views and locate and design buildings to minimise the loss of views enjoyed from other buildings or public places, while still providing views from the development itself.

Step buildings down the site or use only single storey dwellings to minimise the loss of views. Avoid steep roofs.

## 18. Heritage

### Objectives:

1. Retention and conservation of heritage items; and
2. Infill developments adjacent to heritage items which are sympathetic to the significance of the item in both scale and design.

### Controls

If your site has a building, work, relic or place that is a heritage item under SLEP 2000, your development must be designed:  
to retain the item;  
to complement the item by using compatible building styles, colours and materials.

If your site is identified as a heritage item under SLEP 2000 contact the Environmental Services Division for more detailed guidance.

## 19. Energy Efficiency

Energy efficient dwellings are designed and constructed using appropriate materials and appliances to maximise the use of sustainable energy sources (such as sunshine) and use energy more efficiently.

They are “smart” because they simultaneously help preserve scarce resources, reduce the level of greenhouse gas emissions, and provide significant savings.

Applicants must demonstrate the energy efficiency of the proposal by submitting an energy rating from an accredited assessor with the application.

NatHERS is currently the only rating tool accepted for use. Other rating tools may be accepted in the future, once they have passed accreditation protocol.

In NSW the House Energy Rating Management Body (HMB) is the accreditation body for Home Energy Assessors. Assessors provide a summary report which reflects the annual heating and cooling load for a dwelling. The results of the report are expressed as a “star rating” of 0-5 stars (with ‘0’ being least to 5 stars being most efficient).

### Objectives:

1. An improved quality and energy efficiency of dwellings.
2. Dwellings that:
  - Use less energy
  - Are comfortable to live in
  - Are economical to run
  - Contribute positively to an overall reduction in greenhouse gas emissions.

### Controls

#### A. Minimum compliance controls:

1. A certificate from an accredited assessor showing a minimum 3.5 star energy rating for building envelope using an approved HER tool (eg NatHERS). Ratings are to be provided for each dwelling.
2. A hot water system with a minimum score of 3.5 using SEDA greenhouse score for hot water heaters. Refer to table below.

Water Heater Type		Score
Solar-Gas Boost	Storage	5
Gas	Instantaneous	4
Gas-Storage	High Efficiency	4
Electric-Storage	Heat Pump	4
Gas-Storage	Low Efficiency	4
Solar- Electric Boost*	Continuous	4
Solar-Electric Boost*	OP2	4
Electric	Instantaneous	2
Electric	Continuous	1
Electric-Storage	Storage (OP1, OP2)	1

\* greater than 50% solar contribution.

3. AAA rated showers, wash basins, kitchen sinks and toilet cisterns must be installed.
4. Clothes dryers, where they are being installed, with a minimum score of 3.5. (Refer to Greenhouse score table below)

Council only accepts HMB accredited energy ratings (which must be submitted as part of a Development Application).

## B. Exemption from Minimum Controls for New Dwellings.

Only under exceptional circumstances will Council consider varying the minimum controls.

The circumstances are:

- a) **Steeply sloping sites** (especially on the foreshore) which may preclude slab floor type construction.
- b) **Unusual construction** – where the prescribed assessment techniques do not address, or reliably assess, the performance of the construction being adopted and there are prima facie grounds for believing the prescribed techniques significantly underestimate the construction's performance.
- c) **Conflicting guidelines** – existing lease and development conditions, other development control plans or any other policy or guidelines that Council determines will have priority over this plan eg heritage requirements, which preclude the attainment of the minimum rating requirements.

The applicant must demonstrate the reason for non compliance and provide a statement from an accredited assessor that the alternative requirements listed below have been complied with.

### Minimum controls for alterations and additions and new or existing dwellings where building envelope requirements cannot be met.

1. Insulation installed in ceiling, walls and floors as follows:
  - ♦ **Roof/ceiling:** insulation installed with a minimum R3.0 rating (roof/ceiling combined)
  - ♦ **External walls:** insulation installed with a minimum R1.5 rating. (Cavity brick construction is exempt from this requirement.)
  - ♦ **Floors:** insulation installed with a minimum R2.0 rating. NB. Buildings with slab on ground construction are exempt from floor insulation requirement.
2. Installation of ceiling fans in habitable rooms.
3. A hot water system with a minimum score of 3.5 using SEDA greenhouse score for hot water heaters. Refer to table above.

4. AAA rated shower, wash basins, kitchen sinks and toilet cistern sets must be installed..
5. Clothes dryers, where they are being installed, with a minimum score of 3.5. (Refer to Greenhouse score table below)

<b>Energy Rating Label</b>	<b>Greenhouse Score</b>
5.0	5.5
4.5	5.0
4.0	4.5
3.5	4.0
3.0	3.5
2.5	3.0
2.0	2.5
1.5	2.0
1.0	1.5

*Clothes Dryers 4.0kg and over. These conversions are for electric systems only. The Greenhouse Score for gas-powered clothes dryers will generally pass the minimum requirements.*

To determine the Greenhouse Score of a clothes drier, check the star rating on its Energy Rating Label (typically found on the front of the clothes drier) and match it with the Greenhouse Score in the Conversion table above. If it achieves a Greenhouse Score of 3.5 or greater, the clothes drier has passed.

## 20. Frontage Works and Damage to Council Property

### Objectives:

A satisfactory finish to the roadway and footpath areas.

### Controls

#### 20.1 Frontage Works

Provide tree planting and turfing in the footpath area.

Provide kerb and gutter along the total road frontage of the site, including road shoulder construction.

Provide a heavy-duty vehicular gutter crossing 5m in width.

Provide replacement or installation of a 1.2m footpath of suitable finish, if it is provided generally along the street, where it is considered necessary.

These works must be constructed at the conclusion of construction of the development. On battle-axe type allotments, the frontage includes all the street front blocks.

#### 20.2 Damage to Council Property

Before any demolition or construction work is carried out on the site Council requires security for the payment of the cost of making good any damage caused to any Council property as a consequence of the implementation of the consent.

## 21. Section 94 Contributions

Section 94 is a section of the Environmental Planning and Assessment Act that enables Council to collect monies, require dedication of land or provision of facilities (material public benefit) when approving development if it can be shown that the development will, or is likely to, increase the demand for services and facilities which Council provides.

### Objective:

Development that contributes towards the provision of services and facilities (eg: open space, community facilities, infrastructure works) in the area because the proposed development increases the demand for these facilities/services.

### Controls

The cash contribution rate applicable to a development is outlined in the relevant Contribution Plan and is subject to indexation on 1 July every year.

Further information on the Contributions Plans applicable to a development and the associated rates can be obtained by contacting the Section 94 Planner in the Environmental Planning Unit.

The following contribution plans may apply to development for dual occupancy in residential zones:

## 22. Site Drainage

### Objective:

Proper drainage of the site to protect the adjoining sites from increased run off from development.

### Controls

Drain all roof and surface waters by pipeline to a street and discharge to Council's nearest piped stormwater system.

Discharge the stormwater into the same catchment area in which the land being developed is situated.

Allotment drainage must discharge to the roadway gutter or an approved stormwater system. Depending on site requirements, Council may require:

- a) an easement over adjoining land to be obtained;
- b) the creation of an easement to permit drainage of adjoining land across the site;
- c) on site detention of stormwater.

Generally buildings will not be permitted to be constructed over easements. The filling of land in order to gain discharge of roof and surface water by gravity to the street drainage is generally prohibited. Drainage design should consider the size and impact of drainage pits, particularly for inner courtyards and private open space in new development.

Council encourages the provision of rainwater tanks to reduce discharge to the stormwater system.

### Note:

**Site stormwater discharge should be limited to pre-development rates by the use of on-site drainage detention.**



## 23. Origin

**Edition 1:** Adopted by Council on 16 May 1994  
Authority EHC Minute 156  
Plan came into force 19 May 1994

**Edition 2:** Amendment No.1 was adopted by Council on  
8 August 1994 (EHC Committee Minute  
39/95)

### **Edition 3:**

<b>Action</b>	<b>Date</b>
Council Endorse Plan	5th May 1997 (EHC 278-97)
Public Notice (draft)	27th May 1997
Exhibition Start	27th May 1997
Exhibition Finish	30th June 1997
Council Decision	3rd November 1997 (EHC 136-98)
Public Notice (final)	13th November 1997
In Effect	18th November 1997

- (a) Amended to upgrade standard of presentation.
- (b) Minor alteration which make the document consistent with the Sutherland Shire Local Environment Plan 1993 as amended and other Development Control Plan.

### **Edition 4**

<b>Action</b>	<b>Date</b>
Council endorses plan	20 November 2000 (EHC 122-01)
Public notice (draft)	28 November, 2000
Exhibition start	28 November, 2000
Exhibition finish	31 January, 2001
Council decision	19 March 2001
Public notice (final)	27 March 2001
In effect	27 March 2001

- a) Amended to be consistent with Sutherland Shire Local Environmental Plan 2000.
- b) New section on Energy Efficiency
- c) Revised section on "Making an Application"
- d) Incorporates relevant section from Landscape DCP