

SUTHERLANDSHIRE

# DWELLING HOUSES

DCP 2015 CHAPTER 2



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## a. Dwelling Houses in the E3 Environmental Management Zone

The E3 Environmental Management zone is the most environmentally sensitive residential zone in the Sutherland Shire. The E3 zone is the first tier of the environmental zones where residential development is permissible. Residential development in these localities has to be carried out in the context of areas with special ecological, scientific or aesthetic attributes on the land, or in areas which are subject to environmental hazards or processes.

The E3 zone applies to low density residential areas characterised by distinctive natural features and sensitive environmental values, being scenic foreshore areas and bushland settings. The E3 zone also applies to some land which is at risk from bushfire and areas where evacuation will be required during bushfires.

Given its application to land that has environmental significance, scenic values or hazard risks, a limited range of development is appropriate in the zone. In this low density zone development needs to be sensitively designed and sited so that it is compatible with the underlying qualities of the land. The controls for dwelling houses in the E3 zone aim to deliver well-designed homes that respond to natural landforms, minimise the visual impact of new development and protect and enhance the natural vegetation. The controls also aim to ensure a high level of amenity for neighbouring residents.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. In the E3 zone the relationship of the built form to the natural environment, particularly along the waterways, is a key consideration. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary aspects of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural setting of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality and that the environment's natural qualities dominate.
3. Retain and incorporate existing natural features, trees and bushland into the development.
4. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
5. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours.
6. Ensure the safety of pedestrians, cyclists, and vehicles using the public domain and private land.

## **1.2 Controls**

1. New dwellings shall be sited so that there is minimal disturbance to the natural landscape, with significant vegetation retained and enhanced.
2. Where a site is subject to bushfire risk, the dwelling should be located where risk factors are less severe.
3. Development is limited to two storeys in height above existing ground level. Development is to be stepped down a steep site.
4. Council may permit a variation to the two storey limit for a third storey above natural ground level where Council is satisfied that:
  - a. The third storey does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and
  - b. The third storey 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;
5. Council may permit a basement where Council is satisfied that:
  - a. Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.
  - b. Basements must be setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.
  - c. In order to minimise the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.
  - d. Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.
  - e. Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.

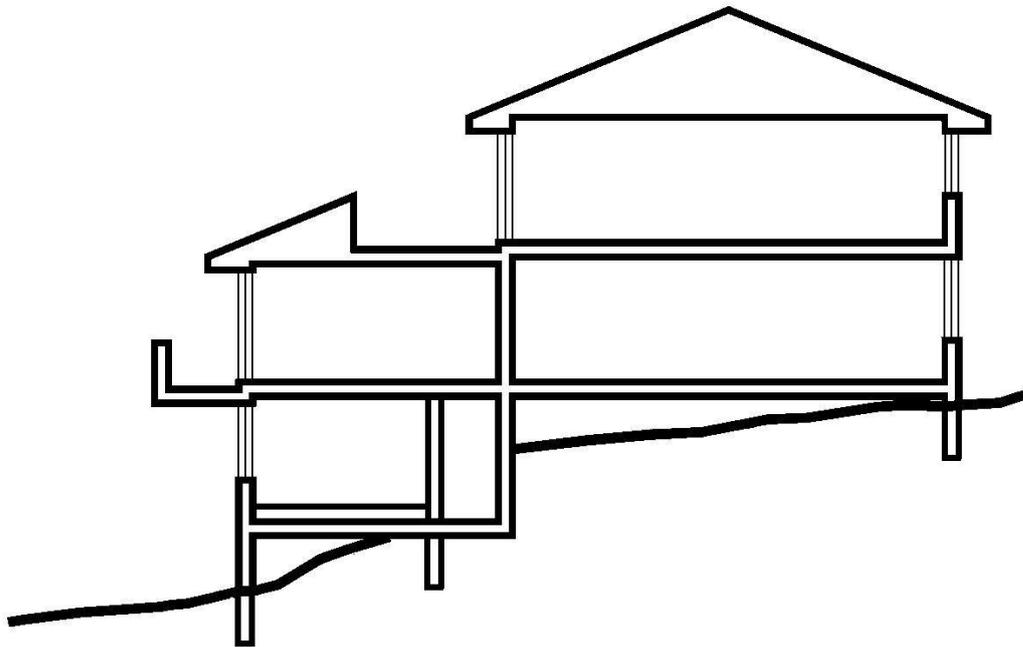
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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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*Figure 1: Building stepping down a site*

6. Two or three storey development above natural ground level 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.
7. Despite 6, 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.
8. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
9. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using single storey elements,
- c. avoiding steep roofs, and, or
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for the planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater and protecting the landscape qualities and character of the locality.
4. Promote residential amenity for residents and neighbours, including access to natural light and ventilation and both visual and acoustic privacy.
5. Provide adequate access for emergency services within the side setback in bush fire prone areas.
6. Alleviate the visual intrusion of built form on neighbouring properties.
7. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

Table 1: Setbacks

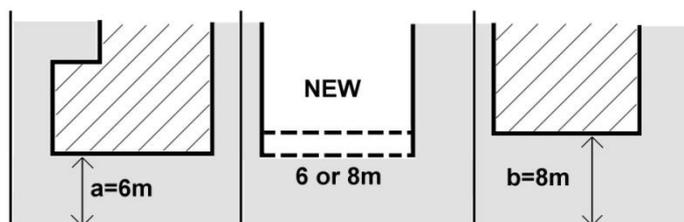
Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback*
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	1.5m
<b>Rear</b>	6.0m
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

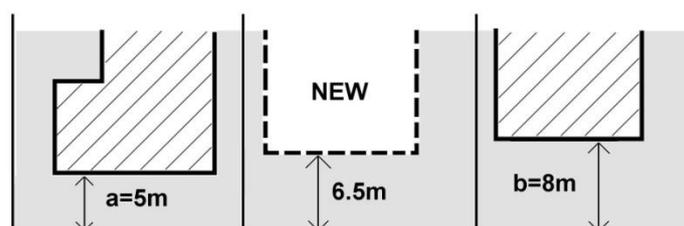
\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 1: Established Street Setbacks

Where the difference between setbacks is 2m or less



Where the average between setbacks is greater than 2m



3. 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.

4. Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
5. In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.
6. The side setback may be reduced to 900mm for alterations and additions to dwellings that have an existing side setback of 900mm, where this does not impede emergency access.

7. 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 or more 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.

### 3. Landform

The natural topography and landform features of the E3 zone make up a fundamental part of the character and attractiveness of the Shire. Natural landforms provide for a variety of views and vistas, both local and distant, from public and private domains. Maintaining the natural landform should be an integral consideration for the design of new dwellings.

In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities of the site to be the dominant elements of its setting.

Development on the steeper and more elevated areas is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling. Even in areas prone to bushfires, sensibly selected and sited trees can help reduce ember attack.

#### 3.1 Objectives

1. Ensure that development utilises natural or existing building platforms so that:
  - a. existing natural vegetation within the precinct is preserved; and
  - b. steeply sloping land is not modified to create building platforms, making the land unstable.
2. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
3. Minimise the visual impact of new development, particularly when viewed from the public domain.
4. Minimise earthworks to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
5. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

### **3.2 Controls**

1. Development is to be located so that:
  - a. Clearing of natural vegetation is avoided; and
  - b. A stable building footprint can be established that:
    - i. does not rely on the use of cut or fill, or any other form of terracing;
    - ii. avoids the location of buildings over slopes greater than 18 degrees or 33%;
    - iii. uses, where practicable, a natural flat area.
2. The depth of cut and fill must not exceed 1m from existing ground level, except where the excavation is for a basement.
3. Despite the above, Council may consider a variation (cut or fill greater than 1m) only where:
  - a. Alternative design solutions have been explored and presented to Council showing no feasible solution to excavation 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.
4. Developments should avoid any unnecessary earthworks by designing and siting buildings within the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.
5. Any excavation must not extend beyond the building footprint.
6. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours, and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

In the E3 zone, the tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees and bushland vegetation within and adjacent to the proposed development.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within the development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.

5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plant Selector available on Council's website
6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural qualities of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting and can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to private open space areas of a dwelling.
4. Ensure building design and siting location does the most to minimise adverse impacts of overshadowing on neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> with a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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.
5. Front fencing must be in accordance with the provisions specified in Chapter 34 Ancillary Development: Fences.

6. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access, or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
7. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings, and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads –Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports, and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling.  
Maximum 3 car spaces per dwelling.\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building Form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e., stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum width of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines. Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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## b. Dwelling Houses in the E4 Environmental Living Zone

The E4 Environmental Living zone is the second tier of the environmentally sensitive residential zones within the Sutherland Shire. The zone applies to land with special environmental or scenic values due to its proximity to waterways, bushlands or areas with higher levels of environmental qualities where residential development can be accommodated.

The E4 Environmental Living zone also applies to land with a variety of risk types, in particular areas which are at risk from bushfire and areas where evacuation will be required during bushfires. Development in this zone is to give priority to preservation of the particular environmental qualities of the land. In areas at risk of bushfire development needs to be carefully designed and sited so that risk to life and property is appropriately managed while being mindful of the need to maintain the natural and scenic qualities of the locality.

The controls for dwelling houses in this zone aim to deliver well designed homes that respond to natural landforms, minimise the visual impact of new development and protect and enhance the vegetated character of these areas. The controls also aim to ensure an appropriate balance between residential development and a high level of amenity for neighbouring residents.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. In the E4 zone the relationship of the built form to the natural environment, is a key consideration. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality and that the environment's natural qualities dominate.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours
5. Ensure the safety of pedestrians, cyclists, and vehicles using public domain and private land.

### 1.2 Controls

1. New dwellings shall be sited so that there is minimal disturbance to the natural landscape, with significant vegetation retained and enhanced.
2. Where a site is subject to bushfire risk, the dwelling should be located where risk factors are less severe.
3. Except for Greenhills Beach, development is limited to two storeys in height above existing ground level. Development is to be stepped down a steep site.

4. Council may permit a variation to the two storey limit for a third storey above natural where Council is satisfied that:
  - a. The third storey does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and
  - b. The third storey 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;
5. Council may permit a basement where Council is satisfied that:
  - a. Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.
  - b. Basements must be setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.
  - c. In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.
  - d. Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.
  - e. Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.

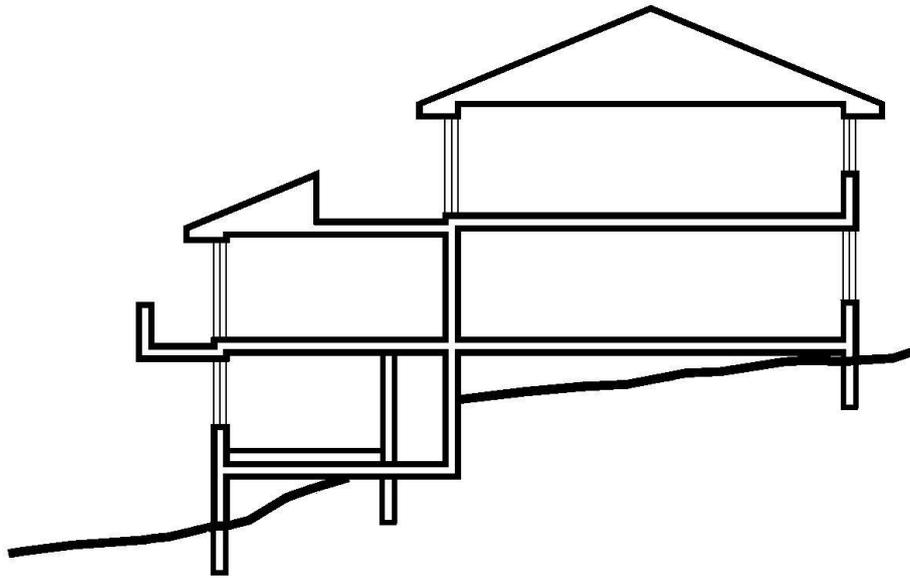
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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definitions of gross floor area in SSLEP2015.

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*Figure 1: Building stepping down a site*

6. Except for Greenhills Beach and the Ridgeway Estate Barden Ridge, two or three storey development above natural ground level 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.
7. Despite 6, for areas other than Greenhills Beach and the Ridgeway Estate Barden Ridge, 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.
8. In the Ridgeway Estate, the upper storey part of development must be set back a minimum of 8m from the rear boundary.
9. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
10. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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11. For dwellings within Greenhills Beach, any third (3rd) storey component of a building is to be no greater than 50% of the total ground floor footprint of a building or 80m<sup>2</sup> in area, whichever is the least amount.

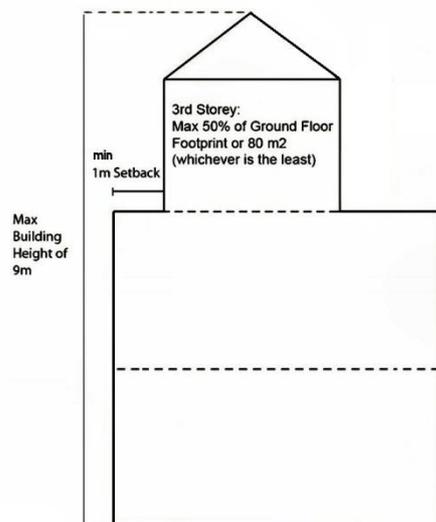


Figure 2: Third Storey requirements in Greenhills Beach

## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater and protecting the landscape qualities and character of the locality.
4. Promote residential amenity for residents and neighbours including access to natural light and ventilation and both visual and acoustic privacy.
5. Provide adequate access for emergency services within the side setback in bush fire prone areas.
6. Alleviate the visual intrusion of building bulk on neighbouring properties.
7. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

Table 1: Setbacks

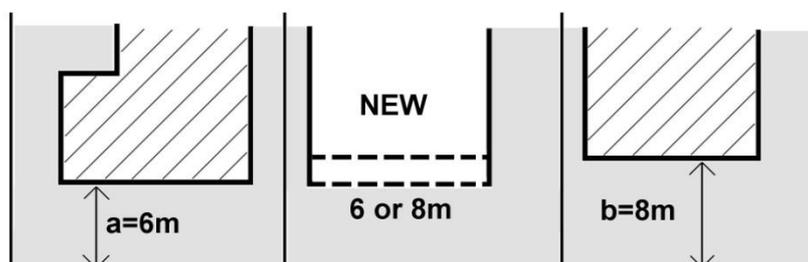
Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback*
	6.0m Greenhills Beach and the Estate known as Ridgeway (Barden Ridge)
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	1.5m
<b>Rear</b>	6.0m
Ridgeway Estate Barden Ridge Upper storey	8.0m
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

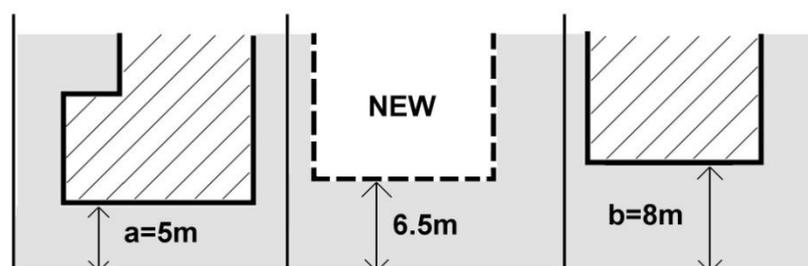
\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 2: Established Street Setbacks

Where the difference between setbacks is 2m or less



Where the average between setbacks is greater than 2m



- 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.

- Garages and garage doors cannot be located in the articulation zone and are to be integrated with the building design. These elements are to be located no closer than 7.5m to the street, except within Greenhills Beach, and the Estate known as Ridgeway (Barden Ridge), where these elements are to be located no closer than 6m to the street,
- A minimum 3m setback applies to the secondary street frontage. In the case of corner properties, the secondary street frontage is the widest frontage.
- The side setback may be reduced to 900mm for alterations and additions to dwellings that have an existing side setback of 900mm, where this does not impede emergency access.

7. 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 or more 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.

### 3. Landform

The natural topography and landform features of the E4 zone make up a fundamental part of the character and attractiveness of the Shire. Natural landforms provide for a variety of views and vistas, both local and distant, from public and private domains. Maintaining the natural landform should be an integral consideration for the design of new dwellings.

In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities of the site to be the dominant elements of its setting.

Development on the steeper and more elevated areas is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### 3.1 Objectives

1. Ensure that development utilises natural or existing building platforms so that:
  - a. existing natural vegetation within the precinct is preserved; and
  - b. steeply sloping land is not modified to create building platforms, making the land unstable.
2. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
3. Minimise the visual impact of new development, particularly when viewed from the public domain.
4. Minimise earthworks to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
5. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

### **3.2 Controls**

1. Development is to be located so that:
  - a. Clearing of natural vegetation is avoided
  - b. A stable building footprint can be established that:
    - i. does not rely on the use of cut or fill, or any other form of terracing.
    - ii. avoids the location of buildings over slopes greater than 18 degrees or 33%
    - iii. uses, where practicable, a natural flat area.
2. The depth of cut or fill must not exceed 1m from ground level, except where the excavation is for a basement.
3. Despite the above, Council may consider a variation (cut or fill greater than 1m) only where:
  - a. Alternative design solutions have been explored and presented to Council showing no feasible solution to excavation 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
  - a. The design is a sensitive solution to the constraints of the site that does not exacerbate amenity impacts on the neighbouring dwellings.
4. Developments should avoid any unnecessary earthworks by designing and siting buildings within the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.
5. Any excavation must not extend beyond the building footprint.
6. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, bush regeneration and by minimising urban runoff. Even in areas prone to bushfires, sensibly selected and sited trees can help reduce ember attack.

### 4.1 Objectives

1. Retain and enhance existing mature trees and bushland vegetation within and adjacent to the proposed development.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.
5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plan Selector available on Council's website

6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. Good levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> with a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
6. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration aspects of visual privacy and noise sources and minimise their future impact on occupants. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration, topography, the scale of the development and its layout.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property-which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads – Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports, and parking areas do not visually dominate either the development or the streetscape.
2. Ensure car parking spaces are designed to allow ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling  
Maximum 3 car spaces per dwelling\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e., stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum width of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the *Australian Standards*, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines.

Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day

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### **c. Dwelling Houses in the R2 Low Density Residential Zone**

The R2 Low Density zone is the zone applied to the traditional low density residential areas of the Shire. The controls for dwelling houses in this zone aim to ensure that development is compatible with the established character and streetscape of a locality and preserves and enhances the garden and bushland setting of the zone. The controls aim to deliver well-designed homes that offer amenity to the residents and protect neighbours amenity.

The zone allows for a variety of housing types, facilities and services to meet the needs of the community and residents. All development is required to be at a scale and density that is compatible with the predominantly single dwelling character of the locality.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street and public domain make a positive contribution to the streetscape and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours.
5. Ensure the safety of pedestrians, cyclists, and vehicles using public domain and private land.

### 1.2 Controls

1. Development is limited to two storeys in height above existing ground level. Development is to be stepped down a steep site.
2. Council may permit a variation to the two storey limit for a third storey above natural ground level where Council is satisfied that:
  - a. The third storey does not result in the building having an adverse visual impact when viewed from the public domain, waterway or open space; and
  - b. The third storey 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;

3. Council may permit a basement where Council is satisfied that:
- a. Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.
  - b. Setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.
  - c. In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.
  - d. Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.
  - e. Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.

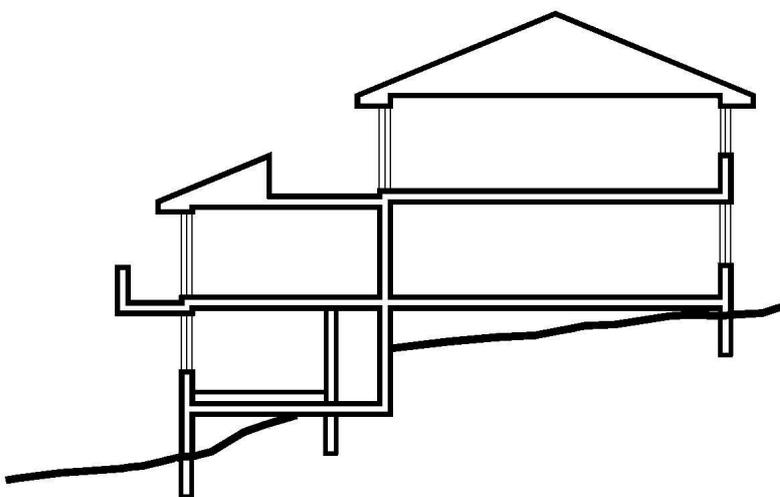
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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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*Figure 1: Building stepping down a site*

4. Two or three storey development above natural ground level 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.
5. Despite the above (4), 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.
6. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
7. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater and protecting the landscape qualities and character of the locality.
4. Promote residential amenity for residents and neighbours including access to natural light and ventilation and both visual and acoustic privacy.
5. Provide adequate access for emergency services within the side setback in bush fire prone areas.
6. Alleviate the visual intrusion of building bulk on neighbouring properties.
7. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

Table 1: Setbacks

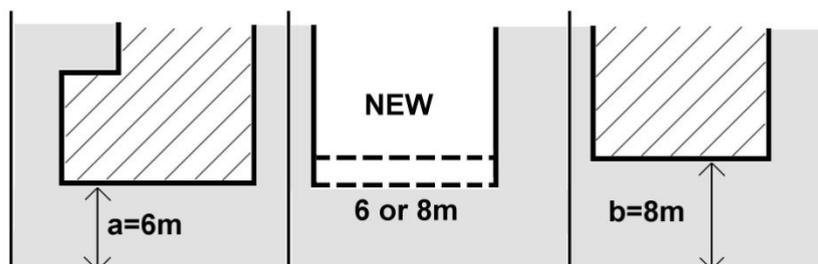
Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback *
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	
Ground floor	0.9m
Second Storey	1.5m
Internal lot	1.5m
Bush Fire Prone Land	1.5m
<b>Rear</b>	
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

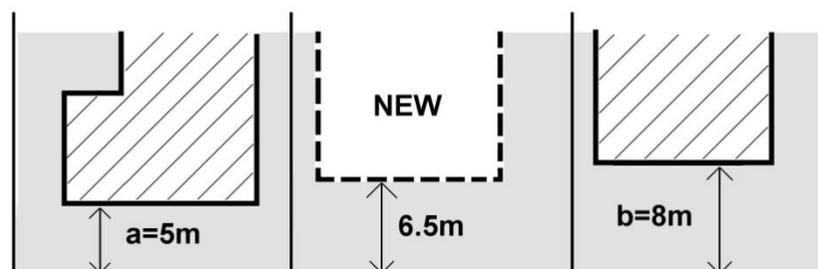
\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 2: Established Street Setbacks

Where the difference between setbacks is 2m or less



Where the average between setbacks is greater than 2m



3. 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.

4. Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
5. In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.

6. 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 or more 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.

### 3. Landform

The natural topography and landform features of the Shire make up a fundamental part of the character and attractiveness of the area. Natural landforms provide for a variety of views and vistas, both local and distant, from public and private domains. Maintaining the natural landform should be an integral consideration for the design of new dwellings.

In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities of the site to be the dominant elements of its setting.

Development on the steeper and more elevated areas is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### 3.1 Objectives

1. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
2. Minimise the visual impact of new development, particularly when viewed from, the public domain.
3. Minimise earthworks so as to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
4. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

#### 3.2 Controls

1. The depth of cut and fill must not exceed 1m from existing ground level, except where the excavation is for a basement.
2. Despite the above, Council may consider a variation (cut or fill greater than 1m) only where:
  - a. Alternative design solutions have been explored and presented to Council showing no feasible solution to excavation 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 the design is a sensitive solution to the constraints of the site that does not exacerbate amenity impacts on neighbouring dwellings; and

- c. The design is a sensitive solution to the constraints of the site that does not exacerbate amenity impacts on neighbouring dwellings.
3. Developments should avoid any unnecessary earthworks by designing and siting buildings within the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.
4. Any excavation must not extend beyond the building footprint.

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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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5. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.

5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plant Selector available on Council's website
6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirement refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. Good levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> and a minimum dimension of 5m of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
6. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property-which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB (A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads – Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports, and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling.  
Maximum 3 car spaces per dwelling.\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building Form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e., stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines. Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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#### **d. Dwelling Houses in the R3 Medium Density Residential Zone**

The R3 Medium Density zone is the zone primarily intended for villa and townhouse style development and is generally located on the outer edges of centres. Dwelling houses are not the predominant form of development in the zone. The zone is characterised by a more urban character resulting from the higher density of development and greater permissible height of 9m, which allows three storey development. Front setbacks and the streetscape play a major role in establishing the landscape setting of the zone.

The controls aim to achieve well-designed dwelling houses which moderate the impacts of higher residential densities to provide high levels of amenity for the residents of new and neighbouring dwellings.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural features of the area.
2. Ensure development is compatible with the future scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours.
5. Ensure the safety of pedestrians, cyclists, and vehicles using public domain and private land.

### 1.2 Controls

1. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
2. Dwellings are to be stepped down a steep slope.

3. Council may permit a basement where Council is satisfied that:

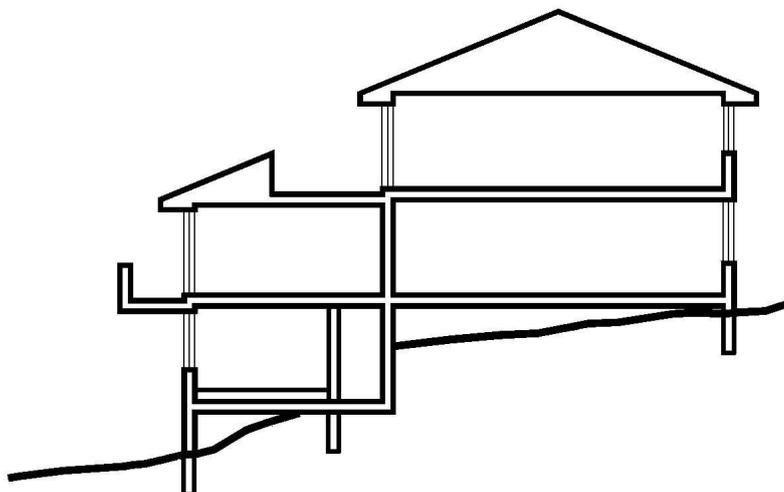
a) Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.

b) Setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.

c) In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.

d) Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.

e) Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.



*Figure 1: Building stepping down a site*

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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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4. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater and protecting the landscape qualities and character of the locality.
4. Promote residential amenity for residents and neighbours including access to natural light and ventilation and both visual and acoustic privacy.
5. Provide adequate access for emergency services within the side setback in bush fire prone areas.
6. Alleviate the visual intrusion of building bulk on neighbouring properties.
7. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

Table 1: Setbacks

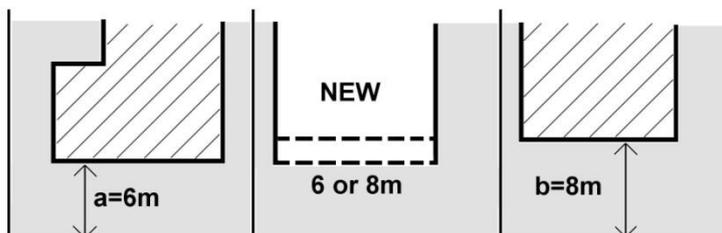
Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback*
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	
Ground floor	0.9m
Second Storey	1.5m
Internal lot	1.5m
Bush Fire Prone Land	1.5m
<b>Rear</b>	
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

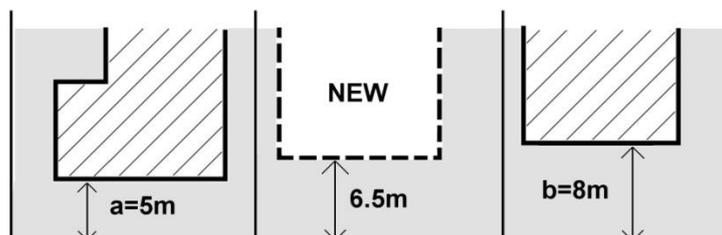
\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 1: Established Street Setbacks

Where the difference between setbacks is 2m or less



Where the average between setbacks is greater than 2m



3. 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.

4. Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
5. In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.
6. 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 or more 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.

### 3. Landform

In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities of the site to be the dominant elements of its setting.

Development on the steeper and more elevated areas is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### 3.1 Objectives

1. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
2. Minimise the visual impact of new development, particularly when viewed from the public domain.
3. Minimise earthworks so as to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
4. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

#### 3.2 Controls

1. Dwellings should be designed to complement the natural slope of the land.
2. Excavation for basements should not extend beyond the building footprint.
3. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.
5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plan Selector available on Council's website

6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirement refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. High levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> with a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
6. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. Direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. Where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports, and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling.  
Maximum 3 car spaces per dwelling.\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building Form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e., stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width, or one double garage door, with a maximum of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines.

Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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## e. Dwelling Houses in the R4 High Density Residential Zone

The R4 High Density Residential zone is Council's high density residential zone and captures lands that surround centres where residents can readily access important public transport facilities and interchanges. The zone is primarily intended for high density residential uses such as residential flat buildings (RFBs), however, dwelling houses are permissible and the existing character of such areas sees dwelling houses set alongside residential flat buildings as well as multi-dwelling housing (villas and townhouses). The controls for dwelling houses in this zone aim to deliver higher densities within a landscape setting established by front setbacks and the streetscape. Consequently, a more intensive use of the zone is appropriate and controls aim to ensure that the construction of dwellings that are compatible with the bulk and scale of larger structures, whilst ensuring high levels of privacy and amenity for residents of new dwellings and neighbouring dwellings.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street and public domain make a positive contribution to the streetscape and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Retain and incorporate existing natural features, tree and bushland into the development
5. Ensure that basement do not add to building bulk or exacerbate impacts upon neighbours

### 1.2 Controls

1. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
2. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.
3. Development must be limited to three storeys in height including any basement. Dwelling may be stepped down a steep site.

4. Council may permit a basement where Council is satisfied that:

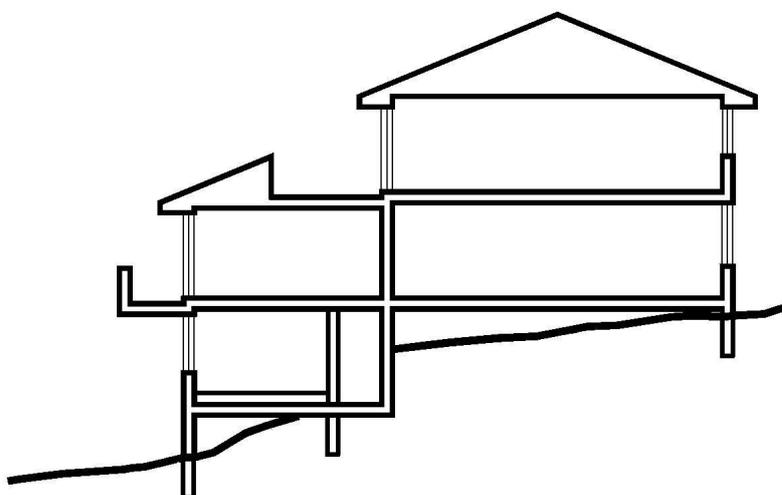
a) Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.

b) Setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.

c) In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.

d) Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.

e) Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.



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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater and protecting the landscape qualities and character of the locality.
4. Promote residential amenity for residents and neighbours including access to natural light and ventilation and both visual and acoustic privacy.
5. Alleviate the visual intrusion of building bulk on neighbouring properties.
6. Minimise view loss from adjoining or nearby properties.

### **2.2 Controls**

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

2. The minimum setbacks required are set out in the table below:

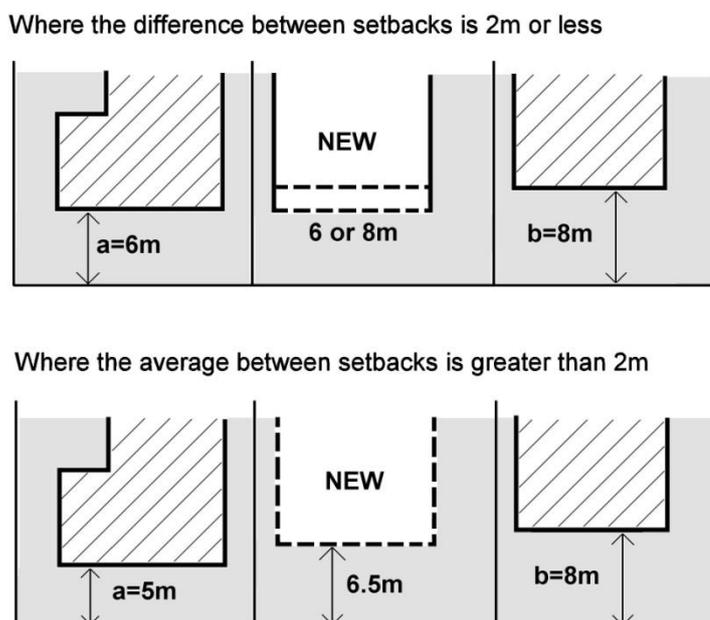
*Table 1: Setbacks*

<b>Setbacks</b>	<b>Minimum Distance</b>
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback *
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	
Ground floor	0.9m
Second Storey	1.5m
Internal lot	1.5m
Bush Fire Prone Land	1.5m
<b>Rear</b>	
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 1: Established Street Setbacks



3. 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.

4. Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
5. In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.
6. 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 or more 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.

### **3. Landform**

Development on the steeper and higher more elevated is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### **3.1 Objectives**

1. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
2. Minimise the visual impact of new development, particularly when viewed from and the public domain.
3. Minimise earthworks so as to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
4. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

#### **3.2 Controls**

1. Dwellings should be designed to complement the natural slope of the land.
2. Excavation for basements should not extend beyond the building footprint.
3. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.

5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plant Selector available on Council's website
6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirement refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. High levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to take advantage of solar orientation to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> with a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
6. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. Direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. Where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.

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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads – Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling.  
Maximum 3 car spaces per dwelling.\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e. stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines.

Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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## **f. Dwelling Houses in the B1 Neighbourhood Centre Zone**

The B1 zone is an open business zone that covers small-scale neighbourhood centres that serve the needs of the surrounding area. The zone may include a number of uses including commercial and retail, shop-top housing and dwelling houses. Dwelling houses within this zone frequently form the transition between a small row or cluster of shopfronts and the adjacent residential zone. The controls for the zone aim to ensure high levels of amenity for residents of the new dwelling and neighbouring dwellings in the residential zone.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street and public domain make a positive contribution to the streetscape and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours.
5. Ensure the safety of pedestrians, cyclists, and vehicles using public domain and private land.

### 1.2 Controls

1. Where a site is subject to bushfire risk, the dwelling should be located where risk factors are less severe.
2. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
3. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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#### Note:

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

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**Note:**

Specific controls for fencing are provided in Chapter 34.

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4. Two or three storey development above natural ground level 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.
5. Despite the above (4), 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.
6. Basements must:
  - a. Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.
  - b. Setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.
  - c. In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.
  - d. Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.
  - e. Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.

## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms, and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater.
4. Promote residential amenity for residents and neighbours, including access to natural light and ventilation and both visual and acoustic privacy.
5. Provide adequate access for emergency services within the side setback in bush fire prone areas.
6. Alleviate the visual intrusion of building bulk on neighbouring properties.
7. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

Table 1: Setbacks

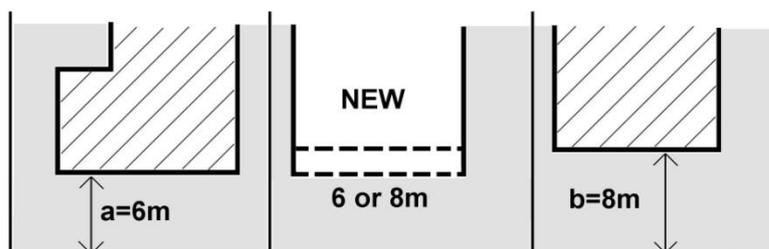
Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback*
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	
Ground floor	0.9m
Second Storey	1.5m
Internal lot	1.5m
Bush Fire Prone Land	1.5m
<b>Rear</b>	
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

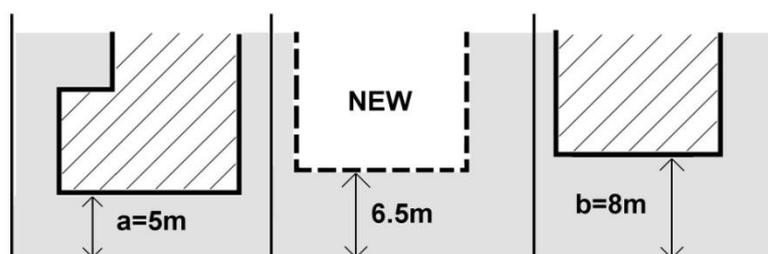
\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 1: Established Street Setbacks

Where the difference between setbacks is 2m or less



Where the average between setbacks is greater than 2m



3. 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.

4. Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
5. In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.
6. 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 or more 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.

### 3. Landform

In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities of the site to be the dominant elements of its setting.

Development on the steeper and more elevated areas is often more prominent, particularly when viewed from the lower areas. Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### 3.1 Objectives

1. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
2. Minimise the visual impact of new development, particularly when viewed from the public domain.
3. Minimise earthworks so as to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
4. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

#### 3.2 Controls

1. Developments should avoid any unnecessary earthworks by designing and siting buildings within the natural slope of the land.
2. Excavation for basements should not extend beyond the building footprint.
3. Basement car parking is only acceptable in the B1 Neighbourhood Centre where sites have a frontage of 20m or more and:
  - i. the slope of the land is 12.5% or greater; or
  - ii. the basement is achieved by way of a gentle gradient so that the driveway is not greater than 1m below natural ground level within the setback to the street.

All basements must be design so that vehicles can enter and leave safely in a forward direction, and a strip of landscaping is provided to the adjoining property boundary of at least 2 metres wide.

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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

If basement construction protrudes more than 1m above ground level, it is no longer defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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4. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, and bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees.
2. Contribute to streetscape character, local habitat and the amenity of the public domain by using indigenous planting and species which complement scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.
5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plan Selector available on Council's website

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Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. High levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> with a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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;
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Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. Direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. Where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
- 

4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads – Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling.  
Maximum 3 car spaces per dwelling.\*

\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building Form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

1. Tandem spaces (i.e. stacked parking) may be provided for dwelling houses.
2. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum of 6m, is to face the street.
3. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
4. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
5. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines. Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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## **g. Dwellings Houses in the SP3 Tourist zone**

The SP3 Tourist zone is intended to provide for a variety of tourist-orientated development and related uses. The SP3 Tourist zone is primarily intended for higher density uses such as residential flat buildings as well as food and drink premises. Within this zone dwelling houses are permissible. Consequently, a more intensive use of the zone is appropriate and controls aim to ensure that the construction of dwelling houses are compatible with the bulk, scale and character of larger structures, whilst ensuring high levels of privacy and amenity for residents of new dwelling houses and existing neighbouring dwellings.

## 1. Streetscape and Building Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character and scenic quality. Ancillary elements of development such as driveways, parking areas and fencing are important elements of the streetscape. To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements.

Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, the natural landscape setting, internal design and overall structure of a development.

### 1.1 Objectives

1. Ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
3. Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not dominate neighbouring rear yards.
4. Ensure that basements do not add to building bulk or exacerbate impacts upon neighbours.
5. Ensure the safety of pedestrians, cyclist, and vehicles using the public domain and private land.

## **1.2 Controls**

1. Extensive use of highly reflective materials is not acceptable for roof or wall cladding.
2. Development must be sensitively designed so that it is sympathetic to the amenities and view corridors of neighbouring public and private property and balances this with the amenity afforded to the new development.

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**Note:**

View corridors may be maintained by implementing the following measures:

- a. stepping buildings down the site,
- b. using only single storey elements,
- c. avoiding steep roofs, and
- d. breaking up the built form.

**Note:**

Specific controls for fencing are provided in Chapter 34.

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3. 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.
4. Despite 3, 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.
5. Basements must:
  - a. Basements must be wholly contained within the footprint of the building above. Terraces and alfresco areas are not to be provided over basements unless they are at ground level.
  - b. Setback a minimum of 7.5m from the front boundary and 50% of the front setback is to be landscaped in order to contribute to the landscape quality of the streetscape.
  - c. In order to minimize the visual impact of driveways to basements, cut shall be confined to less than one metre within the first 4 metres of the setback from the street. Landscaped terracing is to be relied upon to avoid the need to provide balustrading. Where site constraints make balustrading unavoidable, it is to be open form to minimize its visual intrusion into the streetscape.
  - e. Natural ground levels surrounding the development and at property boundaries must be retained or reinstated to predevelopment levels. Basements must be designed to work with the slope of the land.
  - f. Basements must not compromise the safety of the on-street or off-street environment for pedestrians, cyclists or vehicles. Ramps must have a maximum grade of -5% grade for the first 3m. Front and side boundary fences must be no higher than 1.2m within 3m of the basement ramp. Where safety and/or traffic conditions necessitate, vehicles are required to enter and exit in a forward direction.

## 2. Building Setbacks

### **Street Setbacks**

Street setbacks establish a consistent front building line and create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of building facades. Street setbacks can also be used to enhance the setting for the building by providing for landscaped areas, entries to the dwellings and deep soil zones suitable for planting of canopy trees.

### **Side and Rear Setbacks**

The spatial relationship of buildings is an important determinant of urban form. Building separation affects the spatial continuity and the degree of openness in the street and between properties. Building separation is required to minimise adverse amenity impacts by providing opportunities for landscaping, access, privacy, solar access and private and shared open spaces.

### **2.1 Objectives**

1. Establish the street proportions.
2. Encourage articulated building forms, and ensure garages do not dominate the streetscape.
3. Enhance the setting for the building by providing opportunities for landscaping and infiltration of stormwater.
4. Promote residential amenity for residents and neighbours, including access to natural light and ventilation and both visual and acoustic privacy.
5. Alleviate the visual intrusion of building bulk on neighbouring properties.
6. Minimise view loss from adjoining or nearby properties.

## 2.2 Controls

1. Street, side and rear setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, awnings, podiums, sunscreens and the like (excluding eaves).
2. The minimum setbacks required are set out in the table below:

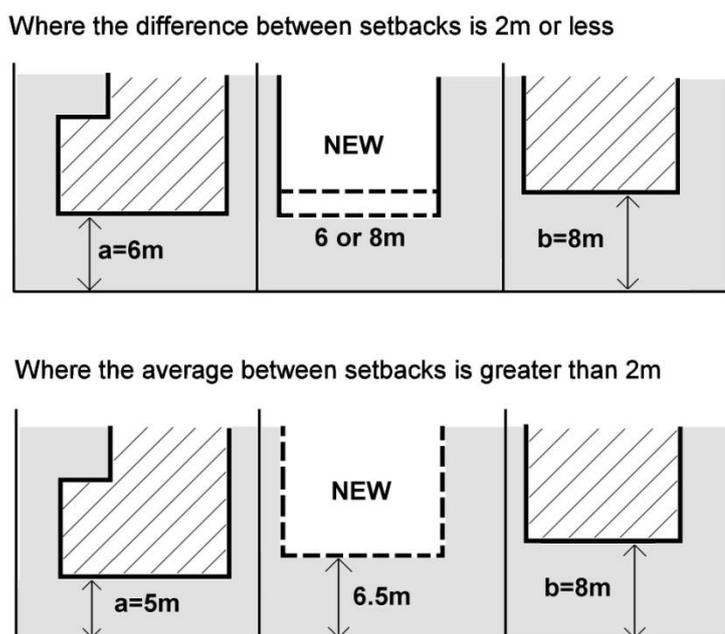
Table 1: Setbacks

Setbacks	Minimum Distance
<b>Front</b>	
Primary street frontage	7.5m – except where the adjoining dwellings are setback greater than or less than 7.5m, in which case it is the established street setback*
Secondary street frontage	3.0m
Internal lot	4.0m
<b>Side</b>	
Ground floor	0.9m
Second Storey	1.5m
Internal lot	1.5m
Bush Fire Prone Land	1.5m
<b>Rear</b>	
Internal lot	4.0m

Note: The 7.5m street setback applies to the primary (narrowest) street frontage.

\* The established street setback is the average distance of the setbacks of the nearest dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Where the difference between the setbacks of the nearest dwelling houses is less than or equal to 2.0m, the greater or lesser setback may be applied.

Figure 1: Established Street Setbacks



- 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.

- Garages and garage doors cannot be located in the articulation zone. These elements are to be located no closer than 7.5m to the front boundary and integrated with the building design.
- In the case of corner properties, the 7.5m setback applies to the narrowest street frontage. In the case of the secondary street frontage, a minimum 3m setback applies.
- 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 or more 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.

### 3. Landform

Well considered design ensures dwellings integrate with the streetscape and views from the waterways, and retain a consistent relationship to the natural topography. This relationship provides an important visual link between buildings in a streetscape, as well as reducing the impacts of new development on neighbouring lots.

Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment. Alternatives to slab on ground construction are encouraged where the gradient and characteristics of the site would otherwise require major excavation or filling.

#### 3.1 Objectives

1. Ensure that the building siting, design and construction method responds to the natural landform of the site and is appropriate for the site topography.
2. Minimise the visual impact of new development, particularly when viewed from the public domain.
3. Minimise earthworks so as to maintain the existing landform and protect the integrity and stability of geological elements in the vicinity of the site.
4. Minimise impacts on surrounding vegetation and provide increased opportunities for tree retention, including trees on neighbouring properties.

#### 3.2 Controls

1. Dwellings should be designed to complement the natural slope of the land.
2. Excavation for basements should not extend beyond the building footprint.

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**Note:**

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

If basement construction protrudes more than 1m above ground level, it is no longer considered defined as a basement. Floor space in a basement may be counted as part of gross floor area. Refer to the definition of gross floor area in SSLEP2015.

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3. Natural ground level surrounding the development and at property boundaries must be retained or reinstated prior to the completion of works.

## 4. Landscaping

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants and neighbours and a more attractive public domain. High quality landscape design protects and builds on the site's natural and cultural features to contribute to a development's positive relationship to its context and site.

Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, and bush regeneration and by minimising urban runoff.

### 4.1 Objectives

1. Retain and enhance existing mature trees.
2. Contribute to the streetscape character, local habitat and amenity of the public domain by using indigenous planting and species which complement the scale of the development.
3. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
4. Improve the microclimate within development.

### 4.2 Controls

1. Hard surface areas within the street frontage shall be limited to a maximum of 50% of the area of the front setback, with the remaining 50% occupied by deep soil landscaping.
2. Development should be designed to retain existing canopy trees in the vicinity of side, rear and front setbacks including on adjoining land.
3. 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 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 5m 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.
4. Landscape design and plant species selection should reduce the potential for invasive plant species to escape into bushland.

5. Where there are continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a maximum height of 4m, must be planted at a maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and or masonry fence or retaining wall. Street trees must be selected from the Council's technical specifications and Native Plant Selector available on Council's website
6. Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m, must be planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath, and/or masonry fence or retaining wall. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website.

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**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. The tool is available online at Council's website.

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 39 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.

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## 5. Building Layout, Private Open Space and Solar Access

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a higher level of amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, attractive outlooks from living spaces, and flexible and useable indoor and outdoor spaces that meet the needs of occupants.

Quality private open space is critical to achieving good residential amenity. Open space of sufficient area and dimensions to enable recreational and outdoor use, landscaping and service functions is needed for all dwellings.

Ideally, solar access should be maximised in winter and controlled in summer. Daylight consists of both diffused light and direct light. Good levels of daylight in a dwelling improve amenity and reduce the need for artificial lighting. High levels of daylight can be achieved through the careful consideration of window size, location and proportion.

### 5.1 Objectives

1. Ensure development provides opportunities for cross-ventilation and natural ventilation through the arrangement of external openings.
2. Ensure outdoor living areas are functional and responsive to the environment.
3. Provide privacy and solar access to principal private open space areas of a dwelling.
4. Ensure building design and location does the most to minimise adverse impacts of overshadowing of neighbouring buildings and private and public open spaces.

### 5.2 Controls

1. Orientate all new development and windows to maximise natural light penetration to indoor areas and reduce the need for mechanical heating and cooling.
2. A minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter should be provided to a living area within the dwelling.
3. Each dwelling is to provide an area of private open space that has a minimum area of 36m<sup>2</sup> and a minimum dimension of 5m, of which 9m<sup>2</sup> must be paved.
4. 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 34 Ancillary Development: Fences.

5. For the proposed dwelling:
  - a. orientate the area of private open space to take advantage of the northern solar access or an orientation that captures the best amenity, view or aspect;
  - b. ensure 10m<sup>2</sup> 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.
  
6. For the neighbouring dwellings:
  - a. ensure 10m<sup>2</sup> 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.

## 6. Visual and Acoustic Privacy

Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.

Major roads generate noise and vibration, and people living and working near major transport corridors can be adversely affected. Major roads can also impact on air quality due to their volume of traffic. Building design must take into consideration the noise, vibration and air quality effects of busy roads and rail corridors and minimise the amenity and health impacts on future occupants.

### 6.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.
2. Ensure dwellings are sited and designed so that visual and acoustic privacy and vibration from outside sources is controlled to acceptable levels, incorporating architectural and building elements to assist in protecting privacy.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 6.2 Controls

1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
2. Use building design to increase privacy without compromising access to light and air.
3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property dwelling which leads to a loss of amenity, needs to consider the following:
  - a. offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or
  - b. provide sill heights of at least 1.6m; or
  - c. have fixed obscure glazing or glass blocks in any part of the window below 1.6m.
  - d. direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways.
  - e. where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours.

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**Note:**

Visual privacy may be achieved by:

- a. Designing the dwelling to maximise the separation distances from adjacent dwellings and private open spaces,

Design elements to achieve privacy may include:

- a. Offset windows in new development and windows of adjacent development
  - b. Recessed balconies and/or vertical fins between adjacent balconies,
  - c. Solid or semi-solid balustrades to balconies,
  - d. Louvres or screen panels to windows and/or balconies,
  - e. Fencing,
  - f. Vegetation as a screen between spaces,
  - g. Planter boxes in walls or balustrades,
  - h. Pergolas or shading devices to limit overlooking of lower level private open space.
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4. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  5. Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline*.
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**Note:**

Compliance with the NSW Planning and Environment's Development near Rail Corridors and Busy Roads –Interim Guidelines is mandatory for roads with an annual average daily traffic (AADT) volume greater than 40,000 and is best practice advice for roads with an AADT volume of 20,000 - 40,000 (based on the traffic volume data available on the website of the RTA).

The Guidelines apply to development:

- located up to 300m from the road kerb and with a direct line of sight to busy roads, and, or
- located within 80m of an operational rail track

The Guidelines require that noise levels in any such residential development not exceed:

- LA eq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am and
- LA eq of 40dB(A) measured within any bedrooms between 7am-10pm and anywhere else in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Depending on the classification of a development using the screen tests in the Development near Rail Corridors and Busy Roads – Interim Guidelines, compliance with specified noise control treatments (Appendix C) may be required or an assessment by an acoustic consultant may be required.

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## 7. Vehicular Access, Parking and Circulation

The location and layout of parking can have a significant impact on the design of new development. It will influence the layout and design of buildings and landscaping. All development must satisfy the demand for parking that it creates within its own site.

The provision of sufficient parking must not compromise the safety of the on-street and off-street environment for vehicles, pedestrians or cyclists.

### 7.1 Objectives

1. Ensure vehicle access, garages, carports and parking areas do not visually dominate either the development or the streetscape.
2. Car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.
3. Reduce reliance on street parking.

### 7.2 Controls

1. Minimum 2 car spaces per dwelling  
Maximum 3 car spaces per dwelling\*  
\*Where more than the minimum parking spaces are proposed per dwelling, the additional space/s will only be considered to meet Council's requirements for parking, and be excluded from the calculation of gross floor area, if it is provided within a basement and meets the objectives and controls for basements specified in Streetscape and Building Form.

Maximum parking rates in a basement meet Council's requirement for parking, and as such are not included in the calculation of gross floor area.

All spaces shall be behind the building line.

2. Tandem spaces (i.e. stacked parking) may be provided for dwelling houses.
3. Only two single garage doors, each with a maximum of 3m width; or one double garage door, with a maximum of 6m, is to face the street.
4. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular *AS 2890.1-2004*.
5. Design and site driveways to accommodate street gully pits and street trees, and maximise the availability of on-street parking.
6. Driveways should not exceed a maximum width of 6m at the front boundary.

## 8. Waste Management Requirements

The design of waste and recyclables storage areas within the property affects ease of use, amenity, and the efficiency of handling of waste for the life of the development.

### 8.1 Objectives

1. Ensure appropriate storage and collection of waste.
2. Minimise the environmental impacts associated with waste management.
3. Discourage illegal dumping.
4. Encourage on-site waste management facilities that are integrated with the design of a development and enable source separation, reuse and recycling.
5. Enable collection service providers to efficiently collect waste and recyclables with minimum disruption and impact on the community.

### 8.2 Controls

1. Each dwelling must be provided with a waste storage area capable of accommodating the following:
  - a. 120 litre garbage bin
  - b. 240 litre recycling bin
  - c. 240 litre green waste bin.
2. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
3. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
4. The location and design of the waste storage area must not detract from the amenity and character of the streetscape.

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#### Note:

Further details on Waste Management Plans including a template for a typical plan are available in the Sutherland Shire DA Guide and the Waste Management Information Guidelines. Sutherland Shire Council provides a garbage and recycling collection to residential and commercial developments based on the pricing structure outlined in the Schedule of Fees and Charges for Goods and Services. The Council only has the infrastructure to services 120 litre and 240 litre mobile garbage bins. Services are available from private contractors who might use different collection vehicles and bin sizes to those used by the Council.

All garbage, recycling and garden waste bins are collected from the kerbside by Council collectors. It is the responsibility of residents to ensure the bins are placed at the collection point, usually between the kerbside and the road reserve, by 5am on the regular service day.

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