

SUTHERLANDSHIRE

**SP3 TOURIST ZONE –  
PRINCE STREET**  
DCP 2015 CHAPTER 32



## Contents

1.	Location .....	2
2.	Streetscape and Built Form.....	4
3.	Street Setbacks.....	7
4.	Side and Rear Setbacks .....	9
5.	Landscape Design .....	12
6.	Building Layout and Private Open Space .....	16
7.	Solar Access.....	17
8.	Adaptable and Livable Housing.....	19
9.	Visual and Acoustic Privacy .....	21
10.	Safety and Security.....	22
11.	Parking .....	23
12.	Waste Management Requirements .....	26
13.	Late Night Trading Premises.....	29

## Prince Street Cronulla Locality Strategy

This chapter applies to the Prince Street, Cronulla Precinct as shown on Map 1. The area shown outlined in red has been rezoned under SSLEP2015 to SP3 Tourist. This zone is a special purpose zone which aims to encourage tourism related uses taking advantage of the precincts dramatic coastal location. Uses permissible in this precinct include food and drink premises, tourist and visitor accommodation in addition to residential flat buildings. A maximum height of 16m (4/5 storeys) is permissible with a Floor Space Ratio (FSR) of 1.5:1.

The Prince Street precinct is located to the north of Cronulla Centre. The precinct is bounded by Mitchell Road to the west, public car park to the north, Council park and car park to the south and Prince Street to the east. The precinct includes 5, 7, 9, 11, 13, 15, 17-19, 21, 23, 25, 27, 29-25 Prince Street. The precinct is conveniently located in close proximity to Cronulla Centre and overlooks Cronulla Beach to the east.



Map 1: Extent of Prince Street Precinct.

## 1. Location

The Prince Street precinct is one of the most prominent and sought after locations for development in Cronulla. It takes an elevated position directly above the beach and offers dramatic northern views up the beaches of Bate Bay. The vision for the precinct is to allow tourism uses to take advantage of this premium coastal location in a precinct that mixes a high density residential flat zone with tourist and visitor accommodation and food and drink premises.

The controls for the precinct are intended to create an exemplary medium to high rise residential community close to the shops and services of a centre, which emphasises the Sutherland Shire's unique natural features and ecology. Indigenous landscaping and pleasant spaces between buildings will set the character of the precinct. The combination of high amenity units, indigenous landscaping and restaurants and cafes will combine to make the precinct a great place to live and for tourists to visit. It is envisaged that the ground floor of new development will contain a food and drink premises with residential development above. As a result all vehicle and service access is required from Mitchell Road.

The area will be developed with well-designed residential flats with ground floor uses in a landscaped setting. The aim is to develop flats where all residents have adequate privacy, good light and natural ventilation, and good quality landscaped private and shared open space between buildings. To allow for adequate solar access and privacy for future residents, building separation distances increase with increased building height. The building envelope plan for the precinct, and many of the design criteria for residential flat development, is based on the guidelines in the Apartment Design Guide 2015 which supports SEPP 65 – Design Quality of Residential Flat Development.

## Shop Top Housing and Residential Flat Buildings in the SP3 Tourist Zone

State Environmental Planning Policy 65 is now a fundamental part of the assessment of residential flat buildings. The application of the SEPP is proposed to expand to include mixed use development and shop top housing of three or more storeys containing 4 or more units (draft amendments). The SEPP and the Apartment Design Guide 2015 (ADG) prevail over Council's DCP requirements. The SEPP is supported by tools for improving the design of residential flat buildings and gives guidance on how the design quality principles provided under SEPP 65 can be applied to new developments. As a matter of policy the principles of the ADG will be applied to all development defined as Residential Flat Buildings and to the residential flat components of mixed use developments.

SSLEP2015 does not have a minimum lot size for residential flat development. However, for residential flat developments, the need to comply with the design requirements of SEPP 65 will necessitate site amalgamations if the maximum allowable floor space ratio for the site is to be realized. While development on smaller sites is possible, it may not be possible to achieve the maximum floor space ratio in an acceptable design, providing good residential amenity.

## 2. Streetscape and Built Form

Streetscape is the urban environment created by the relationship of built elements to the public domain. In the Sutherland Shire, the relationship of the built form to the natural environment, particularly along the waterways is an important consideration. The quality and scale of architecture, landscape elements, natural elements and works in the public domain determine the streetscape character. How carefully ancillary elements of development are resolved such as vehicle entrances or garbage storage, can also be critical to the quality of the streetscape. To make a positive contribution to the streetscape and maintain solar access to surrounding areas, new development needs to reinforce the scale and character of existing buildings and landscape elements.

Facades are the external face of buildings and make a very important contribution to the streetscape. The composition and detailing of the building façade has an impact on its apparent scale as well as its appearance. The pattern or rhythm established by the proportions of the façade, the modulation of the external walls, the design of façade elements, their materials and detailing are all important considerations.

Architectural quality contributes to the character and quality of the streetscape. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, internal design and structure of a development.

The provision of an accessible built environment is both a design and a legislative requirement. The provision of physical access for people with disabilities, older persons and people with temporary mobility problems is the primary purpose of incorporating accessibility requirements into development. Accessible environments provide all people with the opportunity to have equitable and barrier free movement to shops, transport, employment, recreational facilities and housing.

### 2.1 Objectives

1. Ensure sites are of sufficient size to accommodate well designed development.
2. Have regard to the future development of adjacent land.
3. Ensure that all elements of development visible from the street, waterways and/or public domain make a positive contribution to the streetscape.
4. Ensure development is compatible with the scale, character and landscape setting of its immediate vicinity and the desired character of a locality as set out in the locality strategy.
5. Ensure that building services are integrated into the overall building form.
6. Create entrances which provide a desirable and safe identity for the development and which assist in visitor orientation.
7. Ensure that vehicle access and parking areas are not located within the street frontage.
8. Improve the visual amenity of the public domain.

9. Establish a barrier free environment for all people who live, work and visit Sutherland Shire.

## **2.2 Controls**

1. Lots must be of sufficient width to accommodate development. A site of minimum frontage width of 26m is appropriate for residential flat development. Where development of a narrower site is proposed the development must:
  - a. provide safe and efficient access and servicing facilities - particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste;
  - b. provide a high standard of resident amenity- particularly in relation to privacy, solar access, ventilation, and the provision of outlooks to landscaped setbacks;
  - c. respond to the local context, including providing adequate separation from existing and future adjoining development.

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

---

### **Note:**

Development must be carried out in an orderly manner. Council will assess the impact of the proposed development, including impacts on future development capacity on adjoining allotments of land and whether that land will be left as an isolated site, less than the minimum width.

---

2. Development must be designed and sited so that it addresses the street and must have a clearly identifiable entry. Where possible, ground floor units facing the street should have street access.
3. The building form must be articulated to avoid large expanses of unbroken wall, and to visually reduce bulk.
4. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired character of a locality.
5. Developments on street corners should be designed to define and address the setback and address both street frontages.
6. All vehicular access shall be from Mitchell Road.
7. The finished roof levels of basements are to be located at or near ground level.
8. A 1m landscaped setback to neighbouring properties is to be provided along the driveways to basement car parks.

---

**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.

---

9. Basement roofs and walls and vehicular entries must not dominate the overall design of the building or streetscape and are to be integrated into the finished building design and landscaped treatment of the site.
10. Driveway walls adjacent to the entrance of a basement car park are to be treated so that the appearance is consistent with the external finish of the building. If basement car park entry points are to be located on the main street frontage of a development, these should be designed so as to reduce the visual impact.
11. Lift overruns and service plants must be concealed within well designed architectural elements which are an integral part of the building design.
12. The need for additional building services (e.g. electricity kiosk/substation & fire services facilities) must be co-ordinated and integrated with overall design of the development.
13. Frontage works for all developments must be in accordance with the SSC Public Domain Design Manual.
14. Where there are powerlines which are not being undergrounded or bundled, street tree planting will only be required if they can be located 2m away from the wires. Where power lines are bundled, suitable trees can be planted underneath the bundled wires.

### 3. Street Setbacks

Street setbacks establish the front building line. Controls over street setbacks create the proportions of the street. Setbacks contribute to the public domain by enhancing streetscape character and the continuity of street facades. Street setbacks can also be used to enhance the setting for the building. They provide for landscape areas, entries to the ground floor of buildings and deep soil zones suitable for planting of canopy trees.

Given the permissible uses in the zone, it is envisaged that there will be a range of ground floor uses. Developments which propose a ground floor uses will adopt the standard setbacks for residential developments. No vehicular access is permitted within the front street setback to Prince Street.

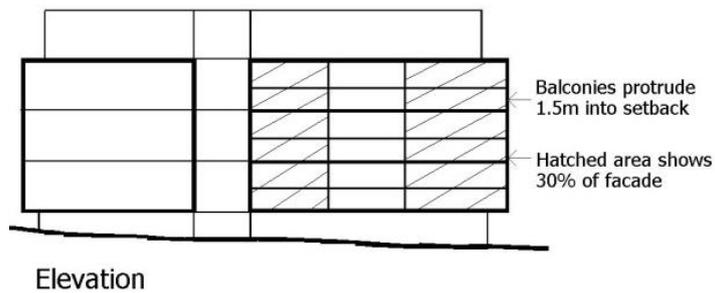
#### 3.1 Objectives

1. Establish the desired spatial proportions of the street and define the street edge.
2. Create a clear threshold by providing a transition between public and private space.
3. Preserve and enhance existing garden settings or to create opportunities for the planting of indigenous trees and landscaping.
4. Ensure new development is compatible within the established streetscape and contributes to the desired future streetscape character.
5. Encourage design with good façade articulation.

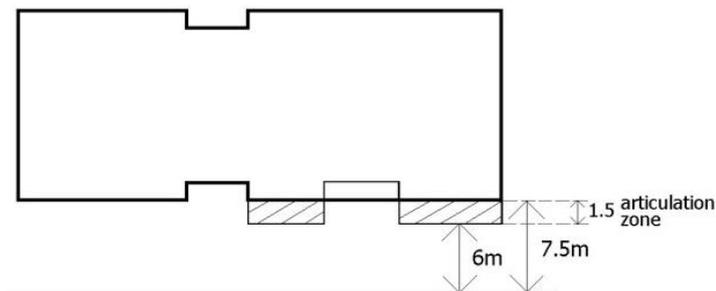
#### 3.2 Controls

1. A minimum 7.5m street setback Prince Street is required for all development.
2. Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one third of the area of the façade, forming an articulation zone. Built form encroachments into the articulation zone can include open structure elements such as balconies and hoods, as well as elements which contribute to floor space ratio such as bay window and room projections. Built form encroachments into the articulation zone must not include:
  - Garages, or
  - Lift shafts.

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



Elevation



Plan

Figure 1: Illustration showing one possible scenario with one third of façade as articulation zone.

3. Where a food or drink premises is proposed at ground level, the 7.5m setback may be used for outdoor seating.
4. Basement underground car parks may be allowed within the articulation zone of the street setback, provided the structure is considered in conjunction with the overall landscape design.
5. Where private courtyards are located in the front setback, their design must not compromise the potential for large scale indigenous trees that will complement the scale of the building. The large trees are to be planted in areas of common property adjacent to the street where they will not be in conflict with built elements as they mature. Privacy to courtyards is to be achieved through the use of open form fencing and vegetation.
6. At grade car parking must not be located within the setback area to a primary street.

---

**Note:**

Street setbacks are measured perpendicular from the property boundary to the closest extent of the building, including balconies, sunscreens, podiums and the like.

---

## 4. Side and Rear Setbacks

The spatial relationship of buildings is an important determinant of urban form. Building separation relates to urban form because it affects the spatial continuity and the degree of openness in the street. Spaces between buildings also provide opportunities for landscaping and access.

Separation between buildings is required to minimise adverse amenity impacts. Buildings which are too close together can create amenity problems, including lack of visual and acoustic privacy, loss of daylight access to dwellings and to private and shared open spaces.

### 4.1 Objectives

1. Provide visual and acoustic privacy for existing and new residents and neighbours.
2. Control overshadowing of adjacent properties and private or shared open space.
3. Provide opportunities for deep soil zones for tree planting.
4. Reinforce the desired spatial character of an area in terms of openness and density.
5. Mitigate the visual intrusion of building bulk on neighbouring properties.
6. Optimise surveillance of the public domain.
7. Facilitate view corridors between buildings.
8. Incorporate architectural detailing and modulation to side elevations to offset building bulk and visual intrusion.
9. Require increased setback with increased building height and length.

## 4.2 Controls

1. Residential flat buildings and shop top housing should achieve the design quality principles of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development and the Apartment Design Guide. This includes buildings that are two storeys or less, and/or contain less than four dwellings
2. Small scale shop top housing (that is, development is two storeys in height, and/or contains less than four dwellings), is required to achieve the following minimum side and rear boundary setbacks:

<b>Building Height</b>	<b>Setback from boundary where the façade contains windows from bathroom and/or laundry, storage, or highlight windows only</b>	<b>Setback from boundary where the façade contains windows from habitable rooms including living rooms, kitchens, bedrooms, or studies, and/or balconies</b>
Up to 12m	4.5m	6m

---

### Note:

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

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

---

3. The side and rear setbacks must result in a development that:
  - a. provides adequate resident amenity- including privacy, solar access, ventilation, and landscaped setbacks;
  - b. responds to the local context and streetscape, providing adequate separation from existing and future adjoining development;
  - c. does not prevent a neighbouring site from achieving its full development potential and optimal orientation;
  - d. has architectural merit.
4. Walls are to be articulated to prevent continuous linear walls and promote variation and interest to setback areas and these walls.
5. That part of a basement construction which extends beyond the building footprint must be set back a minimum of 3m from side and/or rear boundaries.
6. Variations to basement construction side boundary setback control may be considered if:
  - a. The basement construction does not protrude from the natural ground level, so potential overlooking of the neighbouring property is not increased by the development.
  - b. Opportunities for the planting of trees are provided in the setback area.

### **4.3 Assessment Principles**

1. To test whether a building's side and rear setbacks are appropriate, the following questions should be asked:
  - a. Does the proposed bulk and scale of the development result in excessive visual intrusion when viewed from an adjoining development or public area outside of the site?
  - b. Does the scale and siting of the proposed development result in significant overshadowing or adjoining properties?
  - c. Does the podium wall or any basement level or elements erected on the podium, result in excessive visual intrusion when viewed from outside the site?

If the answer is 'yes' to any of these questions the development should respond to the following principles:

- i. Would the impact of the proposed building be reduced if it provided some degree of articulation of the elevations to create visual interest and to offset bulk and scale? This can be achieved through stepped floor plans, reducing the length of walls between design features, and variation in setbacks of the ground and first floors, provision of bay windows, recessed portions of walls and the provision of portions of feature walls which are of a different texture or material finish, and articulation of roof lines.
- ii. Would the impact of the proposed building be reduced with a greater setback? As a general rule, the setback of a building should progressively increase as the building length and wall height increases. Planting can assist in screening building bulk, but it should not be relied upon as the sole solution to overcome design weaknesses.

## 5. Landscape Design

Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants, neighbours and the public domain. High quality landscape design protects and builds on the existing 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. The harsh coastal environment of this precinct requires careful landscape design. Use of indigenous species will facilitate the long term success of planting while also strengthen local biodiversity and helping achieve a strong sense of place. Fencing, if located in the street setback area, should be an integral part of the landscape design.

### 5.1 Objectives

1. Ensure new development incorporates landscaping which strengthens the indigenous foreshore vegetation.
2. Contribute to streetscape character and the amenity of the public domain by using planting and landscape elements appropriate to the desired character of the streetscape and the scale of the development.
3. Encourage landscape treatments, both deep soil landscaping and planting on podiums, which provide privacy for residents.
4. Improve the microclimate within development.
5. Minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape, in terms of siting and choice of materials.
6. Ensure any planting on podiums, roof tops and in planter boxes is sustainable by providing adequate rainwater storage and water efficient irrigation.

### 5.2 Controls

1. The landscape design must include indigenous canopy trees that will achieve a minimum of 8 metres height at maturity within suitable setback areas. Where setbacks allow, the trees must be planted more than 3 metres from adjoining structures.
2. 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
3. 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 5m, at least 1m from the kerb and/or footpath and/or masonry fence or retaining wall. Informal clumping of trees is encouraged. Street trees must be

selected from Council's technical specifications and Native Plant Selector available on Council's website. Turf must also be planted.

4. A minimum rear boundary indigenous tree planting rate is set at 2 trees for every 15m of linear boundary. All indigenous tree species must be selected from the Native Plant Selector available on Council's website.
5. The landscape design should achieve opportunities for deep soil landscape planting between buildings that provide a deep soil separation of more than 3m between trees and structures. Planting beds should be a minimum of 900mm wide to support shrubs and small trees.
6. Existing canopy trees in good health in the front and rear setback must be retained.
7. Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.
8. Ground floor courtyards must not extend into the 3m landscape strip along the frontage of development.
9. Landscaping and design should be employed to create privacy for residents.
10. Any privacy fencing must be appropriately landscaped with screen planting.
11. Communal open space should have a minimum area equal to 25% of the site for residential flat buildings with a floor space ratio of 2:1 or greater. Where residential flat buildings have a floor space ratio of less than 2:1, 100 sqm of communal open space is required.
12. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.
13. Planting is required on that part of a basement which extends beyond the building footprint. Planting in this area is to have sufficient soil depth to support the species selected and should constitute a minimum of 30% of the area of the exposed basement. This planting is intended:
  - a. to offset the potential for excessive paved areas;
  - b. to provide residents with attractive outlooks from dwellings, and
  - c. to assist in the creation of privacy between dwellings, and between dwellings and common areas.

---

**Note:**

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

---

14. Where planting is proposed on that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain a minimum soil depth of:
  - 450mm for grass and ground covers
  - 600mm for shrubs
  - 900mm for small trees
  - 1200mm for large trees.

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

15. Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.
16. Where site levels allow, basement roof planting is to be integrated with surrounding deep soil landscaping and hard paved areas so the basement roof reads as an extension of the deep soil landscaping.
17. Where planter boxes edge both sides of a pedestrian path or entrance, the vertical height of the planter shall not exceed a height greater than half the width of the pathway.
18. Appropriate paving must be provided to driveways, walkways, entries, fire egress points garbage bin enclosures, letter boxes, clothes lines and under pergolas.
19. A communal rainwater tank and pump should be located underground in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space must be provided with a tap connected to the rainwater tank.
20. An external energy efficient lighting system is to be provided for pedestrian access and driveways located within communal open space.
21. Internal driveways within the drip zone of existing trees should have a pervious surface treatment.

---

**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.

---

### **5.3 Assessment Principles for Determining the Quality of Landscaping**

In assessing whether the landscaping design is high quality, Council will consider the following:

1. The size, shape and orientation of spaces allocated for landscaped area.
  - a. Narrow spaces can rarely support vegetation of adequate scale. Where a site's landscaped area is largely composed of very narrow spaces the design is unlikely to meet the objectives of the landscape standards despite numerical compliance.
  - b. Whether sunlight access is sufficient to support the growth of the landscaping proposed.
2. Whether the size and shape of spaces allocated for the trees and shrubs proposed are sufficient for the species to grow to maturity.
3. Whether the scale of the trees and landscaping complements the scale of the buildings and the spaces where they are located. For example, where it is desirable to grow medium size trees and shrubs within a side setback to screen development, a minimum width of 3m for landscaping to enable boundary planting is desirable.

## 6. Building Layout and Private Open Space

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 workers and/or occupants.

Similarly, good built development design meets the needs of its occupants by providing adequate site facilities. Considering the need and location of site facilities at the design stage is important in achieving good design outcomes. There is less opportunity to achieve good design outcomes for site facilities following construction. Site facilities and ancillary structures that integrate into developments minimise the impacts of such facilities and structures upon the occupants of surrounding buildings, the streetscape and the natural environment.

### 6.1 Objectives

1. Ensure outdoor living areas are functional and responsive to the environment and appropriate for the internal layout of the building.
2. Promote the design of buildings which are responsive to the orientation of the site.
3. Integrate essential amenities and facilities within developments.
4. Minimise the impacts of ancillary aspects of development on building occupants or neighbours, and on the streetscape and the natural environment.

### 6.2 Controls

1. Each dwelling in a small scale shop top housing development, must be provided with a primary balcony/patio with direct access from the living area, with sizes as follows:

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m <sup>2</sup>	-
1 bedroom apartments	8 m <sup>2</sup>	2m
2 bedroom apartments	10 m <sup>2</sup>	2m
3+bedroom apartments	12 m <sup>2</sup>	2.4m
Apartments at ground level or on a podium or similar structure	Private open space instead of balcony: 15 m <sup>2</sup>	Private open space instead of balcony: 3m

2. Suitable clothes drying facilities shall be provided which are not visible from a public place and have access to sunlight.
3. Access to all levels of the development, including the basement, must be made available by a lift in order to facilitate access by people with disabilities.

## 7. Solar Access

Solar access forms an integral part of the design process. Buildings should be sited and designed to provide adequate daylight and sunlight access to living areas and private and communal open space areas. Good solar design improves amenity and energy efficiency. Daylight consists of two types of light:

- skylight - diffuse light from the sky - and
- sunlight - direct beam radiation from the sun.

The amount and quality of daylight varies with the time of day, season and weather conditions. This variability contributes to pleasant environments in which to live and work. Achieving maximum daylight access requires consideration of the internal layout and orientation of the development as well as the surrounding development and natural features.

### 7.1 Objectives

1. Design and locate buildings so that reliance on artificial light sources is minimised.
2. Maximise solar access to private open space, communal open space and living rooms within a development.
3. Ensure that daylight access is provided to all habitable rooms.
4. Ensure development retains reasonable levels of solar access to the neighbouring properties and the public domain.

### 7.2 Controls

1. New buildings and additions are sited and designed to maximise direct sunlight to north-facing living areas, communal and private open space areas.
2. Living rooms and private open spaces for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in midwinter.
3. New development is to be designed to ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.
4. Skylights and lightwells must not be used as the primary source of daylight in habitable rooms.
5. For neighbouring dwellings:
  - a. Direct sunlight to north facing windows of habitable rooms and 10m<sup>2</sup> of useable private open space areas of adjacent dwellings should not be reduced to less than 2 hours between 9.00am and 3.00pm on 21 June;
  - b. Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms;
  - c. overshadowing by vegetation should be ignored;

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

### **7.3 Assessment Principle**

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

## 8. Adaptable and Livable Housing

Adaptable and 'livable' (universally designed) dwellings are conventional dwellings that incorporate construction and design elements to meet people's changing mobility requirements over their lifetime (e.g. level pathways, wider doorways and corridors and reinforced bathroom walls to enable future installation of grab rails). The focus is on creating safe, accessible and functional housing for a diverse demography including the elderly, families with children and people with permanent or temporary disabilities.

The National Construction Code and associated Australian Standards set technical requirements in regards to the accessibility of buildings.

An 'adaptable dwelling' is a dwelling with design features that are easily adapted at a later date to flex with the changing needs of the occupants, as specified in AS 4299 (Adaptable Housing).

A 'livable' dwelling is a form of adaptability that incorporates elements 'designed in' at the construction stage, thus not requiring subsequent modification or adaptation through the lifecycle of occupants.

For the purpose of this section, a livable dwelling means a dwelling designed to Silver Standard *Livable Housing Design Guidelines*.

### 8.1 Objectives

1. To increase the supply of adaptable and universal housing in Sutherland Shire.
2. To ensure a suitable proportion of dwellings include layouts and design features to accommodate changing mobility requirements of residents.
3. To promote ageing in place by extending the usability of dwellings to meet 'whole of life' needs of the community.

### 8.2 Controls for Adaptable Housing

1. All new residential flat buildings, shop top housing developments must provide dwellings designed in accordance with the Australian *Adaptable Housing Standard (AS4299)* to Class C Certification at the following rates:
  - Development containing 3-5 dwellings – none.
  - Developments of 6 or more dwellings – 20% adaptable.
2. When the calculations for the number of dwellings results in a fraction, numbers  $\leq .5$  should be rounded down.
3. Variations will be considered where it can be demonstrated that site conditions would preclude achieving the controls.
4. An applicant will need to demonstrate compliance with the adaptable housing provisions. This may include a report prepared by an appropriately qualified person submitted with the development application, specifying how the proposal has addressed

the requirements in this chapter, the relevant Australian Standards (e.g., *Australia Standard 1428 – Design for access and mobility*) and the National Construction Code.

5. The design of adaptable dwellings must be integrated into the development with the use of consistent materials and finishes.

### **8.3 Controls for Livable Housing**

1. In addition to complying with the adaptable housing rates in clause 1 above, all new residential flat building, shop top housing and boarding house developments must provide 'livable dwellings (i.e., dwellings designed to Silver Standard *Livable Housing Design Guidelines*) at the following rates:
  - Developments containing 3-5 dwellings – 1 dwelling.
  - Developments of 6 or more dwellings –10% of dwellings.
2. When the calculations for the number of dwellings results in a fraction, numbers  $\leq .5$  should be rounded down.
3. Dwellings provided in accordance with Clause 1 must incorporate the following *Livable Housing Design Guidelines*:
  - An accessible continuous path of travel from the street entrance and/or parking area to dwelling entrance.
  - At least one level entrance into the dwelling.
  - Internal doors and corridors width that facilitate comfortable and unimpeded movement between spaces.
  - A toilet on the ground (or entry) level that provides easy access.
  - Reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date.
  - A continuous handrail on one side of any stairway where there is a rise of more than one metre.
4. On-site car parking spaces shall be in accordance with Australian Standard – AS 2890.1 (as amended) and Australian Standard – AS 2890.6.
5. Where proposed, all 'livable' dwellings must be clearly identified on the submitted DA plans.
6. Variations to (1) will only be considered where it can be demonstrated that site conditions would preclude achieving the controls.

---

**Note:**

For further details on the *Livable Housing Design Guidelines*, applicants are encouraged to visit [www.livablehousingaustralia.org.au](http://www.livablehousingaustralia.org.au).

---

## 9. Visual and Acoustic Privacy

Building design must take into consideration aspects of visual privacy and noise sources and minimise their future impacts 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.

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 road and rail corridors and minimise the amenity and health impacts on future occupants.

### 9.1 Objectives

1. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within all built development and in private open spaces.
2. Ensure buildings are sited and designed so that acoustic and visual privacy, and vibration from outside sources, are controlled to acceptable levels.
3. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and its occupants is respected.
4. Recognise the outlook and views from principal rooms and private open space without compromising visual privacy of others.

### 9.2 Controls

1. Locate, orientate and design new development to maximise the provision of visual privacy.
2. Use detailed site and building design elements to increase visual privacy without compromising access to light and air.
3. All noise generating equipment such as mechanical plant or equipment, air conditioning units, swimming pool filters, fixed vacuum systems, mechanical ventilation from carparks, driveway entry shutters, garbage collection areas or similar 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.
4. Residential development adjacent to a rail corridor or a busy road should be designed and sited to minimise noise impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guidelines*.

---

#### Note:

To increase visual and acoustic privacy, building design elements should be used such as recessed balconies and /or vertical fins between adjacent balconies, oblique windows, louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards.

---

## 10. Safety and Security

In April 2001, the NSW State Government introduced *Crime Prevention Through Environmental Design (CPTED)* to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The guidelines require consent authorities to ensure development provides safety and security for users and the community. If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or refusal of the development on the grounds that crime risk cannot be appropriately minimised.

### 10.1 Objectives

1. Reduce crime risk and minimise opportunities for crime.
2. Encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.
3. Encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.
4. Ensure pedestrian and vehicle safety.

### 10.2 Controls

1. Any design must demonstrate compliance with *Crime Prevention Through Environmental Design (CPTED)* guidelines.
2. Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.
3. Balcony balustrades should respond to the location, being designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.
4. Driveways and fencing must provide adequate sight distance for the safety of pedestrians using the footpath area.

---

#### Note:

For further information, refer to:  
NSW Police Service 2001, *Safer by Design* NSW Department of Urban Affairs and Planning 1979, *Crime Prevention and the Assessment of Development Applications, Guidelines under Section 4.15 of the Environmental Planning and Assessment Act, 1979*.

---

## 11. Parking

Accommodating vehicles can have a significant impact on the design of new development. The location and layout of the parking 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, pedestrian and cyclists. Parking is required for different types of vehicles according to the proposed use. Vehicles include passenger vehicles, motor bikes, light vehicles and heavy vehicles and pushbikes.

In order to allow for ground floor uses on the Prince Street frontage, all parking and access to parking is to be located to the rear of the developments on the Mitchell Road frontage.

### 11.1 Objectives

1. Ensure all land uses and/or combination of activities provides sufficient parking on site to satisfy the demand for parking by different vehicle types generated by the development including Traffic Generating Development.
2. Minimise amenity impacts on neighbouring properties including streetscape, noise and light spill.
3. Off-street parking areas are provided having regard to the area of the building, the number of employees, residents and visitors, the availability of public transport and the use of bicycles.

### 11.2 Controls

1. Car parking shall be provided in accordance with the following table.

<b>Residential Accommodation</b>	
<b>Use</b>	<b>Parking Requirements</b>
Residential Flat Building Shop Top Housing	Minimum 1 space per unit. Maximum 3 space per unit* No visitor parking
Seniors Housing	Car parking rates consistent with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
<b>Tourist/Visitor Accommodation</b>	
Bed & Breakfast	1 space per guest room Note –This parking requirement is in addition to the parking required for the dwelling house.
Hotel or Motel accommodation	1 space per 4 rooms; plus, 1 space per 2 employees
Serviced Apartments	1 space per 2 units; plus, 1 space per 2 employees
Boarding House	1 space for every 3 rooms plus 1 space for any residential manager

<b>Commercial Premises</b>	
Business Premises	1 space per 30m <sup>2</sup> GFA
Retail Premises, (including food and drink premises, except Pubs)	1 space per 30m <sup>2</sup> GFA Larger developments may require a Traffic & Parking Report
<b>Industrial Premises</b>	
Light Industries	1 space per 100m <sup>2</sup> , with a minimum of 2 spaces for each industrial unit. Any ancillary office component to an industrial development shall provide 1 space per 30m <sup>2</sup> of gross floor area.
<b>Community Land Uses</b>	
Health Services Facility Medical Centre/ Health consulting rooms Residential medical centre	1 space per 30m <sup>2</sup> GFA
Child care centres	1 space per 4 children in attendance (Reduced rate assessed on merit)

\*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 basement 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.

2. Where a proposed development is not listed in these controls, or where the development proposal raises unique traffic and parking issues, or where a development is identified as Traffic Generating Development, then the parking requirement specified in the RMS Guide to Traffic Generating Development shall apply.
3. In addition to the car parking requirements, motorcycle parking shall be provided at a rate of 1 motorcycle space per 25 car spaces or part thereof. For example, where 26 car parking spaces are required then 2 motorbike parking spaces are to be provided. Motor cycle parking spaces shall comply with the relevant standards.
4. In addition to the car parking requirements, bicycle parking space must be provided at the rate of 1 space per 10 car parking spaces for first 200 car spaces, then 1 space per 20 parking spaces thereafter. In addition, 1 unisex shower is required per 10 employees.
5. Bicycle parking facilities are to be installed in accordance with Australian Standard AS2890.3 – Bicycle Parking Facilities (as amended), Austroad's Guide to Traffic Engineering Practice – Part 14 Bicycles and the Austroads Bicycle Parking Facilities: Guidelines for Design and Installation (AP-R527-16).

6. Bicycle parking facilities must address the following design principles:
  - a. Accommodate all usual types of bicycles such that damage to them is minimised during storage and retrieval.
  - b. Not pose a hazard to bicycle users, pedestrians or motorists.
  - c. Be well lit, safe and secure, easy to access and use.
  - d. Cater for the different needs of residents, employees and visitors to the development.
  - e. Be located in convenient and accessible locations within the development that allow for good passive surveillance; such as near key building entrances, the lobby and the lift core.
  - f. When located within a car park, preferably be situated at street level and in a manner that provides the most direct, safe and convenient access while minimising conflict with vehicles and pedestrians.
  - g. Where a bicycle parking and storage facility cannot be located at street level, it must be located no more than one level above or below street level. Access to street level entry and exits must be direct, safe and minimise potential conflicts with vehicles.
7. Where the car parking requirement is expressed as a minimum number of spaces, the development shall not provide less spaces than that minimum.
8. When the calculations for the number of parking spaces results in a part or fraction of a parking space of 0.5 or greater for the whole development, then the actual number shall be rounded up. For example, 1.5 spaces shall be rounded up to 2 spaces for the whole development.
9. Where a development proposal contains two or more land uses the parking requirement shall be the sum of parking required for the individual land uses.
10. Where a proposed development comprises two or more land uses, with different peak parking demands, the total requirement may be reduced such that the peak demand is met at any one time, where supported by a study by a suitably qualified traffic engineer.

## 12. Waste Management Requirements

The design of waste and recycling storage areas within the development determines the efficiency of waste handling as well as affecting occupant amenity and the streetscape presentation of the development.

Multiple uses accompanied by residential accommodation within a property increase challenges with regard to minimising the volume of waste, the ease of access and the efficiency of waste sorting and removal systems.

### 12.1 Objectives

1. Ensure appropriate waste storage and collection facilities.
2. Maximise source separation and recovery of recyclables.
3. Ensure waste management systems are intuitive for occupants and are readily accessible, integrated with the design of a development.
4. Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
5. Minimise adverse environmental impacts associated with waste management.
6. Discourage illegal dumping by providing on site storage and removal services for hard waste. Hard waste consists of discarded items of bulky household waste which are awaiting removal.
7. Enable the servicing of the waste management system on site, and the efficient collection of waste and recyclables by collection service providers, with minimum disruption and impact on the community.
8. Ensure bin storage areas/rooms do not dominate the streetscape.

### 12.2 Controls for multi dwelling housing, residential flat buildings and the residential components of shop top housing and mixed use developments

1. For new multi dwelling housing, residential flat buildings and the residential components of shop top housing and mixed use developments provision for waste management, including storage areas, separation of waste from recyclables, collection areas and the like must be in accordance with Sutherland Shire Council's "Waste Collection Policy for Multi-Unit Dwellings and Residential Flat Buildings".

### **12.3 Controls (except for multi dwelling housing, residential flat buildings and the residential components of shop top housing and mixed use developments)**

1. A waste storage area is to be provided for all developments to store bins for general waste and recyclables. The area must have sufficient space for the storage of garbage, recycling and green waste generated by the development.
2. The residential waste generation rate per dwelling is 120 litres per week of general waste plus 120 litres per week of recycling (for dwelling houses and each dwelling in a dual occupancy), and up to 120L of green waste per week.  
  
Twice weekly collections of 240L bins by Council (by arrangement with Council) can reduce the number of bins required.
3. The location and design of the waste storage area must not detract from the amenity of the development and the character of the streetscape.
4. The location of waste and recycling facilities must not impact on car parking or landscaping requirements of the development.
5. Waste and recycling facilities must be designed to prevent litter and contamination of the stormwater drainage system.
6. Developments must be designed so that bins do not need to be wheeled more than 75 metres.
7. For wheeled bins, a kerbside garbage collection point must be nominated that has sufficient space where they will not pose a traffic hazard. Wheeled bins should not be placed near intersections, roundabouts, slow points or busy arterial roads, or take up more than 50% of the street frontage when presented in single file to the kerbside for collection, with adequate space between the bins to allow for collection (approximately 300mm).
8. Where an agreement has been reached with Council to service 240L bins on site, the site and driveway must accommodate Council's waste collection vehicles. To enable handling of bins during collection the maximum driveway gradient is 5%.
9. Where a private waste contractor is required to service a development, the site and driveway must be designed to accommodate waste collection vehicles used by the private contractor.
10. It is preferable for waste trucks to enter the site in a forward direction, but it is permitted for waste trucks to reverse onto a site, where design and site conditions make it safe to do so. It is never acceptable for a truck to reverse out of a site.
11. The preferred location for storage areas/rooms at ground level is behind the building setback. The storage area must:

- i. be integrated into the overall building design and constructed of materials compatible with the new development;
  - ii. be located in an area so as not to compromise the amenity of the occupants of the development and of adjacent properties in terms of noise, odour and aesthetic impact, such as on a rear land frontage, near windowless walls, away from pedestrian areas and in the least visually obtrusive position; and
  - iii. be screened from view from the street with built form and landscaping so as to not detract from the streetscape.
12. One of the following options for waste collection can be nominated:
  - i. **Waste collection by Council:** where the waste is in 240L bins and the required number of 240L bins does not take up more than **50% of the site street frontage** when presented in single file to the kerbside for collection, these bins may be collected by Council's Waste Services. Bins must be spaced to allow for ease of collection (approximately 300mm). The bins are to be stored in the basement or in a designated bin enclosure set; or
  - ii. **Waste collection by private contractor** (or Council by special arrangement): Where 240L bins take up more than 50% of the site street frontage, larger bins can be used for garbage, recycling and green waste provided the bins are stored in a basement or in an enclosure within 10m of the street. Where it is necessary to move the bins for collection, the bins must be moved by an employee of the body corporate from the storage area to a level area which can be serviced from the driveway to allow for ease of collection. It may be acceptable for the waste truck to straddle private and public property during collection, subject to Council's approval of the arrangement. If the development proposes to rely on Council for collection of waste, prior agreement from Council's Waste Operations Controller must be obtained. A Waste Management Plan for the development must be approved by Council's Waste Operations Controller prior to DA lodgement.
13. Developments in centres with rear lane servicing access can locate waste storage areas in enclosed spaces at ground level for rear lane waste collection.

