

SUTHERLAND SHIRE

INTRODUCTION

DCP 2015 CHAPTER 1



Sutherland Shire Development Control Plan 2015

Name of this DCP

This development control plan is known as Sutherland Shire Development Control Plan 2015.

Commencement Date

The Sutherland Shire Development Control Plan 2015 (DCP) was approved by the Sydney South Planning Panel on 25 July 2017 and came into force on 2 August 2017.

Purpose of the Plan

The DCP supports the provisions of Sutherland Shire Local Environmental Plan 2015 (LEP). The LEP commenced on 23 June 2015 and provides the statutory framework for land use and development in the Sutherland Shire.

The LEP and the DCP work together to help deliver Council's Community Strategic Plan. The Community Strategic Plan outlines the community's aspirations and long-term vision for Sutherland Shire. In particular, the plan aims to protect and sustain our beautiful natural environment, including the streets and public places we live and play in. Residents, community groups, schools, Council, and developers all have a role in protecting our environment for the benefit of us all and our future generations.

This DCP was prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation).

The DCP contains detailed objectives and controls that will be used by Council when determining applications under Section 4.15 of the Act. Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 4.15 of the Act, and any other policies adopted by the Council.

Any proposed variation must result in a better outcome and meet all objectives of this DCP.

A statement from the applicant must support any variation to the controls and demonstrate how the objectives are satisfied.

The DCP also contains administrative provisions which detail how development applications will be publicly notified and the duration of consents. The headings and notes within the DCP form part of its provisions.

Objectives

The DCP aims to enhance the function, appearance and amenity of development and protect the environmental quality of Sutherland Shire. It aims to ensure that the Sutherland Shire is a vibrant community and desirable place to live, work and visit.

The objectives of this plan are to:

- Provide objectives and development controls that establish clear guidelines for development;
- Encourage development to respond to its context or a desired future character and be compatible with the existing built environment;
- Recognise and reinforce the distinctive character of the neighbourhoods and centres of the Sutherland Shire
- protect and enhance the public domain;
- Deliver a high quality urban environment and protect the landscape character and environmental qualities of the Sutherland Shire.

Land to which this Plan applies

SSDCP2015 applies to all land to which Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) applies.

SSDCP2015 does not apply to land identified as a 'deferred matter' in SSLEP2015, where the existing DCPs are saved and continue to apply. Land identified as 'deferred matter' is limited to:

- two sites at Captain Cook Drive Kurnell subject to State Environmental Planning Policy (Kurnell Peninsula) 1989; and
- land along Heathcote Rd and New Illawarra Rd, subject to Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Local Environmental Plan 2000

Relationship to other Plans

This DCP is to be read in conjunction with SSLEP2015. Where there is any inconsistency between this DCP and the LEP, the LEP prevails. This DCP is also to be read in conjunction with the following:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs;
- Local Government Act 1993;
- Building Code of Australia (BCA);
- Relevant Australian Standards as identified throughout this DCP;
- Land and Environment Court Planning Principles; and
- Any other policy or document identified for consideration throughout this DCP.

Note: It is advised to check www.legislation.nsw.gov.au for the most current list and version of applicable SEPPs

Interpretation

This development control plan uses terms that are defined in the Standard Instrument – Principal Local Environmental Plan.

How to use this plan

The structure of this DCP enables the user to find the development requirements for a particular development type within a zone. The plan also provides detailed requirements for specific localities.

Chapters 2-6, 34 and 35 have development controls for **specific development types**: Dwelling Houses, Secondary Dwellings, Dual Occupancies, Multi Dwellings and Residential Flat Buildings, Ancillary Development and Other Uses. A specific development type must also consider the requirements of the **general provisions**.

Chapters 7-33 and 43 have development controls for specific zones and areas, being R4 specific residential flat precincts, W1 and W2 Waterways zones, E1 and E2 centres, E3, E5 and SP4 zones, E4 and E5 industrial zones, W4 Waterfront zone, SP3 Tourist zone, and RE2 Private Recreation zone. Development in specific zones and areas must also consider the requirements of the **general provisions**.

Chapters 35-41 have **general provisions** relevant for all development.

An introductory statement sets out the existing and desired future character in each zone or locality. Each suite of controls contains a statement of intent supporting and explaining the objectives and development controls.

A tailored set of provisions, based on the land use and address, is available through Council's on-line planning tool 'Development Enquirer'. Please consult Council's website for further information.

The documents available for download are PDF files.

DCP 2015 has the following chapters:

Chapter

- 1. Introduction**
- 2. Dwelling Houses**
 - C3 Environmental Management Zone
 - C4 Environmental Living Zone
 - R2 Low Density Residential Zone
 - R3 Medium Density Residential Zone
 - R4 High Density Residential Zone
 - E1 Local Centre Zone
 - SP3 Tourist Zone
- 3. Secondary Dwellings**
 - C3 Environmental Management Zone
 - C4 Environmental Living Zone
 - R2 Low Density Residential Zone
 - R3 Medium Density Residential Zone
 - R4 High Density Residential Zone
 - E1 Local Centre Zone
 - SP3 Tourist Zone
- 4. Dual Occupancy**
 - C3 Environmental Management Zone
 - C4 Environmental Living Zone
 - R2 Low Density Residential Zone
 - R3 Medium Density Residential Zone
 - R4 High Density Residential Zone
 - E1 Local Centre Zone
 - SP3 Tourist Zone
- 5. Multi Dwellings**
 - R2 Low Density Residential Zone
 - R3 Medium Density Residential Zone
 - R4 High Density Residential Zone
- 6. Residential Flat Buildings**
- 7. R4 Caringbah North Precinct**
- 8. R4 Miranda Pinnacle Street Precinct**
- 9. R4 Caringbah Medical Precinct**
- 10. Foreshore & Waterways Development – W1 Natural Waterways**
- 11. Foreshore & Waterways Development – W2 Recreational Waterways**
- 12. E1 Local Centre General**
- 13. E1 Local Centre – Bangor, Illawong, Kareela and Woollooware Bay**
- 14. E1 Local Centre – Gymea**
- 15. E1 Local Centre – Heathcote**
- 16. E1 Local Centre – Jannali**
- 17. E1 Local Centre + MU1 Mixed Use – Kirrawee**

- 18. E2 Commercial Centre – Caringbah**
- 19. E2 Commercial Centre – Cronulla**
- 20. E2 Commercial Centre – Engadine**
- 21. E2 Commercial Centre – Menai**
- 22. E2 Commercial Centre – Miranda**
- 23. E2 Commercial Centre – Southgate**
- 24. E2 Commercial Centre – Sutherland**
- 25. E3 Productivity Support**
- 26. Repealed**
- 27. SP4 Enterprise**
- 28. E4 General Industrial**
- 29. Repealed**
- 30. E4 Heavy Industrial**
- 31. W4 Working Waterfront**
- 32. SP3 Tourist – Prince Street**
- 33. RE2 Private Recreation**
- 34. Ancillary Development**
- 35. Other Uses**
 - General Principles: Streetscape, Building Form and Siting
 - Bed & Breakfast Accommodation
 - Child Care Centres
 - Health Consulting Rooms
 - Telecommunications and Radiocommunications Infrastructure
 - Signage
 - Sex Service Premises (Brothels)
 - Restricted Premises
 - Neighbourhood Shops and Shop Top Housing in R3 and R4
 - Exhibition Homes and Exhibition Villages
 - Boarding Houses
- 36. Roads, Vehicular Access, Traffic, Parking and Bicycles**
- 37. Late Night Trading**
- 38. Stormwater & Groundwater Management**
- 39. Natural Resource Management**
 - Biodiversity Strategy - Greenweb
 - Wetlands and Waterways
 - Threatened Species
 - Tree and Bushland Vegetation
- 40. Environmental Risk**
 - Bush Fire
 - Contaminated Land Management
 - Flood Risk Management
- 41. Social Impact**
- 42. Administrative Provisions**
- 43. 101-151 Port Hacking Road, Sylvania – Frank Vickery**
- 44. 147 Garnet Road, Kareela**
- 45. Trees Controls: Proposed Dwellings and Pools**

DCP Origin and Amendments

Original		
Action	Date	Reference
Council Endorse Plan	20/04/2015	DAP092-15
Exhibition Start	28/04/2015	
Exhibition Finish	26/05/2015	
Consideration of submissions	21/09/15	DAP026-16 CCL009-16 DAP030-16
Re-exhibition Start	29/09/2015	
Re-exhibition Finish	27/10/2015	
Consideration of submissions	14/12/2015 18/07/2016	EHR032-16 EHR005-17
Council Delegation to South Sydney Planning Panel (SSPP)	18/07/2017 21/11/2016 20/02/2017	EHR006-17 MOT015-07 MM009-17
SSPP Decision	25/07/2017	
Public Notice	2/08/2017	
In effect	2/08/2017	

Amendment 1

Minor amendments required to comply with recent changes to legislation and reflect more recent Council policy decisions.

Chapters Amended: 1, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 32, 35, 36, 39 and 42

Original		
Action	Date	Reference
Council Endorse Plan	16/10/2017	PLN016-18
Exhibition Start	8 November 2017	
Exhibition Finish	6 December 2017	
Consideration of submissions	19 February 2018	PLN027-18
Public Notice	28 February 2018	
In effect	28 February 2018	

Amendment 2

Minor amendment for front setbacks to Ridgeway Estate, Barden Ridge.

Chapters Amended: 1, 2 and 3.

Original		
Action	Date	Reference
Council Endorse Plan	18 December 2017	PLN025-18
Exhibition Start	3 January 2018	
Exhibition Finish	31 January 2018	
Consideration of submissions	19 March 2018	PLN029-18
Public Notice	28 March 2018	
In effect	28 March 2018	

Amendment 3

Amendment to require 8m upper floor setback from rear boundary for dwelling houses and secondary dwellings in Ridgeway Estate, Barden Ridge (instead of limiting upper floor to front 60% of site)

Chapters Amended: 1, 2 and 3.

Original		
Action	Date	Reference
Council Endorse Plan	10 December 2018	PLN052-18
Exhibition Start	9 January 2019	
Exhibition Finish	13 February 2019	
Consideration of submissions	18 March 2019	PLN006-19
Public Notice	3 April 2019	
In effect	3 April 2019	

Amendment 4

Minor amendments for consistency and clarification of controls, addition of controls for exhibition homes and amendment for opening hours and addition of explanatory notes

Chapters Amended: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 42

Original		
Action	Date	Reference
Council Endorse Plan	27 February 2019	PLN002-19
Exhibition Start	13 March 2019	
Exhibition Finish	10 April 2019	
Consideration of submissions	24 June 2019	PLN019-19
Public Notice	10 July 2019	
In effect	10 July 2019	

Amendment 5

Amendment 5 introduces specific controls for boarding houses which are not subject to the Affordable Rental Housing SEPP

Chapters Amended: 1, 18, 19, 20, 21, 22, 23, 24, 35, 36

Original		
Action	Date	Reference
Council Endorse Plan	15 April 2019	PLN009-19
Exhibition Start	8 May 2019	
Exhibition Finish	19 June 2019	
Consideration of submissions	16 September 2019	PLN028-19
Public Notice	9 October 2019	
In effect	9 October 2019	

Amendment 6

Amendment 6. Facilitate additional residential basement car parking; Remove 60% lot depth height control for dwelling houses, secondary dwellings in dual occupancies in Zone R3 and R4; Allow secondary dwellings in front yards of waterfront lots; Extension to base trading hours for Oak Road and South Village, Kirrawee; Require street tree planting under wires; Require compensatory tree planting when trees removed for non-residential development; Limit area occupied by structures ancillary to dwelling houses; Refinements to Greenweb definitions and amended Greenweb map, correct AHD references for water recreation structures; correct min lot sizes industrial zones; Additions to bike parking controls; Amend priority weed list: Extend base trading hours Oak Rd and South Village Kirrawee; Design guidelines for mixed-use and commercial development on Beach Park Ave (opposite Monro Park).
Chapters Amended: 1-30; 32; 34-37; 39, 42

Original		
Action	Date	Reference
Council Endorse Plan	21 September 2020	PLN037-20 PLN039-20
	19 October 2020	PLN047-20
	19 March 2019	PLN013-19 (Greenweb maps)
Exhibition Start	4 November 2020	
Exhibition Finish	3 December 2020	
Consideration of submissions	22 February 2021	PLN003-21
Public Notice	10 March 2021	
In effect	10 March 2021	

Amendment 7

Amendment 7. Addition of Chapter 43 101-151 Port Hacking Road, Sylvania – Frank Vickery; Identify a precinct strategy for future development; Implement a landscape strategy to retain existing trees; Establish setbacks to Bellingara Road, Port Hacking Road and the southern site boundary; Establish controls for solar access and visual and acoustic privacy; Set heritage objectives; Identify parking controls.

Chapters Amended: 1, 43

Original		
Action	Date	Reference
Council Endorse Plan	26 July 2021	PLN026-21
Exhibition Start	6 October 2021	
Exhibition Finish	5 November 2021	
Consideration of submissions	28 March 2022	PLN001-22
Public Notice	6 May 2022	
In effect	6 May 2022	

Amendment 8

Amendment 8. Addition of Chapter 44: 147 Garnet Road, Kareela; Implement site specific provisions for future development on this site. Minor administrative changes to chapters 1 and 42 reflecting adopted policy and consequential changes.

Chapters Amended: 1, 42 & 44

Original		
Action	Date	Reference
Council Endorse Plan	26 July 2021 & 5 October 2021	PLN025-21 & SSLEPP061-21
Exhibition Start	7 September 2022	
Exhibition Finish	17 October 2022	
Consideration of submissions	26 June 2023	COR014-23
Public Notice	11 August 2023	
In effect	11 August 2023	

Amendment 9

Amendment 9. Amendment to Chapter 39: Clause 4.10 *Tree Controls: Proposed Dwellings and Pools*; provisions that guide the assessment of tree removal. Minor administrative change to Chapter 1 reflecting adopted policy and consequential changes

Chapters Amended: 1 and 39.

Original		
Action	Date	Reference
Council Endorse Plan	20 May 2024	COR015-24
Exhibition Start	27 June 2024	
Exhibition Finish	24 July 2024	
Consideration of submissions	12 August 2024 & 25 November 2024	COR040-24 & COR086-24
Public Notice	24 March 2025	
In effect	24 March 2025	

Amendment 10

Amendment 10. Updates to car parking controls, addition of controls to Chapter 36 including active transport and Electric Vehicles (EV).

Chapters Amended: 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 36, 43, 44.

Chapters Repealed: 26 and 29

Original		
Action	Date	Reference
Council Endorse Plan	13 October 2025	PLN035-25
Exhibition Start	12 November 2025	
Exhibition Finish	10 December 2025	
Consideration of submissions	23 March 2026	PLN009-26

Public Notice	27 March 2026	
In effect	27 March 2026	

Amendment 11

Amendment 11. Administrative changes required throughout to comply with NSW Employment Zone Reforms, updates and additional controls to Chapter 38 and 40 and the *Stormwater Specification*.

Chapters Amended: 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 34, 35, 36, 37, 38, 39, 40, 43, 44.

Chapters Repealed: 26 and 29

Original		
Action	Date	Reference
Council Endorse Plan	13 October 2025	PLN035-25
Exhibition Start	12 November 2025	
Exhibition Finish	10 December 2025	
Consideration of submissions	28 April 2026	PLN013-26
Public Notice	1 May 2026	
In effect	1 May 2026	