

SUTHERLANDSHIRE

OTHER USES

DCP 2015 CHAPTER 35



Contents

1. All Other Uses: Streetscape, Building Form and Siting.....	3
2. Bed and Breakfast Accommodation	5
3. Centre-based Child Care Facilities.....	7
4. Health Consulting Rooms	9
5. Telecommunications and Radiocommunications Infrastructure	11
6. Signage	15
7. Sex Service Premises (Brothels).....	21
8. Restricted Premises.....	23
9. Neighbourhood Shops and Shop Top Housing in R3 and R4.....	24
10. Exhibition Homes and Exhibition Villages.....	33
11. Boarding Houses	35

The chapter contains provisions for a range of other land uses permissible under SSLEP 2015, which are not covered by specific use chapters in the DCP. The purpose of this chapter is to confirm that these uses are required to comply with the general development controls that set building form which apply to the predominant uses in the zone. For example the setbacks that apply to a boarding house in the low density R2 zone will be the same as those required for dwellings houses and multi-dwelling housing in that zone. In most cases, the primary assessment criteria used by Council in determining a development application will be compliance with the relevant zone objectives.

The uses covered by this chapter (including alterations and additions to such uses) must be consistent with the predominant built form and design elements of the surrounding locality and streetscape. The objectives of the controls relating to each design element (streetscape, building form, building setbacks, landform, landscaping, building layout, solar access, visual and acoustic privacy, vehicular access, parking and circulation) seek to ensure that any use that is permissible within a zone is developed in a manner that is consistent with the zone objectives and contribute to a harmonious local environment.

The chapter also contains specific land use controls for the following land uses:

- Centre-based child care facilities
- bed and breakfast accommodation
- health consulting rooms
- communications facilities
- signage
- sex services premises (brothels)
- sex shops.

Separate built form controls for neighbourhood shops and shop top housing in the R3 and R4 zones are also provided.

1. All Other Uses: Streetscape, Building Form and Siting

1.1 Objectives

1. Ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the streetscape, foreshore and natural features of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the streetscape.
3. Ensure that building siting, design and construction method responds to the natural landform of the site and is appropriate for the topography of the site.
4. Provide landscaping treatments which foster attractive outlooks, privacy and private recreation areas of high aesthetic quality.
5. Ensure development is sited and designed so that the visual and acoustic privacy of neighbours and intended occupants is to acceptable levels.
6. Minimise direct overlooking of windows and private open space so that the amenity of neighbours and intended occupants is respected.

7. Ensure building design and location minimises adverse impacts of overshadowing on neighbouring buildings, private and public open spaces within the subject site and on adjoining sites.
8. Provide adequate, safe and efficient parking, vehicular access and pedestrian access.

1.2 Controls

1. Where development comprises a use that is not specified in Chapters 2 to 34 of this Development Control Plan, or where the proposed development is ancillary to the current use of a site, it must comply with the following controls of this Development Control Plan as they would apply to the principal building or development type located on that site, or otherwise permissible on that site:
 - a. Streetscape and Building Form;
 - b. Building Setbacks;
 - c. Landform;
 - d. Landscaping;
 - e. Solar Access (for adjoining properties);
 - f. Privacy (for adjoining properties);

unless controls applying to a specific land use are contained in section 2 of this chapter.

Note:

For example, in the R2, E3 and E4 zones, the proposed new development would need to comply with the above mentioned requirements for dwelling houses in the relevant zone. While in the R3 zone, the proposed development would comply with the above mentioned controls for multi dwelling developments in the R3 zone. In the R4 zone the development would need to comply with the residential flat requirements for that zone.

2. Parking and access shall comply with the requirements of Chapter 36 Vehicular Access, Traffic, Parking and Bicycles, in addition to any requirements applying to a specific land use in section 2 of this chapter.

2. Bed and Breakfast Accommodation

Bed and breakfast accommodation is permissible in the R2, R3, R4 and E3 and E4 zones. The definition of bed and breakfast accommodation requires that the accommodation be provided within a dwelling by the permanent residents. Council will not support the use of dual occupancies, townhouses, villa houses or residential flat buildings as bed and breakfast accommodation due to the density of these forms of development, the proximity of neighbours and the likely impacts on other dwellings within a development.

2.1 Objectives

1. Achieve low-key domestic scale accommodation that does not change the character of the immediate locality.
2. Protect as far as practical the privacy of both guests and adjoining residents.
3. Satisfy public health and safety requirements.

2.2 Controls

1. The bed and breakfast accommodation must be provided within an existing dwelling house.
2. Guests shall reside at the establishment for not less than one (1) night and not more than fourteen (14) days in any month.
3. The 'Bed and Breakfast' component of a dwelling house is to be located so that accommodation and visitor common areas do not overlook the living areas of neighbours.
4. To minimise the disturbance of neighbours of late night arrivals and early morning departures of guests and to maintain the privacy of adjoining properties, the Bed and Breakfast component of a dwelling house is to be designed so that:
 - a. the layout of entry and exit points is clear and easily discernible;
 - b. building entry and exit points are appropriately screened to reduce the transmission of noise; and
 - c. clear signage is utilised to identify the establishment and the entry location.
5. To protect the residential amenity of the streetscape, only one advertising sign is permitted. The sign must be no greater than 1.5m² and behind the building alignment.
6. Guest bedrooms are to be serviced by an ensuite for toilet and shower purposes or a shared facility must be provided for guests use only.
7. Appropriate fire safety and structural sufficiency measures are to be incorporated into the building fabric of a dwelling house that is proposed to be used as a Bed and Breakfast establishment in accordance with the requirements of the *Building Code of Australia*.

Note:

The conversion of a dwelling house to a bed and breakfast establishment will require a change of classification under the *Building Code of Australia (BCA)* from Class 1a to 1b. A Class 1b building is defined as a “boarding house, guest house, hostel or the like with a total floor area not exceeding 300m²”. This change of classification needs to be carried out as part of the development application. Larger dwellings with total floor areas in excess of 300m² may be classified as a Class 3 building. This may result in more stringent fire safety requirements

8. The 'Bed and Breakfast' component of the dwelling house is to incorporate health and safety fixtures and fittings that are consistent with the *Sutherland Shire Environmental Specification 2007 - Bed and Breakfast Accommodation*.
9. At least 1 car parking space per guest bedroom must be provided on-site, in addition to the parking provided for the dwelling house.

3. Centre-based Child Care Facilities

Applicants who wish to operate a centre-based child care facility should refer to the NSW Planning and Environment's 'Child Care Planning Guideline' for relevant requirements before lodging a Development Application with Sutherland Shire Council.

The *Education and Care Services National Regulation 2011* requires Council to impose a condition of consent requiring a service approval be obtained from the Regulatory Authority for New South Wales to operate a centre-based child care facility. The service approval is subject to the facility complying with various operational and physical environment requirements under the *Children (Education and Care Services) National Law (NSW)*.

The granting of development consent by Council will not necessarily result in the issuing of a service approval by the Regulatory Authority.

3.1 Objectives

1. Provide development standards on matters not included in the NSW Government's, 'Child Care Planning Guideline' (2017).

3.2 Controls - Parking

1. On-site parking is to be provided at the rate of 1 space/4 children for drop off and pick up.
2. Where suitable and sustainable transport alternatives are considered and incorporated into the development, variations to the above rates will be assessed on merit.
3. Subject to a merit assessment, reduced parking rates may also be considered for:
 - a. child care centres located on corner blocks.
 - b. child care centres that provide safe drop off zones on the street.
 - c. child care centres with a street frontage greater than 15 metres.
4. It is the responsibility of the applicant through the development assessment process to demonstrate that the proposed level of parking provision is adequate, or that the overall planning benefits of the proposed development outweigh the deficiencies.
5. Any variation to the parking rates must address the following issues (as relevant to the particular development):
 - a. Type and scale of the development and its potential impact on local traffic and parking conditions.
 - b. Existing parking facilities already provided prior to further development.
 - c. Site and building constraints.
 - d. Heritage and urban design considerations including significant streetscape elements such as sandstone retaining walls, significant mature trees etc
 - e. On street and public parking in the area, as well as proximity and access to public transport.
 - f. Location of local services, employment, retail and recreational facilities.
 - g. Safety of vehicles, pedestrians and cyclists.
 - h. Provision of any integrated, sustainable transport options benefiting the site.

3.3 Assessment Principles for Landscaping

1. An assessment of landscape area is to be based on merit (i.e., the quality of the landscaping).
2. The emphasis of the assessment is on appropriate screen planting and landscaping to ameliorate the visual impacts of the built form and car parking. This should be negotiated to provide more acceptable outcomes for all involved stakeholders.

4. Health Consulting Rooms

Health consulting rooms means a premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time. Because by definition health consulting rooms are located in residential areas, it is important to ensure that potential impacts on surrounding residential amenity is minimised. It is also important to ensure that the dwelling houses used for health consulting rooms are equipped to provide barrier free access and sanitary facilities for all patients.

Note:

Health care professional means any person registered under the Act for the purpose of providing health care.

4.1 Objectives

1. Provide small scale consulting rooms for the delivery of professional health care services.
2. Ensure health consulting rooms are provided in accessible, convenient and appropriate locations.
3. Ensure that the residential amenity of adjoining dwelling houses is protected.
4. Ensure that the privacy of patients is protected from adjoining dwelling houses.
5. Ensure that the design, access, fittings and fixtures of health consulting rooms enable barrier free access to all patients.
6. Ensure that, through their location and design, health consulting rooms make a positive contribution to the residential streetscape.

4.2 Design Controls

1. The scale and character of the development is to be compatible with surrounding residential development.
2. The health consulting rooms must be designed to ensure that the patients' privacy is maintained while on the premises and to not adversely impact upon the neighbours visual privacy.
3. Windows must be located and/or screened to prevent overlooking of neighbours yards by staff and patients.
4. Windows must be located and/or screened to prevent the loss of patients' privacy by them being visible from public places.

5. Health consulting rooms must be designed so as to minimise noise transmission between buildings and from the development to adjoining dwelling houses or other buildings.
6. Access to and from the development for people with disabilities must be provided in accordance with the BCA, AS 1428 and *the Disability Discrimination Act 1992*.
7. Where there is a dwelling component occupied in conjunction with the health consulting rooms, it must be provided to an acceptable standard and be fully self-contained. The residential dwelling component must have at least one bedroom with a kitchen, bathroom, living room, laundry, private courtyard and on-site provision of car parking for the residential component separate to the consulting rooms (reciprocal car parking arrangements may be considered).
8. If located in a two storey dwelling, the consulting rooms are to be located on the ground floor.

4.3 Operational Controls

1. Health consulting rooms must not employ more than three full time (or part time equivalent) professional services providers and a further three full time (or part time equivalent) support employees connected with the operation of the service.
2. Hours of operation of health consulting rooms should be limited to the following hours:
 - a. 8.00am to 7.00pm weekdays;
 - b. 8.00am to 12.00 noon Saturdays; and
 - c. No services are to be provided on Sundays or Public Holidays.

Use of the consulting rooms outside the above hours will be permitted only in an emergency.

Disposal of any contaminated waste generated by the health consulting rooms is to be carried out by a licensed waste collector.

4.4 Assessment Principles for the Location of Health Consulting Rooms

1. Health consulting rooms should be located in close proximity to existing public transport nodes and be available to good vehicular access without unduly affecting traffic in surrounding streets.
2. Council will consider the likelihood of the development creating a traffic hazard, given its proximity to a frequently used intersection, pedestrian crossing, traffic signals and the like.
3. Corner sites are preferred, as they provide better access to the rear of the property for parking purposes.
4. Health consulting rooms should not front onto a classified road or a road which is subject to a clearway or other parking restrictions, where alternative access is not available from a secondary road.

5. Telecommunications and Radiocommunications Infrastructure

The following objectives and controls apply to telecommunications and radiocommunications infrastructure, (including broadcasting infrastructure covered under the *Telecommunications Act 1997* and the *Radiocommunications Act 1992*). New telecommunications and radiocommunications infrastructure requires Council development consent, unless it is exempted by Commonwealth Legislation such as the *Telecommunications (Low-Impact Facilities) Determination 1997*, or is classified as exempt or complying development.

The Federal Telecommunications Act 1997 includes the Telecommunications (Low-Impact Facilities) Determination 1997. This legislation, together with the provisions of State Environmental Planning Policy (Exempt and Complying Development) 2007, enables telecommunication carriers to undertake a range of activities and construct various categories of infrastructure without the need to obtain development consent.

A low-impact facility is generally any work or activity of low environmental or visual impact and specifically excludes:

- designated overhead lines
- a tower that is not attached to a building
- a tower attached to a building and more than 5 metres high
- an extension to a tower that has previously been extended
- an extension to a tower, if the extension is more than 5 metres high.

A facility cannot be a low-impact facility if it is in an area of environmental significance.

Note:

How do these provisions relate to Commonwealth and State Legislation?

Telecommunications Act 1997 and Radiocommunications Act 1992

These provisions clarify the expectations of Council on carriers who operate under the *Telecommunications Act 1997 and Radiocommunications Act 1992*.

Telecommunications Code Practice 1997

The provisions clarify and standardise the expectations of Council in respect to land-access situations.

Telecommunications (Low-impact Facilities) Determination 1997 (LIF Determination)

While these provisions do not have the authority to override the LIF Determination, they nevertheless provide advice to carriers about the expectations of council and require voluntary co-operation.

Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002)

These provisions broaden the scope of the ACIF Code by applying consistently to not only carriers and their agents, but also builders and operators of all RFR-emitting infrastructure, including those operating under the *Radiocommunications Act 1992*. Consultation with Council is required under this code.

State Environmental Planning Policy (Infrastructure) 2007

These State-wide provisions provide for specific types of telecommunications infrastructure to be exempt development or permissible without consent.

5.1 Objectives

Social Objectives

1. Apply the *precautionary principle* through prudent avoidance of sensitive land uses and minimisation of exposure when choosing sites for the location of telecommunications and radio communications infrastructure.
2. Ensure that the general public and local communities have access to telecommunications technology.
3. Achieve equity for the various stakeholders by endeavouring to balance their various needs.
4. Enable members of the public to adequately identify infrastructure and the agencies responsible for them.
5. Ensure infrastructure is compatible with the amenity of the area.

Environmental Objectives

1. Help implement principles of urban design in respect to telecommunications and radio communications infrastructure.
2. Promote good industrial design of infrastructure.
3. Provide infrastructure that is visually compatible with surrounding character and visual context, with particular regard to heritage building.
4. Prevent any adverse impact on the natural environment.
5. Restore the site after discontinuation or removal of infrastructure.

Economic Objectives

1. Identify the type of land use areas suitable for infrastructure in a local government area.
2. Accommodate the planning requirements of new technology.
3. Provide equitable availability of locations to carriers.
4. Assess whether the proposed infrastructure is consistent with permitted development in adjacent area.
5. Ensure reasonable access to telecommunications technology.
6. Provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure.
7. Ensure that the carrier accepts liability for all impacts associated with construction, maintenance and operation of their infrastructure.

5.2 Controls

1. All facilities are required to comply with relevant Australian standards, including exposure standards.
2. Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.
3. Within the local context, the infrastructure design must take account of colour, texture, form, bulk and scale.
4. Infrastructure must:
 - a. be well-designed;
 - b. be integrated with the existing building structure unless otherwise justified to Council's satisfaction;
 - c. have concealed cables where practicable and appropriate;
 - d. be unobtrusive where possible; and
 - e. be consistent with the character of the surrounding area.
5. Infrastructure must be removed when it is no longer being used for transmission.
6. The site must be restored following construction of the infrastructure.

Note:

Landlord requirements are not considered adequate justification for non-compliance.

7. Co-location is the practice of locating a number of different telecommunication facilities, often owned by different carriers, on one facility or structure.
8. Where co-location of telecommunication facilities are proposed the impact of the development is to be assessed against:
 - a. cumulative emissions of all co-located telecommunications facilities;
 - b. visual impact of co-located telecommunications facilities;
 - c. the physical and technical limits to the amount of infrastructure that masts are able to support; or
 - d. Whether the required coverage can be achieved from the location.
9. Carriers should demonstrate a precautionary approach and effective measures to minimise the negative impact of co-location.

Note:

Co-location is the practice of locating a number of different telecommunication facilities, often owned by different carriers, on one facility or structure.

10. The applicant must demonstrate that, in selecting a site, it has adopted a precautionary principle approach in regards to minimising EMR exposures consistent with section 5.1 of the ACIF Code.

The preferred location for telecommunication and radio communication infrastructure includes industrial areas, low-use open space and commercial centres.

11. The applicant must demonstrate particular consideration of sensitive land uses, especially where a telecommunications or radio communications facility is proposed that is not ancillary to its primary function (see co-location above).

Sensitive land uses include those:

- a. Where occupants are located for long periods of time (e.g., residents);
 - b. That are frequented by young children (e.g., schools and child care centres); and
 - c. Where there are people with particular health problems (e.g., hospitals and child care centres).
12. Infrastructure must be of high quality design and construction.
 13. Proposals should consider the range of available alternate infrastructure including new technologies to minimise unnecessary or incidental EMR emissions and exposures, as required under Section 5.2.3 of the ACIF Code.
 14. The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EMR and providing contact details for the facility(s) owner/manager.
 15. The minimum requisites that shall apply where relevant are the BCA and the relevant Australian standards. The applicant must provide Council with certification to demonstrate compliance with the BCA and other standards.
 16. The applicant is to demonstrate the precautions it has taken to minimise EMP exposures to the public.
 17. The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard.
 18. The applicant is to provide a mapped analysis of cumulative effect of proposal.
 19. The applicant is to avoid or minimise the physical impact for any proposed facility on indigenous flora and fauna.

6. Signage

Appropriate signs identify and promote institutions, businesses and buildings as well as communicating messages. Well-designed signs contribute to streetscape character and assist people in finding their way around. Inappropriate signs whether by way of location, poor quality design, an excessive numbers of signs within an area, or excessively large signs, can create visual and physical clutter, degrade the character of streetscapes and reduce the efficiency of other appropriate signs.

The controls in this chapter are intended to encourage well-designed and well positioned signs which contribute to the visual interest of the streetscape in commercial zones, while maintaining the amenity and safety of residents, pedestrians, and motorists and preserving significant characteristics of buildings, streetscapes and vistas.

Where relevant, this Section of the DCP needs to be read in conjunction with the following:

- *SEPP No. 64 - Advertising and Signage (SEPP 64)*
The SEPP contains specific provisions relating to all forms of signage. Applications for all forms of signage, must give consideration to Parts 1 and 2 and Schedule 1 of the SEPP. Applications for signage, other than building or business identification signs or signage which is exempt development, are also required consider the provisions of Parts 3 and 4 of the SEPP.
- *Transport Corridor Outdoor Advertising and Signage Guidelines*
This Guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under SEPP 64.
- *Building Code of Australia (BCA)*
Part B of the BCA contains provisions dealing with dead and live loads, load combinations and wind loads which may have an impact the way a proposed sign is designed and affixed to a building or site.
- *NSW Roads and Traffic Authority policy for advertising on RTA infrastructure (1999).*
Applicants proposing signage on or visible from arterial roads should consider the safety of motorists in accordance with this Policy.
- *Australian Standard AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting*
This Standard contains relevant guidelines for external illumination devices providing recommended limits for the relevant lighting parameters to contain obtrusive illumination effects within tolerable levels.

6.1 Objectives

1. Ensure that signage:
 - a. is compatible with the desired amenity and visual character of an area.
 - b. provides effective communication in suitable locations.
 - c. is of a high quality design and finish.
 - d. integrates with the design of the building and is in keeping with the scale and character of surrounding development.
 - e. does not dominate or clutter the streetscape.
 - f. Where it is located on community facilities, primarily promotes the sporting use rather than the sponsor.
 - g. does not reduce the safety of any road, pedestrian path or waterway.



Advertising Signage Preferred Location.

6.2 Controls for wall signs

1. Advertising on buildings (business identification signs) must relate to the use of premises - Commercial sponsorship advertising will not be permitted. Only the name of the adjacent business premises and the specific goods/services available is permitted. Advertising of companies or organisations not located on the site and of a general nature will not be permitted.
2. The total area of all signs must not be greater than 25% of the elevation above awning level.
3. The size and shape of any signage must relate to the size and shape of the building it is attached to. Larger building facades are capable of accommodating larger signs without detracting from the appearance of the building.
4. Wall signs must not protrude more than 300mm from the face of the wall or parapet

5. Signs must not project above the parapet of the building or that part of the building to which they are attached.
6. Signage must be integrated with the design of the building, having regard to the design and architectural merit of the building and the streetscape and not obscuring architectural features (windows, decorative mouldings etc) of the supporting building. A poor example and a preferred example are illustrated in Figure 1.
7. Signs on buildings of heritage value must complement the heritage value of the building or area. The architectural characteristics of the building must always come first.
8. Signs must not cover mechanical ventilation inlets or outlets
9. In commercial areas, signage should where possible achieve visual continuity with neighbouring buildings. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. A poor example and a preferred example are illustrated in Figure 1.
10. Advertising signs must be integrated with the overall design of the building and harmonious with adjacent buildings. The grid technique illustrated below is a guide for locating signs on buildings that acknowledges the proportions of the building. Building facades can generally be divided into a grid based on alignments of the parapet, cornice, verandahs, windows and doors. The rectangles of the grid may be used separately or joined together to form horizontal or vertical panels. The diagrams below show how the grid technique produces a uniform and clean series of shapes on the building where signs can be located without signage dominating the facade.



Figure 1: Advertising Signage Preferred Location

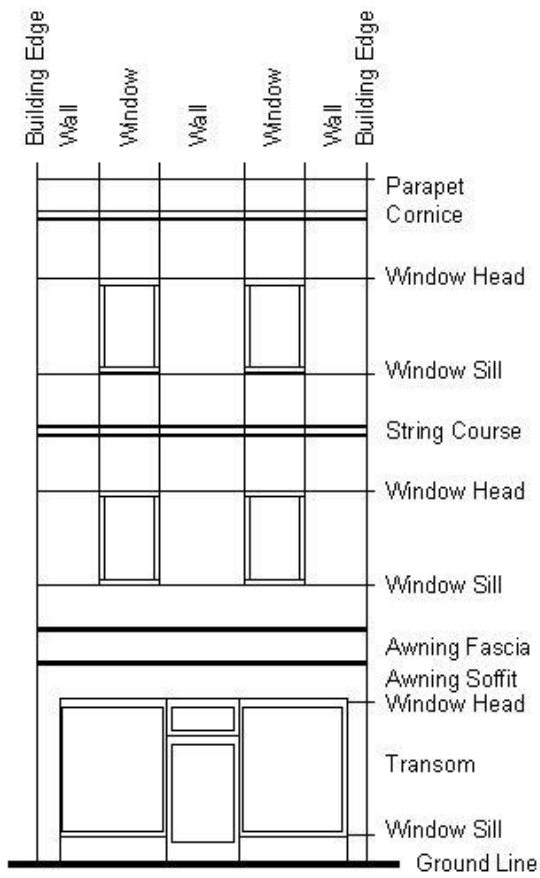


Figure 2: Grid Analysis of Façade



Figure 3: Sign Placements using Grid Analysis

6.3 Controls for Freestanding Pole signs

1. Freestanding pole signs are a type of business identification sign and must relate to the use of the adjacent premises.
2. A freestanding pole sign is to be designed to comply with the following controls:
 - a. Signs shall not exceed the height of surrounding buildings and/or tree canopy or 8 metres, whichever is the lesser.
 - b. The sign must not protrude above the dominant skyline including any buildings, structures or tree canopies when viewed from ground level within a visual catchment of 1 kilometre.
 - c. The sign shall have scale similar to any adjacent built development.
 - d. The sign, if located within the front setback of a development, shall not compromise landscaping, parking and visibility requirements.
 - e. Significant trees and other native vegetation shall not be removed to accommodate signage.
3. Applications for freestanding signs should include a landscape plan of the site. The proposal should incorporate landscaping that complements the sign and the locality and requires minimal maintenance.
4. The sign shall not obstruct or impede pedestrian and vehicular traffic. The positioning of the sign shall have regard to adjacent signage on adjoining properties.
5. The sign must not obstruct the drivers' view of the road, distract the driver or obstruct a pedestrian or cyclists view of the road.

6.4 Controls for Illuminated Signs

1. Illumination of signs must not result in acceptable glare or reduce safety for pedestrians, vehicles or aircraft.
2. Illumination of signs must not cause light spillage into nearby residential properties, national parks or nature reserves.
3. Depending of its location and its relationship to residential properties, Council may require that illumination be controlled by automatic time clocks extinguishing illumination.
4. The lighting intensity of a sign must be capable of modification or control after installation.
5. Illumination of a sign (except for floodlit signs) must not be external to the sign ie surrounding a sign.
6. Electric wiring to illuminated signs must be concealed.
7. Illuminated signs must not use complex displays, moving signs, flashing lights or the like that hold drivers' attention beyond 'glance appreciation'.

Note:

For best practice guidelines on the planning and design of outdoor signage, refer to Transport Corridor Outdoor Advertising Signage Guidelines. July 2007 (www.planning.nsw.gov.au). These guidelines include prescriptive maximum luminance levels for signs to maintain road safety.

The following signage types are discouraged: animated signs, mechanical moving signs, scrolling messages, moving LED signs, video/television screens, projected laser advertising and other flashing lights, signs with large areas of red or resembling traffic lights.

6.5 Controls for Signage on Schools

1. A single signboard is permissible if located on school grounds near the main entrance to the school.
2. The sign is to incorporate a message area and may include sponsorship details.
3. Sponsorship details shall not exceed 30% of the sign.

6.6 Assessment Principles

1. Advertising will be assessed according to how compatible it is with the desired amenity and future character of a locality.
2. The following types of advertising may dominate the streetscape, especially when advertising signs are already in place. As such they will generally not be considered suitable:
 - a. Advertising that detracts from the appearance and character of a building and the surrounding area, for example, because it is not incorporated into the design of a building.
 - b. Wall advertisements greater than 20m².
 - c. Advertising on and painting of entire facades in corporate colours or commercial sponsorship will not be permitted. Only the name of the adjacent business premises and the specific goods/services available is permitted.
3. The following types of advertising may compromise traffic or pedestrian safety and as such will generally not be considered suitable:
 - a. Advertising which flashes or moves.
 - b. Any advertising which may detract from traffic or pedestrian movement.

7. Sex Service Premises (Brothels)

This section provides planning guidelines for the establishment and control of sex services premises. Sex services premises are considered to be restricted uses as they can have amenity and social impacts on the community, in particular sensitive members of the community. Because of the potential social impact of sex services premises, additional requirements for these developments are also in Chapter 41. The Restricted Premises Act 1943 provides the statutory framework for the control of sex services premises and restricted premises in NSW.

Appropriate signs identify and promote institutions, businesses and buildings as well as communicating messages. Well-designed signs contribute to streetscape character and assist people in finding their way around. Inappropriate signs whether by way of location, poor quality design, an excessive numbers of signs within an area, or excessively large signs, can create visual and physical clutter, degrade the character of streetscapes and reduce the efficiency of other appropriate signs.

7.1 Objectives

1. Ensure that the development of sex services premises does not adversely affect the existing and future amenity of surrounding development, land uses and residents.
2. Limit the cumulative impact of several sex services premises establishing in a single area.
3. Protect the character of an area or streetscape by controlling displays, advertising and signage.

7.2 Controls

1. Development for the purpose of sex services premises must not be carried out if it is located within 200m of the boundary of an existing legally operating sex services premise.
2. The minimum number of staff on the premises at any time shall be limited to two (2) comprising at least one person responsible for management and/or security of the premises.
3. The maximum number of sex workers at any time in a sex services premise is limited to five (5)
4. A waiting or reception area of a minimum 30m² is to be provided inside the building to prevent clients from waiting outside the premises.
5. All advertising must comply with Council's requirements for Industrial zones. In addition to these Council requirements, all sex services premises must comply with the requirements of the Crimes Act 1900 Section 578 (e) and *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

6. A development must not generate levels of noise that may disturb the neighbourhood amenity.
7. No form of soliciting from any window or street in association with any sex services premise is to be carried out.
8. The premises must be constructed of durable, impervious materials that are easy to be kept clean.
9. Applicants should refer to the “NSW Health Communicable Disease Health and Safety Guidelines for Sex on Premises Venues”, which provides detailed cleaning techniques and recommendations.
10. Development applications are to provide details on measures to be undertaken to ensure the safety of workers, clients and the general public. Details are to include information on the incorporation of *Crime Prevention Through Environmental Design (CPTED)* principles including the following:
 - a. Casual Surveillance of exits and entries;
 - b. Lighting;
 - c. Landscaping;
 - d. Security;
 - e. Safe handling of money.
11. The health standards set out in the *Sutherland Shire Environmental Specification 2007 – Sex services premises and Restricted Premises* must be complied with.

7.3 Assessment Principles

1. When assessing a development application under this clause Council is to consider:
 - a. Whether the impacts of the sex services premise will not adversely affect the neighbourhood because of its size, location, parking arrangements, visual effects and hours of operation.
 - b. The cumulative impact of both sex services premises and restricted premises is not adversely affecting the streetscape by creating an undesirable character, or attracting antisocial behaviour to the area.

8. Restricted Premises

The purpose of this section is to provide planning guidelines for the establishment and control of restricted premises (often referred to as sex shops) in the Sutherland Shire. Restricted premises are considered to be a restricted use as they can have amenity and social impacts on the community, in particular sensitive members of the community. Because of the potential social impact of restricted premises developments additional requirements for these developments in terms of social impact assessments are also contained in Chapter 12.

8.1 Objectives

1. Ensure that the development of restricted premises does not adversely affect the existing and future amenity of surrounding development, land uses and residents.
2. Ensure restricted premises are located away from land uses that may be adversely affected by their operation.
3. Limit the cumulative impact of several restricted premises establishing in a single area.
4. Protect the character of an area or streetscape by controlling displays, advertising and signage.

8.2 Controls

1. Development for the purpose of a sex shop must not be carried out if it is located:
 - a. within 50m of any form of residential accommodation (excluding Urban Centre zone), open space or special uses zone or land where the activity is identified as a sensitive land use.
 - b. within 100m of the boundary of an existing legally operating sex shop.
 - c. on the ground floor of retail or commercial premises.
 - d. within immediate proximity to the residential entrances of a mixed development.
 - e. where it may conflict with the residential amenity of a mixed development.

Note to Subclause 1:

Sensitive land uses include, but are not limited to, place of public worship, churches, schools, transport nodes, residential dwellings, childcare centres, family health centres, senior citizens centres, licensed premises (licensed under the Liquor Act 1982) and facilities and places typically frequented by families or children.

2. All restricted premises must comply with the requirements of the *Crimes Act 1900 Section 578 (e)* and *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

9. Neighbourhood Shops and Shop Top Housing in R3 and R4

Shop top housing is defined as, “one or more dwellings located above ground floor retail premises or business premises” (SSLEP2015 Dictionary).

Shop top housing that is only two storeys in height, and/or contains less than four dwellings is not subject to State Environmental Policy No 65- Design Quality of Residential Flat Development and the objectives and design criteria of the *Apartment Design Guide 2015 (APG)*. However, these provisions aim to ensure all future dwellings achieve the design principles of *State Environmental Planning Policy No 65–Design Quality of Residential Flat Development* and the objectives and design criteria of the *Apartment Design Guide 2015 (ADG)*

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.

Good design also needs to have particular regard to the amenity of residents and surrounding residential uses.

The following controls apply to neighbourhood shops and any associated shop top housing that is proposed in the R3 Medium Density Residential or R4 High Density Residential zones.

9.1 Objectives for Streetscape, Building Form and Setbacks

1. Allow for a built form appropriate for a commercial use while maintaining residential amenity of neighbours and respecting existing residential streetscape character.
2. Encourage a high standard of residential flat design
3. Ensure building design and dwelling layout provides a high level of resident amenity.
4. Achieve development that is of an appropriate scale and context for the street and locality and which makes a positive contribution to the streetscape.
5. Ensure sufficient solar access for occupants of adjacent residential buildings, and to public open space and adjoining development
6. Create entrances which provide a desirable and safe identity for the development and which assist in visitor orientation and minimise potential conflicts between pedestrians and vehicles
7. Ensure that building scale, mass and height is sensitive to amenity issues and visual impact from surrounding or nearby development.
8. Ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within dwellings and their associated private open spaces.

9. Ensure developments 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.
10. Minimise direct overlooking of windows and private open space so that the amenity of adjoining school yards, neighbours and intended occupants is respected.
11. To provide housing that will meet the access and mobility needs of any occupant.

9.2 Controls for Streetscape, Building Form and Setbacks

1. 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 control applies for all shop top housing, including for buildings that are two storeys in height, and/or contain less than four dwellings.
2. Non-residential and residential land uses in the same development shall be sited and designed to not adversely affect the residential amenity of building occupants.
3. Dwelling entries shall be distinguished from commercial/retail entries.
4. Despite Clause 1, front, side and rear setbacks may vary according to the specific context of each development and will be assessed on merit.
5. 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.
6. 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	4 m ²	-
1 bedroom apartments	8 m ²	2m
2 bedroom apartments	10 m ²	2m
3+ bedroom apartments	12 m ²	2.4m
Apartment at ground level or podium	15 m ²	3m

7. Dwelling balcony design is to be integrated into the architectural form and detail of the buildings.
8. 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.
9. Suitable clothes drying facilities shall be provided and not be visible from a public place and have access to sunlight.
10. Appropriate paving must be provided to driveways, walkways, entries, fire egress points, garbage bin enclosures, letter boxes, clothes lines and under pergolas.

11. A communal rainwater tank and pump should be located in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space at ground level must be provided with a tap connected to the rainwater tank.
12. Secure space must be provided for each dwelling in a small scale shop top housing development, in accordance with the following table:

Dwelling type	Storage size volume
Studio apartments	4 m ³
1 bedroom apartments	6 m ³
2 bedroom apartments	8 m ³
3+ bedroom apartments	10 m ³

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

13. For neighbouring dwellings:
 - a. Direct sunlight to north facing windows of habitable rooms and 10m² of useable private open space areas of adjacent dwellings should not be reduced to less than 2 hours between 9.00am and 3.00pm on 21 June;
 - b. Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result 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.
14. Extensive sections of blank façade are to be avoided. Facades are to be articulated to contribute to the visual presentation of development with consideration of:
 - i. Articulating facades either through built form or materials;
 - ii. Using building materials and finishes which are complementary to nearby development;
 - iii. Defining each level of building and articulating the proportions of the building.
 - iv. Expressing variation in floor to floor height, particularly at the lower levels;
 - v. Incorporating architectural features which give human scale to the design of the building at street level;
 - vi. Integrating building services such as roof plant and parking ventilation with the overall façade and building design, and screening from public view.
15. Where development has two (2) or more road frontages, vehicular access shall be from the lowest order road.
16. Development should contribute to a comfortable pedestrian environment with improvement to signage, lighting, planting, awning cover and seating, where appropriate.
17. Street tree planting is required at minimum of one indigenous canopy tree that will attain a minimum mature height of 6m, planted at maximum spacing of 7.5m, at a minimum distance of 1 metre from the kerb and/or footpath.

18. 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.
19. New development shall incorporate passive solar building design including cross ventilation, the optimisation of sunlight access, and the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.
20. All loading, unloading and manoeuvring of vehicles shall take place within the curtilage of the site, and vehicles are to enter and exit the site from a rear laneway wherever possible and in a forward direction at all times.

Where other arrangements for loading and unloading of vehicles are proposed, they may be acceptable where:

- a. There is a low intensity of commercial use;
 - b. The proposed arrangement maintains a safe and convenient pedestrian and traffic environment.
21. Loading areas shall be located so as to avoid on-street loading and be freely available for use at all times.
 22. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space.
 23. Use building design to increase privacy without compromising access to light and air.
 24. Minimise the potential for overlooking of adjacent school yards through the careful orientation of balconies and windows, coupled with screening devices.
 25. 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.
 26. 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.
 27. 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 Guideline*.

9.3 Controls for Adaptable and Livable Housing in Shop Top Housing in R3 and R4

1. All new 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 ≤ 0.5 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.
6. In addition to complying with the adaptable housing rates in clause 1 above, all new shop top housing and boarding house developments must provide 'livable dwellings' (i.e., dwellings designed to *Livable Housing Design Guidelines*) at the following rates:
 - Developments containing 3-5 dwellings – 1 dwelling.
 - Developments of 6 or more dwellings – 10% of dwellings.
7. When the calculations for the number of dwellings results in a fraction, numbers ≤ 0.5 should be rounded down.
8. 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.
9. Where proposed, all 'livable' dwellings must be clearly identified on the submitted DA plans.
10. Variations to (6) 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.

9.4 Safety and Security

9.4.1 Objectives

1. Reduce opportunities for crime through building layout, orientation and location, and the strategic use of design, landscaping and lighting.

9.4.2 Controls

1. Any design for shop top housing must demonstrate compliance with *Crime Prevention Through Environmental Design (CPTED)* guidelines.

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 4.14 of the *Environmental Planning and Assessment Act, 1979*.

9.5 Parking

9.5.1 Objectives

1. Ensure all land uses and/or the combination of activities provide 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 use of bicycles.

9.5.2 Controls

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

Residential accommodation	
Shop top housing	1 space per 1 bed, 1.5 spaces per 2 bed, 2 spaces per 3 bed, Plus 1 visitor space per 4 units
Commercial Premises	

Neighbourhood shops	1 space per 30 m ² GFA
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- Further design requirements for car parking and access are provided in Chapter 36 Vehicular Access, Traffic, Parking and Bicycles.

9.6 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.

9.6.1 Objectives

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

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

- 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".

9.6.3 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.

10. Exhibition Homes and Exhibition Villages

An exhibition home is a dwelling and associated buildings used for the public exhibition and marketing of new dwellings, and an exhibition village is two or more exhibition homes and associated buildings.

Exhibition homes and exhibition village developments must be consistent with the built form and design elements of the surrounding locality and streetscape, and have adequate access arrangements for visitors.

Exhibition homes and exhibition villages should be developed in a manner that is consistent with the relevant zone objectives and contribute to a harmonious local environment.

10.1 Objectives

1. Ensure development is compatible with the scale, character and scenic quality of the streetscape and natural setting.
2. Ensure that exhibition homes and villages do not adversely affect the existing and future amenity of surrounding development, land uses and residents.
3. Ensure suitable car parking and access arrangements are provided within exhibition homes and villages to maintain the existing amenity and privacy of residential properties in the locality;
4. Ensure the proposed entry and exit access arrangements for an exhibition home and village integrate with the existing road hierarchy in order to maintain efficient functioning of the road network.

10.2 Controls

1. Exhibition home developments must comply with the relevant objectives and controls in Chapters 2 Dwelling Houses, Chapter 3 Secondary Dwellings and Chapter 4 Dual Occupancy of this Development Control Plan.
2. Exhibition homes/ exhibition villages should be located:
 - a) close to arterial and distributor roads as identified on Council's DCP Road Hierarchy Map.
 - b) where vehicular access is from a collector street as identified on Council's DCP Road Hierarchy Map.
 - c) on streets with widths that permit adequate safe manoeuvrability of vehicles and lines of sight for pedestrians, cyclists and vehicles.
 - d) where traffic control devices do not impede vehicular access to and from the site.
3. Exhibition homes/ exhibition villages shall not be permitted:
 - a) where access is from a street with a carriageway width of less than 6.5m.
 - b) on streets which are cul-de-sacs.
4. All works affecting public roads, including new driveways, access roads and intersection works are to be in accordance with the requirements of this DCP and the relevant provisions of Council's Public Domain Design Manual.

5. Landscaping of the street frontage is to be in accordance with the requirements of Council's Public Domain Design Manual. Street landscaping is to be maintained for the duration of operation of the exhibition home/village.
6. Car parking for exhibition homes shall be provided off street. However, on-street car parking may be considered where there is ample on- street parking and there are no privately occupied dwellings opposite or adjoining the individual exhibition homes.
7. A minimum of 3 car parking spaces shall be provided per exhibition home.
8. A traffic impact assessment which examines the local and cumulative impacts of the proposal and other exhibition homes in the area on the road network may be required.
9. Hours of operation are limited to 9am to 5pm, 7 days.
10. Any signage is required to fit into a residential streetscape without creating amenity impacts.
11. The operation of an Exhibition Home/Village shall be limited to 3 years after which it shall cease to operate.
12. An Exhibition Village shall cease to operate when any of the individual Exhibition Homes ceases to operate as an Exhibition Home.

11. Boarding Houses

Under the NSW planning system, a *boarding house* is defined as a *building that*:

- a. *is wholly or partly let in lodgings, and*
- b. *provides lodgers with a principal place of residence for 3 months or more, and*
- c. *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d. *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, group homes, serviced apartments, seniors housing, or hotel or motel accommodation.

Boarding houses play a key role in providing affordable housing for many people on lower incomes needing accommodation close to work, study, transport and services.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) is the principal planning instrument regulating the development of boarding houses. Division 3 of the SEPP sets out the permissibility of boarding houses in specific zones, and specifies state-wide standards for boarding houses, including a number of 'deemed to satisfy' standards which, when complied with, can't be used by a consent authority to refuse a boarding house.

Boarding houses are also permitted in limited zones under *Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)*.

This section of the DCP applies to all land within Sutherland Shire where boarding houses are permitted.

The DCP provides controls which complement the 'deemed to satisfy' and minimum requirements for boarding houses for applications under the AHR SEPP, and provide controls for boarding houses on land where the AHR SEPP does not apply.

For applications under the AHR SEPP, if there is an inconsistency between the ARH SEPP and SSLEP2015/SSDCP2015 provisions, the provisions of the ARH SEPP prevail to the extent of the inconsistency. If the ARH SEPP does not explicitly override DCP controls, Council's DCP controls continue to apply.

This section is also to be read in conjunction with other chapters of *Sutherland Shire Development Control Plan 2015 (SSDCP2015)*.

All boarding houses will comply with BCA requirements for Class 1b or Class 3 buildings. *Disability (Access to Premises – Building Standards 2010 (Disability Act 1992)* apply to both classifications of boarding houses under the BCA. Consideration should be given to disability requirements, particularly with respect to parking, lifts, internal circulation and facilities.

To ensure delivery of quality accommodation services and protection of the wellbeing and living amenity of lodgers, applicants should refer to the *Boarding House Act 2012*, which sets out registration requirements and occupancy principles for 'registrable boarding houses' (as defined under the Act).

11.1 Objectives

1. Provide housing choice in Sutherland Shire.
2. Ensure boarding houses achieve a high standard of urban design.
3. Ensure boarding house development is compatible with the current and future scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality.
4. Ensure boarding houses are located in accessible areas, close to public transport and support services, and employment opportunities.
5. Ensure that boarding house siting, design and construction methods responds to the natural landform of the site and is appropriate for the topography of the site.
6. Ensure the safety, security, health and wellbeing of boarding house lodgers and the local community through appropriate location, design and management of boarding houses.

11.2 Controls for boarding house development subject to State Environmental Planning Policy (Affordable Rental Housing) 2009

1. Boarding house developments subject to Part 2 of the ARH SEPP will be designed to comply with development standards applicable to the following residential accommodation types in the subject zone:

Zone	Applicable Objectives and Controls by Residential Type	SSDCP 2015 Chapter	Applicable Development Controls*
R2	multi dwelling housing	Chapter 5	Streetscape and Building Form Building Setbacks Landform Landscaping Building Layout, Solar Access and Private Open Space Visual and Acoustic Privacy Safety and Security Waste Management Requirements
R3	multi dwelling housing	Chapter 5	
R3	shop top housing	Chapter 35	
R4	residential flat building	Chapter 6; 7; 8; or 9 - depending on location	
B1	shop top housing or multi dwelling housing – as applicable to surrounding uses	Chapter 12	
B2	shop top housing or residential flat building	Chapter 13; 14; 15; 16 or 17 - depending on centre location	
B4	Shop top housing or residential flat building	Chapter 17	

* Not all development controls will be relevant for the boarding house design and function. This is a guide only.

Note:

These chapters are to be read in conjunction with the following SSDCP2015 chapters, as applicable: Chapter 38 'Stormwater and Groundwater Management'; Chapter 39 'Natural Resource Management'; Chapter 40 'Environmental Risk'; Chapter 41 'Social Impact'; and Chapter 42 'Administrative Provisions'

If there is an inconsistency between any provisions in this development control plan and the ARH SEPP, the SEPP prevails to the extent of the inconsistency.

11.3 Controls for boarding house development on land NOT subject to State Environmental Planning Policy (Affordable Rental Housing) 2009

- Boarding house developments not subject to Part 2 of the ARH SEPP will be designed to comply with development standards applicable to the residential accommodation types in the subject zone:

Zone	Applicable Objectives and Controls by Residential Type	SSDCP 2015 Chapter	Applicable Development Controls**
R2*	multi dwelling housing	Chapter 5	Streetscape and Building Form Building Setbacks Landform Landscaping Building Layout, Solar Access and Private Open Space Visual and Acoustic Privacy Safety and Security Waste Management Requirements Parking
B3	shop top housing or residential flat building	Chapter 18; 19; 20; 21; 22; 23 or 24 – depending on location	
SP3	Shop top housing or residential flat building	Chapter 32	
*Where outside an 'accessible area,' as defined in the ARH SEPP			
** Not all development controls will be relevant for the boarding house design and function. This is a guide only.			

Note:

These chapters are to be read in conjunction with the following SSDCP2015 chapters: Chapter 36 'Vehicular access, Traffic, Parking and Bicycles'; Chapter 38 'Stormwater and Groundwater Management'; Chapter 39 'Natural Resource Management'; Chapter 40 'Environmental Risk'; Chapter 41 'Social Impact'; and Chapter 42 'Administrative Provisions'.

- To facilitate development of boarding houses in the R2 Low Density Residential that are compatible with the character and residential density typically expected in that zone, no boarding house in this zone may have more than 12 boarding rooms.
- Each boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:
 - 12m² in the case of a boarding room intended to be used by a single lodger, or
 - 16m² in any other case.
- No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m².

Note:

Council will not consider room sizes that are less than the above minimum room sizes.

5. No boarding room will be occupied by more than 2 adult lodgers.
6. If a boarding house has 5 or more boarding rooms, at least one communal living area/room will be provided.
7. Where provided, a communal living room will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.
8. At least one area of communal outdoor area, measuring a minimum 20m², with a minimum dimension of 3 metres, will be provided for the use of the lodgers.
9. If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.

Note:

The maximum gross floor area for boarding rooms does not apply to on-site resident manager accommodation.

10. Where accommodation is provided on site for a boarding house manager, one area of private open space measuring at least 8m² with a minimum dimension of 2.5m² will be provided adjacent to that accommodation.
11. At least one parking space will be provided for a bicycle, for every 2 boarding rooms.
12. At least one parking space will be provided for a motorcycle, for every 5 boarding rooms.
13. Boarding houses in zone B3 Commercial Core, must provide at least 1 parking space per 2 boarding rooms; plus 1 space per on residential manager living on the premises; plus 1 space per 2 other employees to be working on the premises at any one time.
14. Boarding houses in any other zone on sites to which the SEPP does not apply, must provide at least 1 parking space per two rooms; plus 1 space per residential manager living on the premises; plus 1 space per 2 other employees to be working on the premises at any one time.

11.4 Additional controls for all boarding houses

Location and character

1. The applicant is required to submit a statement which demonstrates to Council's satisfaction that the proposed development is compatible with the local character of the area. The statement is to include descriptions of the existing streetscape character and design responses to the following elements (at a minimum):
 - a. lot size, shape and topography
 - b. predominant building type

- c. predominant material and finishes
 - d. predominant height of buildings
 - e. permissible FSR
 - f. predominant front set back and landscape treatment
 - g. predominant side setbacks, rear alignments and rear landscaping
 - h. adjoining uses
 - i. predominant parking arrangements on sites within the area.
2. Boarding house development located in the vicinity of a Heritage Item will also demonstrate how the boarding house development will be designed sympathetically to the significance of the Item. The applicant will address the following matters:
- i. the significance of the Heritage Item
 - ii. the architectural form (built form and roof form), materials and finishes of existing buildings
 - iii. the age and style of the existing buildings
 - iv. views, vistas and skylines
 - v. the curtilage of the Heritage Item.

Note:

Heritage Items are listed/mapped under SSLEP2015, with additional information for the majority of items included in inventory sheets for each, available via <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

3. The applicant is to demonstrate to Council's satisfaction how residents of the proposed boarding house will achieve convenient access to local retail and commercial services, community services and facilities, recreation and entertainment facilities, opportunities for employment, and public transport services.
4. Where a proposed development cannot meet the above criteria, the applicant must demonstrate to Council's satisfaction how boarding house residents will achieve alternative access to these services.
5. Boarding house applications must include a statement addressing the following:
- a. Key objectives of the boarding house
 - b. Consistency with localised housing needs
 - c. Explanation of the affordable options it provides
 - d. Explanation of who will be accommodated
 - e. Social impacts associated proposed development and how they will be addressed.
6. Boarding house development must comply with minimum site width requirements for the predominant dwelling type and zone.
7. Within residential zones, boarding house development will provide for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire.
8. Landscaping is to be designed to integrate new development with the existing landscape character of the street, provide public amenity, such as shade, and be sensitive to site attributes, existing landscape features, streetscape view and vista.

9. Boarding houses in the B1, B2, B3 and B4 zones must not provide boarding rooms which address the street front.

Building Design

10. The design of boarding houses must demonstrate an appropriate balance between shared and private areas.
11. Boarding houses should achieve the design quality principles of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* and the Apartment Design Guide (ADG). This control applies to all boarding houses that are Class 3 buildings for the purposes of the BCA/NCC or exceed 3 storeys.
12. Class 1b boarding houses will make provision for the following facilities within the development:
 - a. Boarding rooms
 - b. Communal living room (optional for fewer than 5 boarding rooms)
 - c. Communal kitchen area for food preparation (in addition to any private kitchenette)
 - d. Communal laundry facilities
 - e. Individual ensuite and/or communal bathrooms
 - f. Waste and recycling facilities.
13. Class 3 boarding houses will provide all of the following facilities within each development:
 - a. Boarding rooms
 - b. Communal living room/s
 - c. Communal kitchen area for food preparation (in addition to any private kitchenette)
 - d. Individual ensuite and/or communal bathrooms
 - e. Communal laundry facilities
 - f. Communal waste facilities
 - g. Communal outdoor open space.
14. Boarding houses in larger scale developments (more and 20 boarding rooms) are to be designed so that:
 - a. no more than 8 boarding rooms share a stairway and/or corridor
 - b. one (1) communal living room is to be provided per every 8 boarding rooms or part thereof.

Note:

Consideration may be given to varying this number where it can be demonstrated that the design incorporates opportunities for social interaction within reasonable distance of boarding rooms, while maintaining privacy and minimising thoroughfares through corridors containing boarding rooms.

Specific Rooms, Areas and Facilities

Boarding rooms

15. To protect neighbouring amenity and the security of lodgers, all boarding rooms will be accessed from within the building.
16. Boarding rooms must not open directly onto communal living, dining or kitchen areas.
17. Plans must clearly show the size and maximum occupation of each boarding room.
18. Where additional facilities are proposed in boarding rooms, the following additional minimum gross floor areas apply:
 - a. 2.1m² for any ensuite, which will comprise a hand basin and toilet; plus
 - b. 0.8m² for any shower in the ensuite (in addition to the above); plus
 - c. 2m² for any kitchenette.
19. Each boarding room must provide a minimum storage capacity of 1m³ per lodger.
20. A layout plan which includes required furniture (e.g., bed, wardrobe, table, chair - consistent with room occupancy) and storage space is to be provided at 1:100 or 1:50 scale for each room.

Communal living room/s

21. A communal living room is to be located:
 - a. near commonly used spaces, such as kitchen, laundry, lobby entry, manager's office, or adjacent to communal open space; and
 - b. where it will have a minimal impacts on bedrooms and adjoining properties in terms of noise generation have a minimal impact on adjoining properties in terms of noise generation and visual privacy.
22. A communal living room must be provided with a minimum area of 25m², with an additional 1.5m² provided per lodger in excess of 12 boarders.

Note:

A communal living room can include any dining area, recreation room or games room, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchen, car parking, loading docks, driveways, corridors and the like.

23. The total required floor area for the communal living room/s may be split across multiple floors or parts of the building as required for the internal layout of the building and for lodger amenity, provided each living area is fit for purpose.
24. A communal living room must have a minimum dimension of 4 metres.

25. A communal living room should have a northerly aspect, where possible.

Communal bathroom facilities

26. Where provided, communal toilet facilities must be located in a separate room to communal shower/bathroom facilities, with separate facilities for male and female lodgers.
27. Each bathroom must be a minimum of 5m².
28. Bathrooms or toilets must not open directly on to communal kitchen facilities.

Communal kitchen facilities

29. For boarding houses within the R2 zone or for Class 1b boarding houses, communal kitchens will provide a minimum area of 6.5m² for up to 6 lodgers, or 11m² for more than 6 lodgers up to 12 lodgers.
30. For all other boarding houses, a communal kitchen must be provided on each floor (if more than 2 storeys) with a minimum area of 8m² or 1.2m² for each lodger (whichever is greater).
31. The total required floor area for the communal kitchen facilities may be split across multiple floors/parts of the building as required for the internal layout of the building and for lodger amenity, provided each kitchen is fit for purpose.

Communal laundry facilities

32. Within Class 1b boarding houses, a minimum area of 6.5m² must be provided for communal laundry facilities for up to 6 lodgers or 11m² for more than 6 lodgers up to 12 lodgers.
33. For all other boarding houses, communal laundry facilities must be provided with a minimum space of 4m² for every 12 lodgers, and an additional 3m² for every additional 12 lodgers or part thereof.

Communal Open Space

34. Communal open space must be directly accessible from a communal living area.
35. Communal open space is to be provided at ground in the form of a courtyard or terrace area, behind the front setback, accessible to all lodgers. In low density areas, communal open space must be provided at ground level.
36. Communal open space must be located and orientated to maximise solar access, and to reduce impacts on amenity of adjoining properties.

37. Communal open space is to incorporate both hard and soft landscaped areas, shaded areas, and provide shared facilities such as fixed outdoor seating benches, barbecues and the like to allow social interaction.
38. Landscape screening should be provided within communal open space to minimise overlooking of adjoining properties.
39. Where a boarding house is not within 400m of public open space, it should provide a minimum 30m² of communal open space.

Parking

40. Boarding houses in zone B3 Commercial Core, must provide at least 1 parking space per two boarding rooms, plus 1 car space per residential manager living on the premises; plus 1 space per 2 employees to be working on the premises at any one time.

Management office

41. To provide a high level of security for lodgers, where a management office is to be provided, it is to be located in a visible location, with a line of site to the boarding house entrance.

Amenity and Privacy

42. Boarding houses are to provide:
 - a. boarding rooms separate from significant noise sources
 - b. sound insulation between boarding rooms to provide reasonable amenity
 - c. screen fencing, plantings, and acoustic barriers in appropriate locations.
43. An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.
44. All boarding houses are to be designed to optimise safety and security, both internal to the development and for the public domain by employing the following criteria:
 - a. maximising overlooking of public and communal spaces while maintaining internal privacy
 - b. avoiding dark and non-visible areas
 - c. locating communal and common areas in safe and accessible locations
 - d. providing lighting appropriate to the location and desired activities
 - e. providing clear definition between public and private space.
45. The main entrance of a boarding house is to provide access within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.

46. Placement of windows and other openings should not result in overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or similar mechanisms should be used.

Social Impacts

47. A Plan of Management (PoM) is to be submitted with each development application for a boarding house (including new and existing boarding houses). Council-approved guidelines for what should be included in the PoM are provided in Schedule 1 (attached).

Note:

The approved Plan of Management will form part of the development consent.

48. A Social Impact Evaluation is to be submitted with each development application for a boarding house, as per SSDCP2015 Chapter 41 Social Impact.

Schedule 1

Boarding House Plan of Management Guidelines – Sutherland Shire Council

The intent of these guidelines is to assist applicants prepare a comprehensive Plan of Management (PoM) as part of a Development Application (DA) for a boarding house.

While not a template, it is intended to be a guide, providing principles which, if followed, will satisfy minimum requirements for assessment by Council.

It is recommended that every PoM include the following elements. However, it is up to the applicant to provide details appropriate to the proposed development.

1. PURPOSE

The primary purpose of this Plan of Management (PoM) is *to ensure the proposed boarding house upholds a high level of amenity for all lodgers living in the boarding house, and for neighbouring properties*. Its objectives are:

- 1. To give effect to the occupancy principles under the Boarding House Act.*
- 2. To minimise disturbance to lodgers and neighbours.*
- 3. To provide a clear procedure to receive and resolve complaints.*
- 4. To ensure a manager or other responsible person is readily contactable regarding the implementation of this Plan of Management, and in the case of emergencies.*
- 5. To maintain the internal and external appearance and cleanliness of the premises.*
- 6. To make provision for this PoM to be amended over time, if needed, with the approval of Council, in order to facilitate operational changes that will improve residential amenity within and external to the premises.*

2. SITE MANAGEMENT

- 1. It is the responsibility of the owner to ensure that the boarding house operates in accordance with the items in this Plan of Management, as well as all conditions of development consent DA no. _____ granted by Sutherland Shire Council, and the Boarding House Act 2012.*
- 2. There will be an onsite Boarding House Manager or designated contact at a Management Agency who will be contactable at any time. Their contact details will be provided to boarding house lodgers, the local community and relevant authorities. The Boarding House Manager will have undergone a Police Criminal Check and a Working with Children Check prior to employment.*
- 3. At no time is any room to be advertised or made available for short stay accommodation, such as that associated with backpackers' accommodation, hotels, motels, bed and breakfasts or the like.*
- 4. Registered boarding house lodgers will be provided with secure access to the boarding house and facilities, and their individual rooms 24 hours per day, 7 days per week.*

3. RESPONSIBILITIES - BOARDING HOUSE MANAGER

- 1. The Boarding House Manager is to require appropriate photo documentation (e.g., driver's license or passport) to be provided by each lodger at the time of signing the Occupancy Agreement.*
- 2. The Boarding House Manager is to ensure lodgers have a satisfactory Police Criminal Check and Working with Children Check, and satisfactory rental references.*
- 3. The Boarding House Manager is to maintain an accommodation register providing the names of all lodgers, their full contact details, and their agreed length of stay and payment details.*
- 4. Each lodger is to sign an Occupancy Agreement (Attachment 1), House Rules Agreement (Attachment 2) and the Plan of Management. Failure by lodgers to adhere to these agreements may result in termination of the Occupancy Agreement.*

[Note: The Occupancy Agreement and House Rules Agreement are to be supplied by the applicant, and are not part of the PoM for the purpose of assessment by Council.]

- 5. Upon signing the Occupancy Agreement, each lodger will be provided with a printed copy of the publication 'Boarding Houses and the Law: A guide for people living in boarding houses in NSW' and Factsheet 14: Boarders and Lodgers. A duplicate copy of the relevant publications will be signed by the lodger as acknowledgment that they have received the publication and is to be kept with the Occupancy Agreement held by the boarding house accommodation Manager to verify that the material has been issued.*
- 6. The Boarding House Manager is responsible for the implementation of the of management responsibilities as set out in the Plan of Management, Occupancy Agreement and House Rules.*
- 7. The Boarding House Manager is responsible for all maintenance operations including landscaping, cleaning, waste management, fire safety, repair of damaged or broken furniture, and repair of any faulty services.*
- 8. All parking spaces are to be allocated and managed by the Boarding House Manager.*

4. RESPONSIBILITIES - LODGERS

- 1. All lodgers must comply with the Plan of Management, Occupancy Agreement and House Rules of the Boarding House.*
- 2. Each lodger shall permit the Boarding House Manager of Management Agency access as required to check cleanliness, condition of furniture (where provided) and maintenance of services, as per terms of the Occupancy Agreement.*

3. *Lodgers shall advise the Boarding House Manager of Management Agency of any broken furniture or faulty services within the boarding house.*
4. *No more than two adult lodgers shall occupy any private room. Greater occupancy than that registered may result in termination of the Occupancy Agreement.*
5. *Lodgers who invite visitors to the premises must accept full responsibilities for their guests' behaviour.*
6. *Visitors to the premises (and lodgers) are only permitted to use common areas during the hours specified in the development conditions of consent.*
7. *All lodgers are responsible for disposing of their own waste.*

5. FACILITIES FOR LODGERS

1. *At a minimum, rooms will be furnished with a bed, dining table and two dining chairs.*
2. *Lodgers are not permitted to bring their own furniture to the premises unless agreed by the Boarding House Manger (for example, their own bed.)*
3. *A Notice Board will be provided in a convenient location to provide information for lodgers.*
4. *A communal living area will be provided for use by lodgers and their guests.*

6. COMPLAINTS

1. *The Boarding House Manager is to encourage active participation from the community in the ongoing operation of the premises. A Complaint Management System will be established to support a positive relationship between the Boarding House and its surrounding community.*
2. *The Boarding House Manager will be available, either in person or by phone, to deal with any complaints regarding the management of the premises.*
3. *The Boarding House Manger is responsible for recording al complaints, including complaints from lodgers, in a Compliant Register.*
4. *Complaints about noise will be attended to immediately. The Boarding House Manager will rectify the situation immediately and take all reasonable steps to prevent further incidents. Where possible, the Boarding House Manger will follow up by contacting the complainant/s to verify the problem has been resolved.*
5. *The Complaint Register will contain:*
 - a. *Compliant date and time*
 - b. *Name of person/police/council officer making the complaint*
 - c. *Contact details*
 - d. *Nature of complaint*

- e. *Actions taken (by whom and when)*
 - f. *Outcome and/or further action required*
 - g. *The complaint Register must be updated within 24 hours of a complaint being made*
 - h. *All complaints will be addressed by management within 24 hours of notification.*
6. *Management of the Boarding House will regularly review the Complaints Register and where appropriate amend the operating procedures to minimise any negative impacts of the boarding house on lodgers and members of the surrounding community.*

7. SAFETY AND SECURITY

- 1. *A security card will be issued to all registered lodgers. No additional cards or keys will be issued to visitors.*
- 2. *Any lodger failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Boarding House Manger. In the event of serious misconduct, the Boarding House Manager will require a lodger or visitor to leave the premise.*
- 3. *Examples of serious misconduct include but are not limited to: drug or alcohol abuse, sexual, racial or religious harassment, theft or violence.*
- 4. *Lodgers are to advise the Boarding House Manager if they become aware that another lodger or visitor is performing illegal acts such as drug abuse on the premises. In such cases, the Boarding House Manager is to call the Police.*

8. AMENDING THE PLAN OF MANAGEMENT

This Plan of Management can be amended over time, as required, subject to the approval of Sutherland Shire Council.

END